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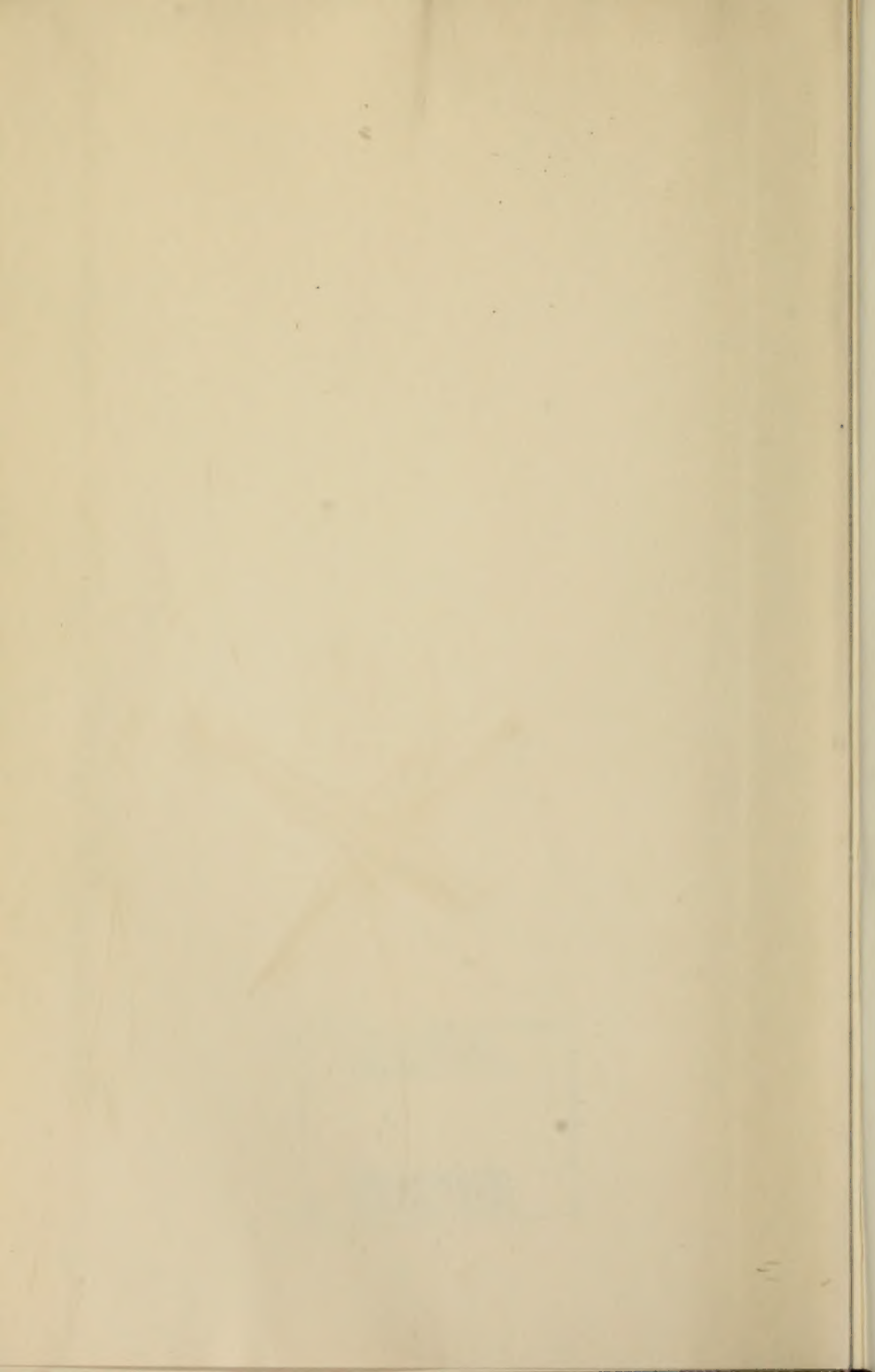


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Journal of the Senate

Legislature of the State of California

Fifty-fourth Session

1941

First Part of Session, January sixth to January twenty-fifth, inclusive
Second Part of Session, March third to June fourteenth, inclusive

Lieutenant Governor Ellis E. Patterson, President of the Senate
Joseph A. Beek, Secretary



Journal of the Senate

Legislature of the State of California

First Session

1893

Published by the Senate

San Francisco, California



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CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIRST LEGISLATIVE DAY

FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 6, 1941

The hour of 12 o'clock m. having arrived, Hon. Ellis E. Patterson, President of the Senate, called the Senators and Senators-elect to order, and announced that the Fifty-fourth Session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the Fifty-third Session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Joseph A. Beek, Secretary; James Boyd Garrison, Minute Clerk, and Joseph F. Nolan, Sergeant-at-Arms.

PRAYER

By invitation of the President, prayer was offered by Rev. A. Raymond Grant.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. B. Justice, of San Diego.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator George S. Walker, of San Francisco.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 1

Resolved, That the hold-over Senators take their seats, and that the Senators-elect proceed to the bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read, and on motion of Senator Slater, adopted.

CERTIFICATE FROM SECRETARY OF STATE

By direction of the President, the Secretary read the following certificate of duly elected Senators of the Fifty-fourth Session of the Legislature of the State of California:

STATE OF CALIFORNIA, DEPARTMENT OF STATE

I, PAUL PEEK, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over State Senators, together with those duly elected at the General Election held on the fifth day of November, A.D. 1940, to represent the people of the State of California at the Fifty-fourth Session of the Legislature of said State, as appears from the Statement of Vote received from the county clerks of the various counties comprising the several Senatorial Districts of the State of California, said Statement of Vote being a record of and on file in my office, viz:

State Senators-Elect

Name	District	County or Counties Comprising District
Harold J. Powers	First	Modoc-Lassen-Plumas
Irwin T. Quinn	Third	Humboldt
Oliver J. Carter	Fifth	Trinity-Shasta
Jerrold L. Seawell	Seventh	Sierra-Nevada-Placer
H. E. Dillinger	Ninth	El Dorado-Amador-Alpine
Frank L. Gordon	Eleventh	Napa-Yolo
Thomas F. Keating	Thirteenth	Marin
Thomas McCormack	Fifteenth	Solano
T. H. DeLap	Seventeenth	Contra Costa
John Harold Swan	Nineteenth	Sacramento
Harry L. Parkman	Twenty-first	San Mateo
H. R. Judah	Twenty-third	Santa Cruz
Edward H. Tickle	Twenty-fifth	Monterey-San Benito
R. R. Cunningham	Twenty-seventh	Kings
Chris N. Jespersen	Twenty-ninth	San Luis Obispo
Clarence C. Ward	Thirty-first	Santa Barbara
James J. McBride	Thirty-third	Ventura
Thomas H. Kuchel	Thirty-fifth	Orange
John Phillips	Thirty-seventh	Riverside
E. George Luckey	Thirty-ninth	Imperial

Hold-Over State Senators

Randolph Collier	Second	Del Norte-Siskiyou
George M. Biggar	Fourth	Mendocino-Lake
Charles H. Deuel	Sixth	Butte
D. Jack Metzger	Eighth	Tehama-Glenn-Colusa
W. P. Rich	Tenth	Yuba-Sutter
Herbert W. Slater	Twelfth	Sonoma
John F. Shelley	Fourteenth	San Francisco
Arthur H. Breed, Jr.	Sixteenth	Alameda
John D. Foley	Eighteenth	Santa Clara
Bradford S. Crittenden	Twentieth	San Joaquin
J. C. Garrison	Twenty-second	Stanislaus
Peter P. Myhand	Twenty-fourth	Merced-Madera
Jesse M. Mayo	Twenty-sixth	Tuolumne-Mariposa-
		Calaveras
Charles Brown	Twenty-eighth	Mono-Inyo
Ray W. Hays	Thirtieth	Fresno
Frank W. Mixer	Thirty-second	Tulare
J. I. Wagy	Thirty-fourth	Kern
Ralph E. Swing	Thirty-sixth	San Bernardino
Robert W. Kenny	Thirty-eighth	Los Angeles
Ed Fletcher	Fortieth	San Diego

WITNESS my hand and the Great Seal of the State of California, at office in Sacramento, this ninth day of December, A.D. 1940.

[SEAL]

PAUL PEEK, Secretary of State

ROLL CALL OF HOLD-OVER SENATORS

The President directed the Secretary to call the roll of hold-over Senators.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Denel, Fletcher, Foley, Garrison, Hays, Kenny, Mayo, Metzger, Mixer, Myhand, Rich, Shelley, Slater, Spring, and Wagy—20.

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary to call the roll of Senators-elect. The roll was called, and the following answered to their names:

Senators Carter, Cunningham, DeLap, Dillinger, Gordon, Jepsen, Jordan, Keating, Kuchel, Luckey, McBride, McCormack, Parkman, Phillips, Powers, Quinn, Seawell, Swan, Tickle, and Ward—20.

The President announced that the roll call disclosed 20 Senators elect present.

The President requested the Senators elect to immediately present themselves at the bar of the Senate in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE ADMINISTERED

The Senators-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Honorable Jesse W. Carter, Associate Justice of the Supreme Court, State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator to the best of my ability.

ROLL CALL

The President called the Senate to order and directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jepsen, Jordan, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Spring, Tickle, Wagy, and Ward—40.

Whereupon, the President announced their qualification and declared that a quorum of all the Senators was present.

TEMPORARY ORGANIZATION EFFECTED

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTION

The following resolution was offered:

By Senator Gordon:

Senate Resolution No. 2

Resolved, That the Senate do now proceed to the election of the following statutory officers in the order named:

President pro tempore;
Secretary of the Senate;
Sergeant-at-Arms;
Minute Clerk, and
Chaplain.

Resolution read, and on motion of Senator Gordon, adopted.

**NOMINATIONS FOR AND ELECTION OF PRESIDENT
PRO TEMPORE OF THE SENATE**

The President thereupon declared nominations for the office of President pro tempore of the Senate in order.

Senator DeLap placed in nomination for the office of President pro tempore of the Senate the Honorable Wm. P. Rich of Sutter and Yuba Counties, State Senator from the Tenth District.

Senators Garrison and Mayo seconded the nomination of Senator Rich.

On motion of Senator McBride the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For SENATOR WM. P. RICH—Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—39.

Whereupon the President declared Senator Wm. P. Rich of Marysville duly and unanimously elected President pro tempore of the Senate.

NOMINATIONS FOR AND ELECTION OF SECRETARY OF THE SENATE

The President declared nominations for the office of Secretary of the Senate in order.

Senator Swing placed the name of Joseph A. Beek of Balboa in nomination for Secretary of the Senate.

Senators Garrison and Jespersen seconded the nomination of Joseph A. Beek for Secretary of the Senate.

On motion of Senator Fletcher, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH A. BEEK—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—40.

Whereupon, the President declared Joseph A. Beek duly and unanimously elected Secretary of the Senate.

NOMINATIONS FOR AND ELECTION OF SERGEANT-AT-ARMS

The President declared nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Slater placed the name of Joseph Francis Nolan of Los Angeles in nomination for Sergeant-at-Arms of the Senate.

Senator Garrison seconded the nomination of Joseph Francis Nolan for Sergeant-at-Arms.

On motion of Senator Cunningham, the nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

For JOSEPH FRANCIS NOLAN—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride,

McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—40.

Whereupon, the President declared Joseph Francis Nolan of Los Angeles duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATIONS FOR AND ELECTION OF MINUTE CLERK OF THE SENATE

The President declared nominations for the office of Minute Clerk of the Senate in order.

Senator Mixer placed the name of Robert G. Alderman of Sacramento in nomination for Minute Clerk of the Senate.

Senators Garrison, Slater and Gordon seconded the nomination of Robert G. Alderman for Minute Clerk.

The President put the question, "Are there any further nominations for the office of Minute Clerk of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR ROBERT G. ALDERMAN—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—40.

Whereupon, the President declared Robert G. Alderman duly and unanimously elected Minute Clerk of the Senate.

NOMINATIONS FOR AND ELECTION OF CHAPLAIN

The President declared nominations for the office of Chaplain of the Senate in order.

Senator Jespersen placed the name of Rev. H. W. Opperman of Sacramento in nomination for Chaplain of the Senate.

Senators Phillips and Swan seconded the nomination of Rev. H. W. Opperman for Chaplain of the Senate.

The President put the question, "Are there any further nominations for the office of Chaplain of the Senate?"

There being no response, nominations were declared closed.

The President directed the Secretary to call the roll.

The roll was called, with the following result:

FOR REV. H. W. OPPERMAN—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—40.

Whereupon, the President declared Rev. H. W. Opperman duly and unanimously elected Chaplain of the Senate.

OATH OF OFFICE ADMINISTERED

The newly-elected officers of the Senate, Senator Wm. P. Rich, President pro tempore, Joseph A. Beck, Secretary, Joseph F. Nolan, Sergeant-at-Arms, Robert G. Alderman, and Rev. H. W. Opperman, Chaplain, appeared at the bar of the Senate, where the constitutional oath of office was administered to them by the Honorable Jesse W.

Carter, Associate Justice of the Supreme Court, and they subscribed to the same.

MOTION TO APPOINT RULES COMMITTEE

Senator Rich moved that Senators Breed, Deuel, Myhand, and Tickle be appointed as the Committee on Rules.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—Senators Carter, Garrison, and Shelley—3.

ANNOUNCEMENT

SENATE CHAMBER, January 6, 1941

MR. PRESIDENT: I have appointed the following Senators as a Committee on Attaches:

Senators Edward H. Tickle, Chairman; Harold J. Powers, Robert W. Kenny, Charles Brown, and Ralph E. Swing.

W. P. RICH, Chairman
Committee on Rules

RESOLUTIONS

The following resolutions were offered:

By Senator Rich:

Senate Resolution No. 3

Resolved, That the standing rules of the Senate of the Fifty third (first extraordinary) Session be and the same are adopted as temporary rules for this Fifty fourth Session of the Senate, except that Rule 47 be amended by placing Item 15 under the heading "The following actions require 21 votes:"

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—40.

NOES—None.

By Senator Swing:

Senate Resolution No. 4

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor of the organization of the Senate and that the Senate is now ready to receive any communication he may have to make.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Swing, Shelley, and Kenny.

By Senator Kuchel:

Senate Resolution No. 5

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State.

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Kuchel, Dillinger, and Deuel.

By Senator Waggy:

Senate Resolution No. 6

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate has elected the following statutory officers:

<i>President pro tempore</i>	William P. Reeb
<i>Secretary of the Senate</i>	Joseph A. Beck
<i>Sergeant at Arms</i>	Joseph F. Nolan
<i>Minute Clerk</i>	Robert G. Alderman
<i>Chaplain</i>	Rev. H. W. Opperman

Resolution read, and, on motion of Senator Waggy, adopted.

By Senator Keating:

Senate Resolution No. 7

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-fourth Session of the Legislature.

Senators	County	Mileage	Total at rate of 10 cents per mile
Biggar, George M.	Monterey	4.8	\$2.40
Breed, Arthur H., Jr.	Alameda	178	8.90
Brown, Charles	Los Angeles	1,292	64.60
Chitt, Oliver J.	Stanislaus	42	17.10
Collier, Randolph	San Joaquin	500	25.00
Crittenden, Bradford S.	San Joaquin	28	4.90
Cunningham, R. R.	Kern	478	23.90
Delap, T. H.	Contra Costa	100	5.00
Deuel, Charles H.	Butte	28	12.40
Dillinger, H. E.	El Dorado	1	0.00
Fletcher, Ed.	San Diego	1,146	57.30
Foley, John D.	San Joaquin	50	12.80
Garrison, J. C.	Stanislaus	241	8.20
Gordon, Frank L.	Napa	110	5.50
Hays, Ray W.	Trinity	5	16.90
Jespersen, Chris N.	San Luis Obispo	600	33.30
Judah, H. R.	San Joaquin	7	19.80
Keating, Thomas F.	Marion	210	10.50
Kenny, Robert W.	Los Angeles	894	44.70
Kuchel, Thomas H.	Orange	976	48.80
Lucken, E. George	Imperial	1,220	61.00
Mayo, Jesse M.	Contra Costa	170	8.50
McBride, James J.	Ventura	680	49.00
McCormack, Thomas	San Diego	124	6.20
Metzger, D. Jack	Tehama	280	14.30
Mixter, Frank M.	Tulare	432	21.60
Myhand, Peter P.	Merced	222	11.10
Parkman, Harry L.	San Mateo	28	11.90
Phillips, John	Riverside	1,094	54.70
Powers, Harold J.	Merced	842	41.60
Quinn, Irwin T.	Humboldt	624	31.20
Rieh, Wm. P.	Yuba	194	9.70
Seavell, Jerrold L.	Placer	178	8.90
Shelley, John F.	San Francisco	780	39.00
Slater, Herbert W.	San Joaquin	180	9.00
Swan, John Harold	Sacramento	2	10.00
Swing, Ralph E.	San Bernardino	1,016	50.80
Tickle, Edward H.	Monterey	474	23.70
Waggy, J. I.	Kern	678	33.90
Ward, Clarence C.	Santa Barbara	220	11.00

Officers	County	Mileage	Total at rate of 10 cents per mile
Patterson, Ellis E., President	Los Angeles	894	\$89.40
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89.40
Garrison, J. B., Minute Clerk	Alameda	178	17.80

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

RECESS

At 1.30 p.m., on motion of Senator Mixer, the Senate recessed until 1.35 p.m. for the purpose of hearing from Hon. Jesse W. Carter, Associate Justice of the Supreme Court, of the State of California.

REASSEMBLED

At 1.35 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGE FROM THE ASSEMBLY

At 1.35 p.m., a committee from the Assembly consisting of Mrs. Daley and Messrs. Johnson and Clarke appeared at the bar of the Senate and announced that the Assembly was duly organized and prepared to proceed with the business of the State.

RECESS

At 1.40 p.m., on motion of Senator Swing, the Senate recessed until 2.55 p.m.

REASSEMBLED

At 2.55 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

RECESS

At 3 p.m., on motion of Senator Rich, the Senate recessed for the purpose of meeting with the Assembly in joint convention.

JOINT SESSION

ASSEMBLY CHAMBER.

SACRAMENTO, Monday, January 6, 1941

At 3.15 p.m., the Senate and the Assembly met in Joint Convention.

ASSEMBLY ROLL CALL

Hon. Gordon H. Garland, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of the Assemblymen.

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Bennett, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Cassidy, Clarke, Collins, George D., Collins, Sam L., Cooke, Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Gunlock, Hastain, Hawkins, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, King, Knight, John B., Knight, T. Fenton; Leonard, Lowrey, Lyon, Maloney, Massion, McColister, Middough, Miller, Millington, Pelletier, Pfaff, Phillips, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—75.

SENATE ROLL CALL

Hon. Ellis E. Patterson, President, directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swing, Tickle, Wagy, and Ward—37.

JOINT SESSION RESOLUTION

By Senator Slater:

Resolved, That the Senate and Assembly in Joint Convention assembled, proceed with the selection of the Legislative Counsel, as provided and required by Section 1 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913.

Resolution read, and adopted.

NOMINATION OF LEGISLATIVE COUNSEL

In accordance with the above Joint Session resolution, the Speaker declared the nomination of Legislative Counsel now in order.

Senator Slater placed in nomination Mr. Fred B. Wood for Legislative Counsel.

The nomination of Mr. Fred B. Wood was seconded by Assemblymen Johnson and Maloney.

Nominations Closed

On motion of Assemblyman Desmond, the nominations were closed.

The Speaker directed the Chief Clerk to call the roll of the Assemblymen.

The roll was called, with the following result:

For Fred B. Wood—Allen, Andrews, Bashore, Bennett, Burlingame, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Cassady, Clarke, Collins, George D., Collins, Sam L., Cooke, Cronin, Crowley, Dacey, Del Monte, Desmond, Dickson, Ellis, Dilworth, Donnelly, Doyle, Evans, Field, Gaffney, Gallagher, Green, Grubb, Haseltine, Hawkins, Heisinger, Houser, Frederick F., Hewson, F. N., Johnson, Keffer, Knight, Kilpatrick, King, Knight, John R., Knight, T. Einton, Leonard, Lewis, Lane, Maloney, Masson, McCollister, Middleough, Miller, Millington, Peabody, Pfaff, Phillips, Poole, Potter, Poulson, Richey, Robertson, Russell, Salmon, Sawalitch, Sheridan, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Vought, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—78.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, with the following result:

For Fred B. Wood—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swing, Tickle, Wagy, and Ward—38.

Mr. Fred B. Wood, being the choice of the Senate and Assembly, sitting in Joint Convention, was declared duly elected Legislative Counsel.

APPOINTMENT OF COMMITTEE OF ESCORT

Hon. Ellis E. Patterson, President of the Senate, appointed Senators Quinn and Cunningham to escort Mr. Fred B. Wood to the bar of the Assembly.

Hon. Gordon H. Garland appointed Messrs. Stream, Maloney and Miss Eleanor Miller.

APPOINTMENT OF COMMITTEE OF ESCORT

Hon. Ellis E. Patterson, President of the Senate, appointed Senators Powers and Foley to escort His Excellency, Culbert L. Olson, Governor of the State of California, to the bar of the Assembly.

Hon. Gordon H. Garland, Speaker of the Assembly, appointed Assemblymen Kilpatrick, Massion and Pelletier.

REPORT OF COMMITTEES OF ESCORT

The Senate and Assembly Committees of Escort appeared at the platform in company with His Excellency, Culbert L. Olson, Governor.

INTRODUCTION OF GOVERNOR CULBERT L. OLSON

Governor Culbert L. Olson was then presented to the Joint Convention by Hon. Gordon H. Garland, Speaker of the Assembly.

Governor Culbert L. Olson addressed the Assembly.

READING AND APPROVAL OF MINUTES

The minutes of the Joint Convention were read, and on motion of Assemblyman Lyon, approved as read.

ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 4.40 p.m., the President of the Senate adjourned the Joint Convention sine die.

IN SENATE

At 4.50 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, in the chair.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Crittenden, ordered printed in the Journal:

INITIATIVE PETITION NO. 1

STATE OF CALIFORNIA, DEPARTMENT OF STATE
SACRAMENTO, CALIFORNIA, January 4, 1941

To the Legislature of the State of California

Pursuant to Article IV, Section 1, of the Constitution of the State of California, I transmit herewith an initiative petition which has been summarized by the Attorney General as follows:

REORGANIZATION OF BUILDING AND LOAN ASSOCIATIONS

Initiative to Legislature. Adds Article 17 to Building and Loan Association Act. Authorizes plans for rehabilitation, readjustment, reorganization, consolidation or merger of building and loan associations, and defines classes of associations affected. Requires consents, specifies procedure, and designates securities permitted to be issued. Requires plans be fair, equitable, non-discriminatory and feasible, and approved by superior court after notice and hearing; declares effect of such approval, and requires undertaking on appeal therefrom. Specifies rights and duties of Building and Loan Commissioner. Declares Legislature may amend or repeal act.

Indorsed upon each section thereof is a statement of the date on which it was received by this office.

The number of qualified electors certified as having signed the said petition is equal in number to at least 5 per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected.

Very truly yours,

PAUL PEEK, Secretary of State

Read first time, and referred to Committee on Rules.

MESSAGE FROM THE ASSEMBLY

The following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution:

Resolved, That the Speaker appoint a Committee of Three to inform the Senate that the Assembly is now duly organized, having elected the following temporary officers: Speaker: Hon. Gordon H. Garland. Speaker pro tempore: Hon. Earl D. Desmond. Chief Clerk: Arthur A. Ohnimus. Minute Clerk: David Oliver. Sergeant at Arms: Willie Ogg. Chaplain: Rev. Thomas H. Markham.

ARTHUR A. OHNIMUS, Chief Clerk

MOTION

On motion of Senator Phillips, the Senate accepted and ordered printed in the Journal the following portions of the record of the hearing at Los Angeles on Tuesday, December 17, 1940, conducted by the Fact-Finding Committee on Employment created by Senate Concurrent Resolution No. 29 of the First Extraordinary Session of 1940:

REPORT OF SPECIAL COMMITTEE

Before the Joint Legislative Fact-Finding Committee

INVESTIGATION OF SRA

STATEMENT OF JOHN R. RICHARDS

Taken at Hollywood Hospital, 1322 North Vermont Avenue, Los Angeles, California
December 17, 1940, 9 o'clock a.m.

Appearances: Hon. John Phillips, Hon. A. C. Wollenberg,

F. L. Middleton, Official Court Reporter,
322 Wilcox Bldg., MU 5525, Los Angeles, California.

J. R. RICHARDS, being called as a witness, after being first duly sworn, was examined and testified as follows:

EXAMINATION

By MR. PHILLIPS:

Q. Now, first of all, your name is John R. Richards and your address is Los Angeles?

A. Yes, sir.

Q. Now, if you will, tell us that connecting link between your private life and getting into the directorship and so forth.

A. Shortly after the Governor was elected I first had a talk with Dewey Anderson who had been appointed Director of SRA relative to the organization of a Citizens Committee to investigate the whole field of unemployment and make recommendations for some scheme of activities. That developed into continued conversations in which the Governor was involved and the committee was set up and organized in March, 1939.

I was very anxious not to have large expenses incurred by this committee as I knew it had no legal status; that is, it hadn't been authorized by the Legislature and for that reason no particular funds could be appropriated to it. I set up an original budget that should not be exceeding \$15,000. I have never seen an exact accounting on that as to what has been charged in but just at the tail end of it we kept within our budget.

It was a modest committee and we paid very small salaries to a few technicians and, of course, we didn't have large expense accounts or large traveling expenses. The committee worked earnestly. Certain members of the committee worked all the time and others did not.

It gave us an acquaintance with the situation in SRA. I was called in at the beginning—first, I refused to be called in to the SRA as to controversial matters in so far as the Director or the Administrator or the Governor were concerned, feeling that it might hamper anything that we might want to do. But

ultimately I was called in and did go into those conferences so that at the beginning I saw that there was a difficulty, there were difficulties between the Governor and Dewey Anderson and in a nutshell, those differences can be described as a difference as to personnel; Anderson maintaining that he could not make a wholesale cleanout of the personnel as it existed, even though he put in competent people, without jeopardizing the service in SRA. It was a gradual program and could only be carried out gradually.

Furthermore, it was the contention of the Governor that the SRA was filled with Merriam Republicans, which was in error, and that those things should be carefully investigated; that nevertheless there was that continual, continual, continual trouble, the Governor agreeing usually that he wanted efficiency and that he did not want to break down standards, but that he couldn't see why certain positions couldn't be filled and the duties performed as well by one individual as another. So there was that constant trouble, the Governor then moving in and endeavoring to get control or to take control of the personnel department.

Originally there had been a man by the name of Culver that had been placed in there by Dewey Anderson who, of course, was loyal to his department and very largely carried out the orders of Dewey Anderson.

I know nothing about the relative degree of efficiency of the personnel officer except that he seemed to be working diligently and seemed to know personnel practices and methods. In so far as I was concerned, I took the position both with the Governor and with Anderson that Anderson was right; that no wholesale elimination of personnel during a short period was possible for the good of the organization and for the efficiency of the service; that it must be done gradually and only upon evidence that through a competent personnel department there was a qualified person going in regardless of politics. In the abstract, the Governor would agree to that but continually came back with the idea that it had to be done.

Then there was pressure on the outside from groups that were constantly coming in. Then he insisted on having Walter Ballou, who was one of his secretaries, go in in some capacity in the personnel department. He wanted him as a personnel officer. Anderson resisted that and finally he said that he would allow him to go in in some capacity under Mr. Culver.

Q. For a while in there didn't they have the difficult position of practically having two personnel officers?

A. That is the situation. Of course, Ballou then insisted that he had no authority, that Culver wouldn't do anything that he wanted and he was continually making complaints to the Governor about the bad situation in the personnel department and a continual row went on. Many of those I was called in to. It continued to a point where—and I have never taken any other position whenever there was a showdown than that fundamentally Anderson was correct. I am not passing on Dewey Anderson at all as an executive. It is possible that he had some weaknesses. I am talking of the fundamental problem that existed between the Governor and Dewey Anderson. On that fundamental position it seemed to me that he was sound. At least, he was standing for higher standards and so forth in his department.

That continued, becoming more and more acute, and you know certain things that have taken place. There have been, at the suggestion of some of the people in the Legislature, an elimination of certain people in the SRA spoken of as "Reds," of which we know Plunkert stands for that. Why a number of so-called—I don't know whether they are Communists or not, but they were classified as such and they were eliminated. I had some discussion with Anderson about those and he said, of course, that they were originally not his appointees, that he didn't want them anyway.

Q. My recollection is that Plunkert in particular was just forced on him, that Anderson protested and Plunkert had sufficient power, perhaps through some previous association with the Governor to get in.

A. Well, anyway, the situation continued until Mr. Ballou, with or without the knowledge and consent of the Governor, began to, what I call, build bonfires under Anderson. The usual method that is pursued by this group that now are once again working to get control of SRA would be to take certain points through the State and have some of the local authorities, political authorities, send petitions to the Governor, demanding, for instance, the firing of Anderson, the institution of this, that or the other, and they would come from all over everywhere, instigated, of course, but coming from different sections of a little different complexion, perhaps create the idea that there was a sort of a demand all over the State.

That continued until July of '39, wasn't it, Rube, growing out of two things that occurred: The State Relief Commission which the membership at least at the time that I referred to, Mr. Wilson and Mr. Melvyn Douglas were members of that commission, and they became very much concerned over what they felt to be the pressure from various sources to force purely political appointments upon the Director of SRA and felt it was inimicable to the best service of SRA and they wanted a showdown on the matter and they appointed Wilson and Douglas as that committee to confer with the Governor and they asked me to go with them and I did.

There was a long representation. The upset of that was that they suggested to the Governor was of such importance that he ought to give more than a casual

hour or so to a problem of that sort, that he ought to set aside a day in which people who knew the situation and who knew the requirements of the administration of SRA be given the opportunity to present the whole picture to him. He agreed that it was that important and that he should do so and that he would do so. He named a date which was within a day or two when that would take place at the Ambassador Hotel in Los Angeles and the meeting was held. It was evidently prepared, however, or seized upon by some people as a basis for trying Dewey Anderson. That is, they did not construe it as an open, honest and frank investigation of the situation on the part of an executive to see what was taking place. I know that telegrams were sent all over the State to certain people who were known to be opposed to the Anderson regime to be present.

Q. By whom?

A. Well, they were signed by the Governor, the telegrams that I saw. I doubt very much whether the Governor signed them.

Q. Do you think this was probably Walter Ballou?

A. Yes, I am told they were. I am giving hearsay evidence. I am willing to state the statement, however.

The meeting was held and it was what I would call a mob lynching of a public servant. The Governor, presiding, called upon people to make their statements. It is, of course, perfectly natural that those who were in the SRA confined themselves to a businesslike statement of administrative principles and needs and cases, such men as Dr. Chernig and Miss Hudson, Mrs. Hudson. And Freda Olson was personnel officer here and people of that type simply made a very careful statement of the requirements and needs of the department.

That was followed by calling upon people who, of course, to my opinion, knew nothing about SRA; very little about government. They included several members, quite a number of members of the County Democratic Committee of Los Angeles, a few of the Assemblymen who were anxious to have appointments in the SRA for political reasons; some men whom I didn't know had nothing to do with SRA but took a position against it like Bailey and a great galaxy of them appeared. There was a fellow by the name of Miller who afterwards became personnel officer. They all appeared.

Q. That must be Harry B. Miller.

A. Yes. They all appeared. Mr. Rubinow, who was there, I had asked to have Mr. Rubinow present because in trying to find out something about agricultural complications and general agricultural situations in the State, I had found him as a source of easy information for me and I found him very sympathetic on the good government side and on the matter of better utilization of the resources of the State for relief. I don't think Mr. Rubinow was called upon, if I am correct.

Along towards the latter part of the day I was called upon and if I am not mistaken I rather exploded the meeting. It ended with my taking the position that I was ashamed of the sort of an exhibition that I had been in in what I thought, I said, "I think it is a very peculiar situation in regard to our times and our needs that the older people of us like Wilson and myself and some others were standing for what we believe had been one of the gains in our democratic setups and the merits of the system, efficiency in office, and that we were fighting for that and the administration not only in the more important parts of the State, but the younger people were against it, like this Maury Adkisson." He made a spiel, too, against the Anderson regime.

The main charge was that good democratic people weren't getting the jobs. To put it very succinctly that was the question. I said I had heard no discussion of the interests of the persons who needed relief and I also stated that the problem of the State Relief had not been discussed. The paramount issue had been who could get a job and how quickly.

Q. What was the date of this meeting? It was in the Spring of '39?

A. No, it was in July.

Q. July, '39?

A. July, '39, at the Ambassador.

And when I got through with my statement, there was a bitter arraignment of the whole condition that the Governor felt called upon to make.

I felt it was a direct cleavage between the Governor and myself. At least, the Assemblymen who were there jumped at me very bitterly; such fellows as Pelletier. He rose and interrupted me two or three times and he said that when the opportunity was given to him he was going to tell the Assembly what he knew about me and what sort of a scamp I was. When he arose, the Governor was going to stop him and I said, "No, Governor, I have said some very severe things and give those gentlemen an opportunity to say them against me." But then he got his eye on Freda Olson. And it was just like drawing a herring across the track and he went after her instead of me because she hadn't put somebody that he wanted on a job. But it blew up. It was a foregone conclusion that Anderson was through and it had been so voiced. That was on Friday.

I went on back to work and on Sunday of that week, the following week, the Governor asked me to come up to the Fairmont Hotel and have a discussion with him, and I did go up there and Melvyn Douglas was there and he said, "Anderson,

as you know, is resigning as director, and I have got to have a new administrator of SRA."

There had been a long discussion for an hour in which it was not supposed that I was a part of it or anything any more and he ended up by saying that he wanted me to take that position. I told him that that was quite possible.

Q. In other words, that you were to take Dewey Anderson's position as administrator?

A. Yes. I told him that I imagined that I had put myself outside the pale, from what I had said.

"Oh," he said, "I can square you with all those assemblymen."

I said, "I don't want you to square me with the assemblymen." I said, "What I said was true. I meant it and it was true and I don't want anybody to square me."

We talked quite a while and Melvyn Douglas got into the handwagon, too. His attitude, however, I want to say, had been good. He wanted the elimination of politics and straight administration of SRA and so forth. And they both began putting on the pressure that it was my duty and so forth.

I said, "Well, I have certain obligations and I don't want this job. It is a difficult one and so forth." I said, "Furthermore, I would have to consult with my partner and I would have to talk to my wife." I said, "However, I'll do this: I will go back to my hotel and I will talk to my wife and my partner and I will let you know tomorrow morning at 10 o'clock."

They said, "Now, is this just a gesture or are you really going to try to clear the deck so you can take it?"

I said, "I am endeavoring to clear the deck so that I can go ahead and do this job. I don't want to but," I said, "I will see about it."

And as I was leaving—I got ready and I went across to get my hat and the Governor said to me, "Now, I am very glad of one thing that you said a little while ago."

I said, "What is that?" I said, "Is it about Ballou?" I had made the statement when we were discussing it that I had nothing against him. I knew nothing against him personally. I knew nothing against his character; that, nevertheless, I felt he was wholly unqualified for the position in which they were trying to put him.

And he said, "I am very glad you made that statement about Ballou."

And I said "Why?" And I had previously sat there and when he kept urging me, I said, "You tell me under what conditions you want me to take this job. I am not asking for it. I will listen to your statement." It was apparently to give me carte blanche authority.

And when I got ready to go away, he said, "I am very glad you said that about Ballou." He said, "Because I would like to have you take Ballou as your personnel officer over there and," he said, "he'll serve you faithfully, faithfully as a dog. He will keep these politicians off your back, whom you don't like, and" he said, "you'll have no difficulties with him at all."

And I was after my hat. I just winked at Melvyn Douglas as we went by. I winked at him and I kept on going. Of course, that ended it. I knew then that there was no chance. So I heard Melvyn Douglas say to the Governor, "Call him back here, Governor. Call him back. You've lost him." But he didn't.

And I went on and went right over to the hotel and wrote a statement to the Governor that under no circumstances would I accept the appointment. In other words, I saw moving in the same situation that had existed there with Dewey. So Dewey resigned the next day and the Governor—I went over at 10 o'clock with my letter to hand to him personally and the Governor was off to make some talk to some Legionnaires or something and he was not there. But I left it on his desk with instructions that nobody was to open it.

He didn't get back until about 12 o'clock and Dewey was to be in at 12, and he opened my letter just a few minutes before Dewey came in and he had to have a Director. I understand he sent out and tried to find me somewhere but he didn't find me. That was that. He appointed Walter Chambers, Acting Director, Acting Administrator.

Q. You continued with your report and Mr. Chambers went on with the directorship?

A. Yes. I had about a month's work more to do. As Chambers moved in, of course, the things that the administration wanted done in SRA were done.

Q. I would like to get this straight in my mind. When did you become Director of Finance?

A. The 1st of October.

Q. Then there was a period of about two and a half to three months that Walter Chambers was the Director before you came in?

A. That is correct.

Q. But you had a good opportunity to observe his handling of the SRA?

A. Yes. He moved in carefully, that is, it is always considered when a man doesn't make any decisions and holds everything in abeyance that he is just being careful. I thought that was more or less caution that was taking place at the start but I found it was habit or a general condition.

Then I went over as Director of Finance. The Governor called me up along the first of October and wanted me to go in as Director of Finance. At that time we had on the tape, as you recall, legislation looking towards the control of the oil situation in the State, the oil bill was up. I raised the point with him that I had not been favorable to that oil measure; I hadn't taken a very firm position one way or the other but I had rather felt that the Independents were probably more nearly correct from the standpoint of the State than the other crowd.

However, going on that commission that would be that important, I wouldn't want to go around the State holding hearings on oil problems and he said, "You know it is a fact," he said "that that is important but the Director of Natural Resources will be the man that will be the Chairman of that Commission and will handle the matters of shaping the policies, that will be in his hands and you will only be brought in incidentally on hearings."

And I said again, "Who is that person? Who is it going to be?"

And he said that he was going to appoint Mr. Richard Sachse as Director of Natural Resources. Well, I know Mr. Sachse very well, and in fact I introduced him to the Governor.

I said, "Well, is he going to accept?"

"Well," he said, "yes, he is."

I said, "Of course, I don't want this job."

And he said, "Well, you have roasted me on several occasions because of having young men and amateurs in many of my key spots. Now," he said, "take some of your own medicine," and so forth. That was true.

And I said, "Well, I'll let you know tonight."

And I got in touch with Sachse and I had a high regard for Richard Sachse and his conception of public duty and his experience. He had had good experience. That is, he had had experience as an engineer, utility engineer for utility companies, both privately and publicly owned, and was held in high regard by all these men as a very efficient man. He had no experience in government and it is possible that I thought he would perform a little more efficiently than he has. But anyway, I found that he wouldn't go, so I called the Governor and said that I would go, but not agreeing to stay forever.

So I went up there and I had an opportunity, of course, as the Director of Finance is thrown in close relationship with the SRA, as he is with other departments, to see how it is administered and it was being very badly administered, particularly in the personnel department. Finally, I went into those broad points that mean so much in the matter of expense to the State. There was crowding in of appointments here and there, making of place. The personnel department seemed to be working in reverse.

Q. Who was the personnel officer then?

A. At that time it was Harry Miller. He had been put in by Chambers. As I understand, the proper working of the personnel department is to get up proper classified lists and from those lists certify to heads of departments upon requisition the proper people for the jobs. He used to spend his time in going out into departments and trying to create positions, which I held was putting the reverse English on it. They were constantly behind and the matter of papers going over my desk were so many weeks and months behind that it occasioned trouble. I found that the officers would place people in jobs and not put through their AP 20's, as that what you call them?—for months after they were at work. The fact that they got no pay during that time would create trouble and I found that the constant excuse was used throughout that that was the duty of the Finance Department.

Q. You mean that he would put people to work where there was no job?

A. Well, I don't know whether there was a job or not. They would put them to work, yes.

Q. Well, wasn't that the time they had the waivers that if the job wasn't created they would get paid anyhow?

A. That is right. For instance, Allison put 600 on here in Los Angeles County.

Q. With waivers?

A. With waivers, because we had a rule to the effect that if the appointing officer puts somebody to work without authority and the appointment was not confirmed by the Department of Finance and the Personnel Board, that no liability should attach to the appointing officer; he would get a waiver to that effect, absolving him from liability on that matter. The files were full of those. I would continually ask that the thing be cleaned up, set a deadline, and would have a meeting with Miller and some of those people and they would bring in their lists and I said, "Let's get through this and know that we are through once and for all."

They would swear that everything was all through and the next thing I knew I would have 70 or 80 more. And, of course, I laid that on to the personnel department.

Often I found, in justice to Miller, that when he was making these statements to me that they had cleaned everything up, that he thought so, but those people had already been appointed and nothing was said about it and the A. P. would come in after. And in most cases he said they should be done in small homeopathic doses.

Those things continued, irregularities were present until the Legislature got uneasy and we had a committee appointed, as you recall, before the session of the Legislature, to look into the situation and the Governor and your committee made some statement through Anderson, I believe it was, some general statement relative to irregularities and extravagances and so forth that existed in SRA, all of which were true, and we could have given him some worse than that.

The Governor then called a meeting and wanted a Personnel Standards Committee set up which would look into the matter of this whole personnel arrangement and act in a way like the Personnel Board of the State in connection with the civil service employees. It had no direct authority. It was another one of those extra bodies, but as I say, it had no direct authority. Dwight Stevenson was chairman and Mr. Mallory and Ivan Spurbeck and myself and Philbrick were on that committee.

The committee went to work with earnestness, with a desire to be helpful in the determination to do a good job. That was the temper of the committee while I was on it, that they wouldn't stultify themselves on something unless they knew it to be a proper piece of work. They knew that they didn't have any authority but at least orders which they asked by SRA, since they were created by SRA, orders which they asked SRA to carry out, if they did not carry them out they at least had the defense of resigning and they went to work. They had a very close view of everything that was taking place in SRA. They first went to work with the Director of Finance. There came up in a session of the Legislature the matter of appropriations for the remainder of the biennium. That was one of the chief items on the agenda for the Legislature. The Legislature, as I recall it, met in January, you will recall, January 28th or 29th, and we asked in the Finance Department that the budgetary requirements of SRA be submitted some time in advance so that some investigation and study could be made of the request.

Four days before the Legislature met, or six days before the Legislature met, I got the first intimation of the budget. I had had Mr. Ruble, who is an auditor in our department making some investigations, and they had told me just as hearsay from some of them in the SRA that they were operating on a \$112,000,000 biennium basis; that their rated expenditures at that moment and their estimates for case load for the future would be approximately \$112,000,000 for the biennium. So that in so far as making any estimates of what our possible deficit might be or the warrant situation might be, I was wholly dependent upon making some sort of a guess as to what was happening over there.

Ruble came in to me one day and he said, "If you are laboring under the impression that that \$112,000,000 figure is correct" he said, "you're going to be fooled." He said they were operating way above that.

I said, "Well, they've got to get something up here."

We teletyped and wired and finally they came in with a budget which asked, for the remainder of the biennium, for either 105 or 108 million dollars, I have forgotten which. I spent perhaps a couple of hours running over the budget and the Governor 'phoned me wanting to know if I had it and I said, "Yes."

He said, "What do you think of it?"

I said, "Well, I haven't had time to digest it at all but I would be glad to talk to you about it tonight," and I did. I went over to his house and I just handed it to him and he looked at the total figures and had quite as bad a reaction as I did. It was terrible. And he said, "What can you do about that?"

Q. That would have been a budget for what part of the biennium?

A. For last year.

By MR. WOLLENBERG:

Q. That would have been really for ten months?

A. For about ten months that they were figuring for the budget.

Q. No, it would have been June 30, 1941, so it would have been sixteen months, seventeen months.

A. Sixteen or seventeen months. They were endeavoring to make a complete budget for the entire biennium. So we talked that over and he said, "What can be done about this budget?"

"Well," I said, "the budget is largely on estimates."

I said, "A lot of it is dependent upon the future. That is No. 1."

Then I said, "There have been various inquiries in my office coming from members of the Legislature and from people out through the State relative to the effect of certain possible changes in eligibility of our costs."

I had made some estimates on those and if those were utilized it was possible that quite a considerable reduction in the budget might be made.

He said, "Well, I wish you would have a meeting immediately with those SRA people and make an investigation of all those possible alterations and changes and possible reduction in this budget and then give me a statement of it."

I said, "All right." I got them up.

He said, "Do you think that a sum of that size is necessary?"

And I said, "No."

He said, "How much too much is it?"

And I said, "Well, offhand, I would say 30 million."

He said, "Do you mean to say that you could run SRA for 30 million less than they are asking for there?"

And I said, "Yes, and run it better."

"Well," he said, "that's a terrific amount, you'll have to show how that 30 million saving can be obtained."

Of course, the crux of this is the matter of the control of the intake. It is difficult to get direct estimates. I had an estimate in the matter of control of the intake making a saving of around 12½ per cent. They agreed around 10. We know now, as you gentlemen know, in your experience, that even that 12½ per cent was more too high.

By Mr. PHILLIPS:

Q. That is right.

A. And the matter of a ceiling for a budget, the effect that would have, was opposed by most of what we would call the social minded group of the SRA. I took the viewpoint, however, that we were not changing the structure of relief, and the matter of a budget (which is dependent upon a large family) was fitting at other social problems and that we couldn't bring in, under what is known as "relief" for those who were unemployed and who would be displaced, all our social problems and try to solve them and pay for them under that. It might be important to have a large family taken care of, it might be all right in some governments to subsidize large families, but we weren't doing that here.

That is what we would have been doing under those conditions. But, anyway, they opposed that situation, as you can see, and they also opposed the three-year residence rules rather than one-year residence. They called it restrictive; if we applied it to those who were at present on the relief rolls. Of course, under the law as it existed, it wasn't necessary for the Legislature to set up these sort of residence rules. It could have been done by the Relief Commission, but of course the Relief Commission were going to push the responsibility off on the Legislature. They weren't going to do it. Of course all those things were suggested and estimates were made and, of course, as you know, there had been a reduction of that budget from 105 million that they wanted, to 95 million, on the basis that their so-called business trends were out of line with what we were estimating in the Finance Department.

In the Finance Department we had estimated that there was going to be a pickup in business. Of course, we didn't know about this defense program that was coming on, but there was going to be a general pickup and we felt that our revenues from existing revenue laws were going to increase. But here was another agency in the State with an estimate of quite the opposite trend. We insisted that we would have to harmonize that. They agreed, finally. I asked those whom they had their authority on the business trends. They only had one and that was the Alexander Hamilton Institute, which is all right, but it is more or less in the nature of an educational institution rather than a reporting agency.

We had employed all the best reporting agencies. The Alexander Hamilton Institute is high class. I don't wish to criticize that.

By Mr. WOLLENBERG:

Q. But it is not as realistic as the others?

A. No. In any reporting agency in the field of industry, business and commerce, it is inclined to be six or seven weeks behind actual conditions. They report conditions. They don't go out. They catch the trend before they indicate it and then they will measure it somewhat. That change was then made, reducing the budget to 95 million. But the Governor then, in his message to the Legislature, said that if certain reforms and changes in the rules of eligibility were made, that probably a 30 million reduction in this 95 million could be made but that it would occasion untold misery and suffering.

Now, certainly I did not put that in when I made the report to him, that it would occasion untold misery and suffering. While he had asked me to make those estimates, you all know that I am accused and was quite generally accused of fathering an economy program for reliefers and furnishing a program of economy for a sneering outfit of the Legislature lending them food and ammunition because of the position that I took in regard to relief. That was on the inside. Charges were made against me all the way down the line, which I don't care for. The facts are borne out that I was only partially correct; that the Legislature was nearer correct than I was, although I don't believe the Legislature claimed they knew about this defense program that was going to take place.

Q. We admitted that we were simply trying it out and we didn't know whether our figures were correct or not.

A. Well, it worked out that you were.

Q. That brings us up to about when? Some time in 1940, doesn't it?

A. Yes. Then we moved along in this picture until conditions under the loose management of Mr. Chambers—I want to say that that management was, I think, completely in line with what I would say the administration forces wanted. The

general conditions in SRA had gotten to a point where the expenditures were exceedingly large. The Legislature had passed a new law and also had budgeted the appropriation so that it was necessary for a reorganization to accomplish what was necessary under that law to take place July 1st. Well, it was evident to the Administration that they didn't have the—I mean, the State Administration—that they didn't have an SRA administration to accomplish that, so the Governor looked about to get somebody who could do it and Mr. Rubinow went in as SRA director.

Q. That brings us to a very moot point, Mr. Richards. Maybe this would be a good place to ask you: We had appropriated a certain amount of money for a period of about June and then divided into quarters, into the first, second, and third quarter of the next three quarters. The charge is very definitely made that no economies were begun during the month of June and the charges have also been made, or at least we have been told they have been made, that that was pretty much on either order or an understanding on the part of the Administration. Did you ever hear anything about that? Did you have any idea about that? In other words, why were no economies made during the last six weeks of Walter Chambers' administration, even though we had appropriated a limited amount of money which required economies?

A. Well, I don't think there were any orders given to Chambers not to economize. I think it is entirely a matter of his own methods of administration. He knew, of course, that in order to square his organization with the new appropriations and limitations, he has got to reduce his administrative force enormously and he didn't undertake it. I think that he was laboring under the impression that somebody else would be given the job and that he just let it all drift and go to the new man. I don't believe that anybody told Walter Chambers—I am guessing at that, but I am quite certain. I know the Governor was—

Q. Let me ask the question directly, then, Mr. Richards. The charge has been made, or we have heard it made, that the reason that was done was to bring about a crisis which might force reduction again in relief budgets to the ultimate embarrassment of the Legislature rather than the executive, as to the appropriation of the funds.

A. Well, I don't think the Administration knew enough about relief to figure that far ahead.

By MR. PHILLIPS:

Q. When did you resign as director?

A. I resigned approximately the fifteenth, somewhere around the fifteenth of September.

Q. I would like to ask you a very direct question because you know this and we have told you in your own office about it: that is, you were one man in the Administration, one of the very few men in the Administration in whom the Legislature had confidence. Now, you sort of stepped out, shall I say, not from under the Legislature, but left us with a very complete void in the department. Now, we would like to know why you left.

A. Well, of course, the statement that I made when I left was two-thirds correct, or rather, it was all correct. It covered two-thirds of the field, and that is that I had other things that were demanding my attention and that I was neglecting. The second one that was discussed, and I did discuss, was the fact that when I went into the service of the State I had hoped to be of some value to the State and not to be as an appointee in a job in a routine way.

I felt that maybe there were certain general conditions in the State that could be remedied by setting up certain forces of investigation, drawing together of information and analyzing it, making it useful for the proper services of the Legislature or committees that they might set up that would enable us, perhaps, to make a better machine, a cheaper machine, a more efficient machine. I wanted to be a partner of some such piece of work as that.

When I became convinced that work of that character was not very important to the Administration, I quit.

Q. The job was set up very definitely in the statutes and it was the intent of the Legislature that it would be exactly as you expected it to be. You were supposed to have very definite budget control and advice and a sort of clearing house for all of the financial matters of the State.

A. It is more or less in the capacity, roughly described, as a managerial capacity. The Legislature gave the Director of Finance power, for instance, to approve or disapprove appropriations, that is, expenditures; either for personnel or commodities. Heretofore, in nine cases out of ten, the Director of Finance would take a requisition and if there were unencumbered funds in the budget of that department sufficient to take care of that expenditure, a profit, whether it be for personnel or whether it be commodities. Now, I took the position that approval or disapproval was a power granted by the Legislature and meant to go beyond pure routine; that I was supposed to examine into the need and necessity. Well, in some instances when we have got large expenditures in certain departments we did do that but many of the department heads took the position that I was trying to run their department and that if there was an unexpended balance, for me to question the

expenditure was absolutely wrong; that I was meddling into a matter which was out of my department and was purely departmental administration. There is some truth in that.

By Mr. WOLLENBERG:

Q. Were you allowed to set up the type of department you wanted? I mean, most of it is civil service in that office personnel?

A. Yes. My department had one position that was not civil service and that was a deputy and was filled by George Killian, the man who is now Director of Finance. It has long been the policy, as you gentlemen know better than I do, in this State, when one administration succeeds another, when the Democrats succeed the Republicans or the Republicans succeed the Democrats, every newly elected Governor feels that he is under obligation to find jobs for the committees responsible for bringing about his election. One way of answering that is to get various heads of the Personnel Department to create new positions and fill those positions.

Otherwise, our personnel, under our civil service scheme of things, has just been adding on to the personnel of our State. We have, I know, Mr. Wood, of the Legislature Council Department, research department. He has felt it very keenly. We have nowhere, any set up scheme of evaluating and determining the adequacy or inadequacy of our personnel in various departments. It is added on and on and on, but the difficulties of getting rid of anyone were almost impossible. Now, in my department I took it over as it existed. There had been added by such a process a deputy. He was supposed to be a legal deputy and it was filled by Jack Woods, and had been set up by the Personnel Department as a need and necessity. And the second assistant in there was a man by the name of Clifton. Now, Clifton, a good man, probably earns his money, but they had put him in there under the previous administration and the organization of all departments is such that there are times with people who, under an efficiency examination, could be done away with. I should say that there were a half a dozen in the Finance Department.

Q. There is only one non-civil service job then, and that is the deputy?

A. That is right.

Q. Were you allowed to set up your department as you wished it?

A. No.

Q. Was he your selection, Killian?

A. No. He was there when I came in.

By Mr. PHILLIPS:

Q. He was there under Mr. Gibson?

A. Yes. He was only appointed by Mr. Gibson shortly. Gibson had no deputy for a matter of months and when it became, I suppose, I don't know, of course, anything about this—when the vacancy occurred over in the Supreme Court and Gibson was to go over there, why then he appointed a deputy so that there would be somebody to fill in after he left if there was no immediate appointment, to take his place.

By Mr. WOLLENBERG:

Q. Did Killian, as your deputy, spend his time rendering his services to your department exclusively?

A. No. I think that Mr. Killian looked upon the Governor as the chief source of his responsibilities; that is, whenever the Governor asked him to do anything of any kind and character, even though it may be of a nature entirely outside of the Finance Department, he felt that he was called upon to do it. The nature and obligations which I placed upon the deputy were limited.

Q. Did he ever exceed those obligations and undertake other duties?

A. Not in my department. He did lots of things outside that I considered were political in their character and nature. He was running all over the State for the Governor politically, but in so far as his work in my department was concerned, I have a routine for him to follow which, as far as I know, at least I have been led to believe after I left, I didn't have the correct reports in certain matters. For instance, you know the Purchasing Department is in the Finance Department. They buy approximately \$20,000,000 worth of commodities a year. We had a very simply operating rule when I was there and that was that one specification should be as general as possible so as to make competition as free and broad as possible, and that other things being equal that the low bidder should always be awarded the contract. That was followed right straight through; and that on small contracts of less than a thousand dollars they did not come over my desk unless there was a controversy.

That, I had Killian handle. If it was above that, then it came over my desk.

And, of course, there were occasions when they did come on to my desk, where we had, like for instance, this stamp matter, revenue stamps, around a \$40,000 contract; and the matter of oil contracts, they came over my desk. Anything, by request, would come over my desk. I found no irregularities. I found that there were at times disgruntled vendors who would make assertions that weren't true. Whether or not the recipients of contracts on the part of the State should be solicited for campaign funds was, of course, always a point of contention.

By MR. PHILLIPS:

Q. That is an interesting issue. You mean that a vendor to the State was solicited for campaign funds, before the contract was let?

A. I never knew of anything of that sort specifically, but I found that there was a desire on the part of the politicians, or they felt that those who were the beneficiaries of contracts should be given the opportunity to contribute. I insisted that no one should ever solicit before or after, anybody connected with my department, to my knowledge.

Q. You mean that was a point at issue between you and Mr. Killion?

A. No. Killion agreed with it quite generally. It was a point at issue between all the politicians, not necessarily in my department. Now, for instance, there used to be continual meetings in the Governor's mansion or others, of following what we called the council meeting. As I say, the thing that caused me primarily to resign was because I am not particularly interested in the political welfare of an individual. If he is a good man and a good public servant, yes, I want to keep him in there if possible. But if building political fences is the chief concern of an administration rather than the good administration of the department of the State they are supposed to represent, and perhaps work out better ways in which to do that, if that is the principal objective, then I am through. So I quit.

By MR. WOLLENBERG:

Q. Did you ever hear any discussion about solicitation of funds from vendors in the State?

A. Yes.

Q. Where did these discussions take place?

A. Well, one of them I was not present. I was told the day after I left from one of these meetings that one of my deputies said that, "Here's a big reservoir that isn't being touched at all and those men should be approached." I was told about it afterwards.

Q. What particular industry or what particular group of people did that include?

A. Well, it would include anybody that was a beneficiary under the State. If you were buying \$20,000,000 worth of stuff, you can imagine that that includes everything from a Mazda lamp to oil.

Q. All vendors?

A. All vendors. Some might have very large contracts that they were interested in and were in possession of. I had left the meeting. You may recall. I had left that meeting. I was told that Welch developed that. I called him in afterwards and I told him I didn't want any discussion hereafter of my department when I was not present.

Q. That was Welch that brought up that discussion?

A. Yes.

Q. You mean that that applied to all contracts of less than a thousand dollars? That that was a source of campaign contribution?

A. Whether there was a source of campaign contribution being neglected?

Q. Did you ever hear any discussion in those conferences, as Mr. Wollenberg asked, concerning particular groups that should be approached for campaign contributions?

A. Yes.

Q. If they didn't give campaign contributions, that might be a source of additional tax or a little pressure?

A. Well, no; I never heard them discuss it that way. The only time that I have heard groups discuss it, it was not in my department, I heard quite a long discussion as to why certain contributions could not come from the commercial fishermen.

Q. Well, that is what I mean. What were the contributions? How were they to be figured?

A. Well, there was, as far as I know, no precise method by which they were to determine those.

Q. Where did this discussion take place?

A. In a general meeting of all these heads of the departments and others who were asked by the Governor. That was preceding the last campaign down here, in November, wasn't it?

Q. The primary campaign?

A. The primary campaign. They always needed money for political purposes. There was always a demand on the part of the Democratic State Central Committee or some other committee that was set up. They never had any money to do anything with.

By MR. PHILLIPS:

Q. You mean these conferences were held in the Governor's Mansion in Sacramento?

A. Often there or somewhere around the capital.

By MR. WOLLENBERG:

Q. You spoke of commercial fishermen. They have to get a permit, don't they, for the quantity of fish they take? They have to report it and so forth to the Fish and Game Commission? They have to get a permit for their take, don't they?

A. That is right.

Q. Now, was it to be based on their fishing permits?

A. Oh, well, now, they hadn't been worked out precisely as to the amount. It was just brought out as a source of funds which heretofore had been utilized, and was not being utilized at the present time.

By Mr. PHILLIPS:

Q. I take it from what you say there was sufficient of that to make you feel that you didn't like the job of Director of Finance? Am I right?

A. That is right.

Q. Coming back to Mr. Killion. You didn't appoint him? Mr. Gibson appointed him? I don't know his background, but would you say his background and experience and ability justified his appointment as Director of Finance? Did you recommend him as Director of Finance?

A. No.

Q. When you came out?

A. No.

Q. Would you say that his qualifications and background were sufficient for a Director of Finance in the State of California?

A. No. Of course, he had had some experience in there and he is more intelligent than I think most people give him credit for being. I have always been inclined to grant to the man, in making an estimate of character, you know, that he knows himself to be to me. I am told that he, of course, exhibited his very best side of himself at all times to me. I never saw anything on his part when his character was not all right. He has not had a lot of experience financially, although when I first went in there just preceding the Ham 'n' Eggs election, there was a question as to whether or not the commercial banks would buy our warrants up through the period of a month or so there preceding the election and we needed financial assistance to carry us through. And we wanted a general agreement between the banks, both in San Francisco and in Los Angeles, that they would buy these warrants, that there would be no question of our having to hawk these warrants around the State in small amounts.

I was asked to come in, as Director of Finance at that time. A day or so afterwards, Killion called me up and said that matter was on the table and did I want to handle it or did I want him to handle it.

Well, I hadn't taken any oath of office and he was in it at the time and I said, "I prefer you, as long as you are on it, to continue it."

He said, "Well, I don't know the Los Angeles bankers. I do have some acquaintance with the San Francisco bankers and I can do it with them."

I said, "All right. You come down here and I'll arrange a luncheon and get you together with the Los Angeles bankers. You, however, will have to present the matter to them as I am not familiar enough with it at this time to do so."

And I arranged such a meeting and he did present it to them and he did a very good job. I was quite impressed with the man at that time. Of course, the statistics that he had were prepared by the analytical department, but he handled it well and the banks agreed to go along with this matter, although they changed as to points of interest, as you know.

By Mr. PHILLIPS:

Q. That was the time they increased the interest?

A. Yes.

Q. Did you get complete cooperation from all the people in the department? I mean, not merely Mr. Killion, but all of the others, Mr. Welch, Mr. Lanks, and all of the others in the department?

A. Yes.

Q. Did you have confidence in Mr. Killion's interest in the department, in his word?

A. Well, as I say, the responsibilities that I gave Killion, I didn't have things on his desk, which, if he followed the rules that I have given him, could get me into much trouble whatever he did. I doubt whether Killion has had experience in the matter—take one thing of servicing various portfolios that are supposed to be serviced by the Finance Department.

Q. Bonds?

A. Yes. In round numbers, about a half a million dollars worth of bonds a month purchased for the various portfolios. That is continually getting more and more and more difficult because of the lists involved and nearly all of the boards have adopted—they look to the Finance Department to revise their lists. Not much more had been done by the Finance Department than act as brokers for the purpose of going into the market and getting it at the best price possible, the securities that they had eligible for investment for their portfolio at the time requested.

There was a suspicion, of course, in the minds of many people that don't know a whole lot about the investment business, that lots of money can be made by getting more or less exclusive on that. Well, there isn't much made on that. I had felt that a more careful service should be given to those portfolios in the way of analyses in connection with watching maturities and the general income situation and the requirement of the portfolios in regard to income, that all of that we should go over very carefully and set up a program to take care of that by the utilization part time of Mr. Procoff. He was on the eligible list. We didn't need

him full time up there, but I felt that we could use him to do the purchasing as well, although I had used a young man, or a man who was then over in the Fairs Exhibit Department, by the name of Smith, to do the purchasing. He was pretty market wise and all that. But a lot of the brokers would insist that he was favoring this, that and the other, until I had him run everything over my desk, although he didn't.

Now, on that phase of purchasing and service why, I should say, no I doubt whether you could get a man in there as Director of Finance who has had investment experience who would have some knowledge of it.

By MR. PHILLIPS:

Q. I think we are interested, as a legislative body, in the matter of ability and integrity.

A. I have no basis on which to question his integrity. I have never caught him in anything where I could specifically say there was a question as to his integrity.

Q. And that applies to all the people in the department, would you say?

A. Yes. I have heard some of the people. There were constant reports brought to me by Misphey.

Q. That is the purchasing agent, Mr. Misphey?

A. Yes. I never found any of those things to be correct.

Q. Did you make any effort to check up on them?

A. Yes, largely, they accused Mr. Misphey of having been a part of the old regime, rather than the new one. I knew this: That one time when these bonds were up, these stamps, or revenue stamps, that the question was brought up between lithographed and engraved. The low bidder was a Chicago concern. It was just a matter of formality that they would have been awarded the contract, around \$40,000 worth. They had a meeting with Mr. Armstrong, who is the head of the Services Supply Department, in which the Purchasing Department Bureau at the present time exists.

Misphey and Armstrong were talking with this representative of this Chicago firm and they told him that the award had been made to his firm and the contract was just a formality of going on to my desk and being signed. After this conversation was all through, he said to those gentlemen, "Well, now, in my price I have made arrangements to take care of you gentlemen."

They said, "What do you mean by 'taking care of us'?"

He said, "The usual 10 per cent," which would be around \$4,000.

And they immediately reported it to me and I threw the bid out at once.

By MR. WOLLENBERG:

Q. Was there another occasion, I mean just about the time you left, that you threw a bid out because you thought there was some contribution being made or something, in connection with it, some contract?

A. I reorganized the bid because—I asked that it be thrown out. I asked for a bid. It was on Mazda lamps. We have a provision in this State something to the effect that where all or part of something is made within the State preference may be given to that particular bidder. They were always identical bids. There is always a provision in each one of our contracts where it is optional whether or not we continue the contract for another year. And the Westinghouse and General Electric are the bidders on these Mazda lamps.

Now, the General Electric maintain—I think it is the General Electric—they have a factory down at Oakland. They assemble part of their stuff down there and therefore are entitled to preference. Well, anyway, the Mazda lamp contract was up in, say, either July 1st or August 1st, one or the other, and the contract was renewed with the General Electric, as I recall, and it was not thrown open to bid, although under the contract existing it could have been done. That was objected to on the part of the Westinghouse people. When they presented the matter to me, I knew nothing about it, nothing about anything that had occurred. I listened to a representative of the Westinghouse and I asked him to come to Sacramento to see me, which he did do. And then I asked for the papers. He handed them all in and I went over them and I said there was no object; if you want to bid on this, maybe they wouldn't be identical bids, we will get some difference, but there is no reason why we should stop you from bidding. I said, "therefore, I will open this and let it go ahead." I did that without any knowledge that anything had occurred. I afterwards heard that the local representatives, either in Sacramento or in some other place of the General Electric, had made a campaign contribution.

By MR. WOLLENBERG:

Q. Through your department or directly to the Governor?

A. No, not through my department, but they had made a contribution to somebody soliciting, somebody, I understand, by the name of Rose. Wasn't that the name of the fellow? Wasn't that the fellow who was a campaign solicitor? I think he runs a saloon or something there. Of course, when I learned of that, then I said, "Well, I don't know anything about this campaign contribution; there is certainly no obligation attaching over here, and we will have to declare this thing open."

Q. Was it a substantial contribution?

A. Well, I heard that it was either twelve or fifteen hundred dollars. I know nothing about it.

Mr. PHILLIPS: We don't want to tire you out but there are several things we want to ask specifically about while the stenographer takes a rest.

(Short recess.)

By Mr. PHILLIPS:

Now, will you continue?

A. I had supposed that every man in this State wanted the cost of work relief to go down, and also to accept the objectives which I knew Mr. Rebinow was working on, that he wanted to liquidate the department, that if he could get private industry to absorb all those people and say "There are no more" or "That there are so few that it doesn't pay to have a State organization; that he had accomplished his purposes and that the State had done what they had set out to do."

Q. In your earlier experience, did you see any effort on the part of the SRA to get people back to employment?

A. Well, yes, once or twice, the idea was developed by Chambers and continued under Anderson wherein there was a placement organization which was to supplement and work with the State Employment Service. The State Employment Service, I understand, now is much better than it was. And where we used to criticize the State Employment Service a whole lot, I imagine they had a whole lot of room for criticism on their side. They had classifications where it was impossible and everything of that character. But there never has been the hard headed attempt made on the part of SRA to drive towards placing people in private employment, utilizing the agencies that exist and working this out as we should have had. Now, that is our out. The more often you change regimes and so forth, the more difficult it is to get a program of that sort in operation. It requires a lot of work and it requires the elimination of possible chiseling and the elimination of all that sort of thing. I am not certain about it but I am under the impression that we will have to come to a central index.

Q. Did you ever go into the expense of that? We like the idea and we just don't know the details of expense and so forth.

A. No, but there is a way of utilizing a lot that has already been done. Those partially exist. I am told that Mendocino County or some county had employed somebody to investigate the question of chiseling even in the categorical and of the county and found an astonishing condition.

Q. Conditions of duplication?

A. Of duplication and fraud. The elimination of all of those things and the emphasis upon the return to private employment means the liquidation of this department. What is your case load now?

Q. Thirty-nine thousand. It is going up. It is rising again. It was down to 38,000 and it is rising now and Mr. Wakefield wrote me a letter a few days ago and has asked to come before the committee today to say that it is rising again and he wants the Legislative Committee to be closely in touch with it to check on the rise. I want to point out to you that in spite of the fact that the defense program is taking men constantly, the case load is rising and I asked him why and he said he didn't understand it. Off the record.

(Discussion outside the record.)

By Mr. PHILLIPS:

Q. What is your opinion of the Governor's knowledge and interest in relief?

A. Well, I should say that the Governor has a very considerable knowledge of relief and the administration of SRA; that its problems have been before him constantly since he has been Governor, and he has had innumerable hearings and conferences to acquaint himself with administrative problems and problems of personnel. It is my judgment that he is more interested in the matter of personnel than in the matter of proper objective in the operation of the department.

By Mr. WOLLENBERG:

Q. You say he is more interested in personnel. You mean certain individuals rather than qualifications or ability to do a job?

A. He is more interested in having persons in the personnel who will aid, and, in his opinion, develop the political fortunes of the administration.

By Mr. PHILLIPS:

Q. I would like to ask you a question about another contract that we have heard something about but have no details concerning. Do you know anything about a contract with the Calaveras Cement Company? What was the story about that. Or the Calaveras Oil Company. The Calaveras Cement Company was on another matter. I am referring now to the Calaveras Oil matter.

A. That was with the Land Commission. It is a simple matter. It is down there in the Rio Vista field. There is a gas field there that was developed two or three years ago in which the State owns considerable interest in the lands under the river and so forth, so that it owns about a tenth of the field. It called for tenders for State interests in the gas field and to a limitation of 31 per cent upon any bid. There were two bids, Calaveras and Standard of California, in which the Standard of California offered 50 per cent of the production as royalty to the

State. Both of those tenders* were submitted to Mr. Soper, who is an engineer connected with the University of California at Los Angeles and has been utilized by the Governor in a lot of his Huntington Beach difficulties, to analyze the relative value to the State of California of those two tenders. He reported that the tender of the Standard Oil Company was worth over a million dollars more to the State of California than that of the Calaveras bid, upon which the Land Commission awarded the contract to the Standard of California. Calaveras seemed disappointed because they wanted some oil to run their plant up there at Calaveras and asked for a reopening of the case. When I was on the commission we had a hearing as to whether we should reopen, but we did not. Mr. Riley and Mr. Patterson seemed satisfied with the regularity of the procedure and the values that would come to the State. They owned a little acreage of their own in fee, the Calaveras Company, and they had asked for a right-of-way to get into that land of theirs and part of that, about six or seven hundred feet of it, would be over lands controlled by the Land Commission and the other by the Reclamation Commission. The Reclamation Commission had granted Calaveras a lease on a royalty basis. I don't know why they should grant a royalty for lease purposes because the right to pass State lines with a pipeline or something has been a routine. We have let many people have it for a small fee and they seemed quite dubious about getting it from us. The Reclamation Board seemed very anxious that we grant them this.

I said, "There will be no question as far as I am concerned about Calaveras getting the right-of-way to cross our lands. However, there will be a limitation made by the Land Commission upon the oil or on the gas which they may take out of this well and transport across this right-of-way. We will not allow them to take State oil or State gas. Whatever they own they have a right to take. They can have it for a dollar a year or whatever is necessary, because granted under those conditions with a severe limitation in that lease, that they could only take such gas as they were entitled to under a prorated basis."

Well, then, it seems that after I left they came in with contentions that they really were the lowest bid because they had a guaranteed minimum of 400,000 cubic feet and so forth. Well, of course, that doesn't answer the question at all, but I understand they have been at it. The Calaveras people came to me once or twice afterwards and finally the old gentleman who was at the head of it; I said, "I don't know why you people have had so many people calling me up, or calling the Land Commission about this. It is a simple matter." I said, "Whom have you employed in this matter?" He told me, frankly, that they had employed a firm by the name of Alport & Olson to represent them in this matter.

I said, "They have never been in here, never been before this commission or done anything for it that I know anything about."

I said, "Furthermore, there isn't anything that they can do that you couldn't do."

That is the way I left it. I understand now, they are raising—Killion called me up sometime afterwards and asked me what I thought of the situation and if that wasn't the best bid.

I said, "It doesn't make any difference. All you need to do is to turn the matter over to the Attorney General's office and ask him whether or not we have made a binding contract." I said, "That's the answer to it."

Of course we had.

By MR. WOLLENBERG:

Q. The firm of Alport & Olson, of course, is the one in which the son of Governor Olson, or Richard Olson, is a partner?

A. Yes.

Q. Did the Governor, himself, make any representations in regard to this contract or deal?

A. He appeared at the time we had the hearing.

Q. What for? On behalf of Calaveras?

A. Apparently not. He said he just wanted to see our procedure and to listen to our handling of this matter.

Q. Did he express himself on the subject?

A. No, only the award was made right there before him and he told me he didn't see how we could do otherwise.

Q. He didn't ask for a reopening of the matter?

A. No. Of course, I do say this, knowing the personnel of SRA as I do, and what is taking place, that I can see the appointment of the present director or administrator as being a move to return into key places the very people who had cost the State and wasted so much of the State's money heretofore. The same gang is being brought back. It is a travesty on public service. If we are going to have the Ballous and the Estells and all of that crowd brought back in there to administer one of the most important functions of the State —

By MR. WOLLENBERG:

Q. Do you know where Estell is now?

A. No.

Q. You didn't hear that he was Assistant Secretary of the State Board of Health?

A. Well, you know the minute they have a new head of a department they establish their— I had supposed you knew that there was some scheme of things in the administration of the State whereby the constituted authorities of the State determine where the head of that organization should be. Hadn't you supposed so? Well, now, apparently whenever there is a new man appointed to the head of anything, why the head office is wherever he chooses to be. If he lives in Los Angeles, he wants it down here. If he lives in San Francisco, he wants it up there.

Q. The Legislature thought a great many times, and several times has expressed itself on the subject, that that was the case, but it then begins to slip away again. Mr. Irving seems to have had several headquarters but none at which he lived so that he could draw his per diem. We understand that Mr. Armstrong, the assistant in that department, also is rather a floating gentleman. Did you know that?

A. I didn't know in regard to it. Didn't he live there? He seems to know everybody.

Q. He doesn't spend much time on real estate matters, I understand.

A. Oh, he is a political solicitor.

Q. What does he do in that regard?

A. Well, he is one of the little fellows that has to go about and see that they get enough money to keep the political organizations going.

By MR. WOLLENBERG:

Q. Does he collect from State employees?

A. Yes.

Q. Did he do that in the SRA? I mean, at one time?

A. Not to my knowledge; that I don't know.

By MR. PHILLIPS:

Q. Did he collect from you?

A. Yes.

By MR. WOLLENBERG:

Q. Was it on a percentage basis of salary?

A. Yes; 10 per cent.

Q. 10 per cent of the salary?

A. Yes.

Q. He would collect monthly?

A. Yes.

Q. From your pay check?

A. Well, they got out of it this way: I don't think they all paid it but they could or could not, pay it into what was known as the Democrat Associates.

Q. You don't know, though, whether there was any Hatch Act violations on file there on the part of SRA, or attempted ones?

A. No, I don't think there was. They were pretty careful on that. I don't know what they did with the money. When Rubinow was busy eliminating a lot of those political pabooks from the SRA, they were busy giving those jobs over to the Democratic organization. I'd thought that was all right, he said, because he didn't have anything to do with that. The administration of SRA has been so important in the State and means so much, you know it makes a difference between our running on a surplus and running in the red, and I can't understand why any administration shouldn't want it very carefully administered.

The Governor asked me if, if there is no increase in revenue, will you be able to sell our warrants even of this biennium and I said, "Yes."

Well, the Governor objected. He took me to task for that statement.

I said, "I don't understand, Governor, why you are objecting. That is the truth." I said, "Members of the Legislature know that just as well as I do." I said, "They have their sources of information. They can ask any commercial banker as well as I can." I said, "The commercial bankers will tell them if our deficit doesn't go beyond a certain point they will continue to buy our warrants and our deficits will not go beyond that point at our present rate of expenditures."

Well, he said "that statement of itself will preclude the possibility of getting through new revenue legislation."

I said, "I don't understand what you think I should do."

He said, "You could equivocate."

Well, had I equivocated there wouldn't be a member of the Legislature who wouldn't have known it immediately. If I had said, "I don't know," or something of that sort, they would have said, "Couldn't you ask and determine quickly enough?" That was one point. The other thing was that he felt that the financial program was wrong; the situation was, of course, that our deficit would not reach a point where we wouldn't have sale of our warrants and the second was that I took the position with him all the time that we ought not to expect the Legislature to give us revenue measures that would liquidate our deficit in his term of office; that it had taken us ten years to accumulate that deficit and to do away with it in two or three years meant revenue laws of such a severe character that it would simply invite opposition and would be impossible to pass.

He said, "How long should we take?"

"Well," I said, "It has taken us ten years to accumulate this deficit. Why not spread our liquidation over a period of ten years?"

He objected to that very fundamentally. I don't know why.

I had a different opinion. I had an idea that a Director of Finance, if asked to prepare and make recommendations relative to revenue, he should make it on his own judgment and not accept absolute orders from the Governor as to what should be done; that, I never did do, and, of course, wouldn't do. I understand now that they have gotten quite an economy idea.

By MR. PHILLIPS:

Q. Yes, we have been reading the papers, too. We gather that the administration has joined the economy bloc.

A. I don't see how this Legislature—of course, if this administration had left Sid in there and kept you fellows lulled in peace and had continued in the administration it would have gotten by the next session of the Legislature and then if they had kicked you out that would have been the procedure.

MR. PHILLIPS:

I believe that is all.

(Whereupon the statement was closed at 11.15 a.m.)

ADJOURNMENT

At 5 p.m., on motion of Senator Rich, the President of the Senate declared the Senate adjourned until 11 a.m., Tuesday, January 7, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, January 7, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Gordon, Hays, Jaspersen, Judob, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward. 37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Kuchel, on motion of Senator Breed.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Howard Otts of Dunsmuir.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bryte Peterson and J. H. Dunbar of Sacramento.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. William F. Gibbs of Quincy, Illinois, member of the Illinois State Legislature.

RESOLUTIONS

The following resolution was offered:

By Senator Rich:

Senate Resolution No. 8

Resolved. That the following shall be the rule of procedure of the Senate in the introduction of bills on the first day when bills shall be introduced during the present session:

That the roll of Senators shall be called from B to W and then back from W to B, and as each member's name is called he shall have the privilege of introducing one bill.

Resolution read, and adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1: By Senators Biggar and Fletcher—An act creating a Labor Relations Commission for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers, and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Referred to Committee on Labor.

Senate Bill No. 2: By Senator Fletcher—An act to amend Section 19562 of the Business and Professions Code, relating to California bred horses.

Referred to Committee on Business and Professions.

Senate Bill No. 3: By Senators Gordon and Jespersen—An act to amend Sections 50 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight and the payment of weight fees for commercial vehicles.

Referred to Committee on Transportation.

Senate Bill No. 4: By Senator Kenny—An act to add Section 6106.5 to the Business and Professions Code, relating to the disciplining of certain members of the State Bar in connection with the urging or opposing of legislation or proposed legislation.

Referred to Committee on Business and Professions.

Senate Bill No. 5: By Senator McCormack—An act to add Section 879.5 to the Fish and Game Code, relating to gill nets.

Referred to Committee on Fish and Game.

Senate Bill No. 6: By Senator Kenny—An act to amend Section 2 of an act entitled "An act to provide for the salaries and expenses of the Building and Loan Commissioner, his attorney, deputies, examiners, accountants, appraisers and other assistants; to provide for the disposition of moneys in the 'Building and Loan Inspection Fund' created by Chapter 354 of the Statutes of 1911, as amended; and of moneys collected under the Building and Loan Association Act; and otherwise relating to the Building and Loan Commissioner, his assistants and employees, and to the regulation of building and loan asso-

ciations," approved June 12, 1931, relating to the Building and Loan Commissioner.

Referred to Committee on Financial Institutions

Senate Bill No. 7: By Senator Fletcher—An act to amend Section 4 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to races for California foaled and bred horses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 8: By Senator Fletcher—An act to add Section 604 to the Penal Code, relating to unlawful entry.

Referred to Committee on Judiciary.

Senate Bill No. 9: By Senator Fletcher—An act to add Section 415 to the Civil Code, relating to torts of minor children.

Referred to Committee on Judiciary.

Senate Bill No. 10: By Senator Fletcher—An act to add Section 180.5 to the Vehicle Code, relating to transfers of title or interest in motor vehicles, including the rights obtained by persons who lend money or extend credit to dealers under certificates of ownership delivered to them by the latter.

Referred to Committee on Transportation.

Senate Bill No. 11: By Senator Fletcher—An act to amend Section 510 of the Agricultural Code, relating to ice cream, ice milk and the products used in their manufacture.

Referred to Committee on Agriculture.

Senate Bill No. 12: By Senator Fletcher—An act to amend Section 580 of the Fish and Game Code, to repeal Sections 581, 582, 583, 584, 585, 586, 587, 588, 590, 591, 592, 593, 594, 595 and 596 thereof and to add thereto a new section to be numbered 581, all relating to the harvesting of kelp.

Referred to Committee on Fish and Game.

Senate Bill No. 13: By Senator Fletcher—An act increasing the revolving fund of the San Diego Industrial Workshop for the Blind from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000), making an appropriation therefor and declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 14: By Senators Fletcher and Kenny—An act to appropriate moneys for the support of the Inebriate Colony from moneys heretofore appropriated by the Budget Act of 1939 for the

support of the Department of Institutions, and to declare the urgency thereof.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 15: By Senator Kenny—An act to amend Section 659 of the Code of Civil Procedure, relating to new trials.

Referred to Committee on Judiciary.

Senate Bill No. 16: By Senator Kenny—An act to abolish the death penalty as a punishment for crime, except in certain cases, and to provide for the punishment for crimes in cases where the death penalty is abolished.

Referred to Committee on Judiciary.

Senate Bill No. 17: By Senator Kenny—An act to amend Section 758 of the Political Code, and to add thereto Section 758b, relating to the creation and establishment of one additional division of the District Court of Appeal for the Second Appellate District and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 18: By Senator Kenny—An act to add Article 2.5 to Chapter 1 of Division 7 of the Elections Code, relating to political contributions.

Referred to Committee on Elections.

Senate Bill No. 19: By Senator Kenny—An act to amend Section 2160 of the Welfare and Institutions Code, relating to eligibility for aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 20: By Senator Kenny—An act to add Article 13, consisting of Sections 1035.01 to 1035.12, to Chapter 7, Title 1, Part 3, of the Political Code, relating to the filing of financial statements by public officers and employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 21: By Senator Kenny—An act to amend Sections 799 and 800 of the Penal Code, relating to limitations of time within which to commence criminal actions.

Referred to Committee on Judiciary.

Senate Bill No. 22: By Senator Kenny—An act to amend Section 953d of the Code of Civil Procedure, relating to notices of entry of judgments and orders.

Referred to Committee on Judiciary.

Senate Bill No. 23: By Senator Kenny—An act to amend Section 659a of the Code of Civil Procedure, relating to waiving of affidavits to support a motion for a new trial.

Referred to Committee on Judiciary.

Senate Bill No. 24: By Senator Kenny—An act to amend Section 12902 of the Insurance Code, relating to the Insurance Commissioner.

Referred to Committee on Financial Institutions

Senate Bill No. 25: By Senator Kenny—An act to amend Section 4153 of the Political Code, relating to the duties of the district attorney.

Referred to Committee on Local Government.

Senate Bill No. 26: By Senator Kenny—An act to amend Section 995 of the Penal Code, relating to causes for which indictment or information must be set aside.

Referred to Committee on Judiciary.

Senate Bill No. 27: By Senator Kenny—An act to amend Section 170, to repeal 170.5, and to add a new section numbered 170.5 to the Code of Civil Procedure, relating to disqualification of a judge for bias and prejudice.

Referred to Committee on Judiciary.

Senate Bill No. 28: By Senator Kenny—An act to add Section 1544 to the Civil Code, relating to releases and the settlement of causes of action.

Referred to Committee on Judiciary.

Senate Bill No. 29: By Senator Kenny—An act to add Section 653h to the Penal Code, relating to installation of dictographs.

Referred to Committee on Judiciary.

Senate Bill No. 30: By Senator Kenny—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Referred to Committee on Judiciary.

Senate Bill No. 31: By Senator Kenny—An act to amend the heading of Article 4 of Chapter 3 of Part 1 of Division 2 of the Labor Code, to add Section 453 to said article and to add Chapter 3, comprising Sections 653.1 to 653.5, to Title 15 of Part 1 of the Penal Code, to prohibit bribery of, or solicitation of bribes by, officers, agents, employees or servants and the giving and use of false documents with intent to deceive a principal, employer or master.

Referred to Committee on Labor.

Senate Bill No. 32: By Senator Kenny—An act defining submission of causes on appeal.

Referred to Committee on Judiciary.

Senate Bill No. 33: By Senator Kenny—An act to amend Section 685 of the Code of Civil Procedure, relating to execution of judgments.

Referred to Committee on Judiciary.

Senate Bill No. 34: By Senator Kenny—An act to add an article heading for Article 1, and Article 2, comprising Sections 955 and 956.

to Chapter 1 of Title 2 of Part 3 of Division 2 of, and Section 3333.5 to, the Civil Code, and Section 1963.5 to the Code of Civil Procedure, and to amend Section 573 of the Probate Code, relating to survival of personal injury actions.

Referred to Committee on Judiciary.

Senate Bill No. 35: By Senator Kenny—An act to amend Section 402 of the Vehicle Code, relating to the liability of private owners of vehicles for death, injury or damage resulting from the negligent operation of such vehicles.

Referred to Committee on Judiciary.

Senate Bill No. 36: By Senator Kenny—An act to add Section 284.5 to the Code of Civil Procedure, relating to liens of an attorney at law.

Referred to Committee on Judiciary.

Senate Bill No. 37: By Senator Kenny—An act to amend Section 284 of the Code of Civil Procedure, relating to substitution of attorneys.

Referred to Committee on Judiciary.

Senate Bill No. 38: By Senator Kenny—An act to amend Section 690.22 of the Code of Civil Procedure, relating to exemption from execution or attachment.

Referred to Committee on Judiciary.

Senate Bill No. 39: By Senator Kenny—An act to add Section 1107 to Chapter 4 of Title 1 of Part 3 of the Code of Civil Procedure, relating to the issuance of writs of review, mandate and prohibition.

Referred to Committee on Judiciary.

Senate Bill No. 40: By Senator Kenny—An act to add Section 1132 to the Penal Code, relating to surrender of means of identification.

Referred to Committee on Judiciary.

Senate Bill No. 41: By Senator Kenny—An act to add to the Code of Civil Procedure new Section 1110b, relating to stay of execution.

Referred to Committee on Judiciary.

Senate Bill No. 42: By Senator Kenny—An act to amend Section 78 of the Political Code, relating to Senatorial and Assembly districts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 43: By Senator Kenny—An act to amend Section 117 of the Political Code, relating to the Congressional districts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 44: By Senator Kenny—An act to repeal the Agricultural Prorate Act.

Referred to Committee on Agriculture.

Senate Bill No. 45: By Senator Kenny—An act to amend Section 23 of the Agricultural Prorate Act, relating to the termination of proration programs.

Referred to Committee on Agriculture.

Senate Bill No. 46: By Senator Kenny—An act to amend Sections 43, 44 and 46 of the Alcoholic Beverage Control Act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 47: By Senator Kenny—An act to add Chapter 7, comprising Sections 860 to 867, inclusive, to Part 2 of Division 2 of the Labor Code, relating to time of labor of persons employed as household employees.

Referred to Committee on Labor.

Senate Bill No. 48: By Senator Kenny—An act to add to the Code of Civil Procedure Section 117s, relating to proceedings in and of execution in small claims courts.

Referred to Committee on Judiciary.

Senate Bill No. 49: By Senator Kenny—An act to add to the Code of Civil Procedure Section 117ll, relating to deposit of cash in lieu of bond on appeal in small claims courts.

Referred to Committee on Judiciary.

Senate Bill No. 50: By Senator Kenny—An act to amend Section 117 of the Code of Civil Procedure, relating to the jurisdiction of small claims courts.

Referred to Committee on Judiciary.

Senate Bill No. 51: By Senator Kenny—An act to add to the Code of Civil Procedure Section 584, relating to the foundation of an action for malicious prosecution.

Referred to Committee on Judiciary.

Senate Bill No. 52: By Senators Kenny and Tickle—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 53: By Senators Kenny and Tickle—An act to amend Section 4 of the Corporation Income Tax Act of 1937, relating to corporation taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 54: By Senator Dillinger—An act to amend Sections 271 and 290, and to repeal Section 168, of the Fish and Game Code, relating to Silver Lake Game Refuge.

Referred to Committee on Fish and Game.

Senate Bill No. 55: By Senator Metzger—An act to amend Section 661 of the Political Code, relating to the creation of deficiencies in appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 56: By Senators Metzger, Powers, Gordon, Collier, Myhand, and Kenny—An act to amend Sections 4, 6, 8, 12, 13 and 14 of, and to add Sections 3.5, 6.5, 11.4, 11.6, 11.8, 13.5, 15.5 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to the regulation and licensing of horse racing and the administration of the act.

Referred to Committee on Governmental Efficiency.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 9

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 6, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
John Lea, Chief Assistant Secretary.....	\$9 00
Howard S. McIntire, History Clerk.....	7 00
N. L. Levering, Journal Clerk.....	7 00
Nancy Lyon, Assistant Journal Clerk.....	5 00
Carl Phillips, Assistant at Desk.....	5 00
Norman Miller, Assistant at Desk.....	5 00
Laura Prentice, Assistant Engrossing and Enrolling Clerk.....	5 00
Margaret Douville, Stenographer at Desk.....	5 00
Harris Messner, Assistant Sergeant-at-Arms.....	5 00
Charles Brandt, Assistant Sergeant-at-Arms.....	5 00
James Copland, Assistant Sergeant-at-Arms.....	5 00
Thomas A. Wright, Assistant Sergeant-at-Arms.....	5 00
Mayme Riddle Poe, Stenographer.....	5 00
Betty Rourke, Stenographer.....	5 00
Tony Beard, Stenographer.....	5 00
Ethel Howland, Stenographer.....	5 00
Ardyne Hughes, Stenographer.....	5 00
Gerry Nider, Stenographer.....	5 00
Catherine McBride, Stenographer.....	5 00
Shirley Naccari, Stenographer.....	5 00
Flora Gilliam, Stenographer.....	5 00
Wanda Durkee, Stenographer.....	5 00
Marie Hollingsworth, Stenographer.....	5 00
Emma Cox, Stenographer.....	5 00
Marguerite Bridges, Stenographer.....	5 00
Ann Kelly French, Stenographer.....	5 00
Noma Browning, Stenographer.....	5 00
Gertrude Clausen, Stenographer.....	5 00

Resolution read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was received and read:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, JANUARY 7, 1941

To the Members of the Senate and Assembly of the State of California.

In accordance with the provisions of Section 1 of Article VII of the Constitution of California, I hereby transmit to you a report of the cases of pardon, commutation of sentence and reprieve issued by me from JANUARY 2, 1939, to JANUARY 1, 1941.

You will note that I have granted 75 pardons, 49 commutations of sentence and 56 reprieves. This represents a reasonable middle ground between a leniency such as 1933-1935 when 267 pardons and restoration of citizenship, 39 commutations and 68 reprieves were granted, and the biennium of 1937-1939 when only 48 pardons, 21 commutations of sentence and 18 reprieves were granted.

I have adopted as a policy the reference of every application of executive clemency submitted to my office to the Advisory Pardon Board for a thorough investigation, consideration and a recommendation to me. As a result of this policy, there have been filed with my office and, therefore, with the Advisory Pardon Board a total of 621 applications. A recapitulation submitted to me by the Advisory Pardon Board indicates that I have followed its recommendation in approximately 95 per cent of the cases.

Respectfully submitted,

CLEMENT L. OLSON
Governor of California

RECESS

At 11.40 a.m., on motion of Senator Phillips, the Senate recessed for five minutes to hear from the Hon. William F. Gibbs, member of the Illinois State Legislature.

REASSEMBLED

At 11.45 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

ADJOURNMENT

At 11.50 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., Wednesday, January 8, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 8, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Perkins, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Kuchel, on motion of Senator Breed.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles W. Robbins of National City.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to O. E. Alexander of Earlimart.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. A. Sylva, instructor, Modesto Junior College, Modesto.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. M. Brown, Jr., of Redlands.

COMMUNICATIONS

A communication from Claude L. Welch, chairman, Los Angeles County Democratic Central Committee, relative to convening of Senate, was presented by Hon. Ellis E. Patterson, President of the Senate, and read.

The following communication was received and read, and on motion of Senator Kenny, ordered printed in the Journal:

RESOLUTION

WHEREAS, The California State Relief Administration has been the sponsor of a WPA project known as the Community Gardens, which raises and processes garden vegetables for distribution through relief channels; and

WHEREAS, The State Relief Administration has withdrawn sponsorship of this project at a time when thousands of undernourished school children could be greatly benefited by the vegetable products produced; and

WHEREAS, A large percentage of the children now being furnished free lunches in the city schools are children of State Relief Administration clients which places a responsibility on the State Relief Administration to further aid the school lunch program; and

WHEREAS, This project can utilize the services of older and partially incapacitated men who can not otherwise be certified for WPA employment, which results in a saving in direct relief costs for the State of California; and

WHEREAS, A resolution is to be offered at the opening session of the 1941 State Legislature by Assemblyman Vernon Kilpatrick, asking that an Assembly Committee be formed for the purpose of holding a public hearing regarding the need of continued sponsorship of this project by the State Relief Administration; now, therefore, be it

Resolved, That the Los Angeles City Council go on record as giving wholehearted support to the aforementioned program; be it further

Resolved, That copies of this resolution be forwarded to the Governor, the Lieutenant Governor, the Speaker of the Assembly, and Assemblyman Vernon Kilpatrick.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Los Angeles at its meeting held January 3, 1941.

(SEAL)

WALTER C. PETERSON, City Clerk of Los Angeles

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 10

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 7, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
John H. Dunbar, Assistant Sergeant-at-Arms-----	\$5 00
Imogene Watson, Stenographer-----	5 00
Mary King, Stenographer-----	5 00
Shirley Hamer, Stenographer-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Hays, Jesper en, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

By Senator Tickle:

Senate Resolution No. 11

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 6, 1941, and the Controller

is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Seven days per week</i>
Harry Jordan, Bookkeeper to Sergeant at-Arms	\$75 00
Belle Tomasini, Stenographer	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Ducl, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kerry, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 1: By Senator Phillips—Relative to the Reports of the Fact-Finding Committee on Employment.

Resolution read.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1

Senate Concurrent Resolution No. 1—Relative to the Reports of the Fact-Finding Committee on Employment.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Foley, Gordon, Hays, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 57: By Senator Rich—An act making an appropriation for the expenses of the Senate for the Fifty-fourth Session of the Legislature, this act to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Senate Bill No. 57 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 57

Senate Bill No. 57—An act making an appropriation for the expenses of the Senate for the Fifty-fourth Session of the Legislature, this act to take effect immediately.

Bill read second time.

Senate Bill No. 57—An act making an appropriation for the expenses of the Senate for the Fifty-fourth Session of the Legislature, this act to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 58: By Senator Biggar—An act to add Sections 622.5 and 692.6 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon.

Referred to Committee on Agriculture.

Senate Bill No. 59: By Senator Biggar—An act to amend Section 305 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

Referred to Committee on Agriculture.

Senate Bill No. 60: By Senator Judah—An act to amend Sections 660 and 660.5 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 61: By Senator Fletcher—An act to amend Section 5701 of, and to add Section 5701.1 to, the Welfare and Institutions Code, relating to private institutions for insane or incompetent persons.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 62: By Senators Collier, Mayo, Powers, Carter and Dillinger—An act to repeal Article 2, comprising Sections 4051 to 4060, inclusive, of Chapter 1 of Division 4 of the Public Resources

Code, relating to private fire patrols of forest lands, and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 63: By Senator Hays—An act to add Section 6141.1 to the Business and Professions Code, relating to waiver of fees of members of the State Bar of California, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Business and Professions.

Senate Bill No. 64: By Senator McCormack—An act to repeal Article 3 of Chapter 3, Part 2, Division 5 of the Water Code, and to repeal Section 3 and amend Section 4 of an act entitled "An act relating to the maintenance and operation of the Sacramento River Flood Control Project, approving and adopting an Act of Congress, Public No. 392, 75th Congress, approved August 26, 1937; prescribing the duties and obligations of political subdivisions and agencies of the State in the maintenance and operation of the works of the Sacramento River Flood Control Project; authorizing and directing the State Department of Public Works to perform certain duties or obligations of the State and to supervise those of political subdivisions and agencies in the maintenance and operation of the works of the Sacramento River Flood Control Project; providing an appropriation therefor; declaring the urgency thereof and providing that this act shall take effect immediately," approved June 22, 1939, relating to the maintenance and operation of flood control works of the Sacramento River Flood Control Project.

Referred to Committee on Water Resources.

Senate Bill No. 65: By Senators Kenny and Phillips—An act to amend Section 107 of the Revenue and Taxation Code, relating to property taxation, including the definition of possessory interests to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 66: By Senators Kenny and Phillips—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of property taxes, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 67: By Senators Kenny and Phillips—An act to repeal Chapter 3, consisting of Sections 4946 to 4948, inclusive, of, and to add a new Chapter 3, consisting of Sections 4946 to 4952, inclusive, to Part 9, Division 1 of the Revenue and Taxation Code, relating to property taxation and the reassessment of property, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 68: By Senators Kenny and Phillips—An act to amend Section 1138 and the title of Article 5, Chapter 5, Part 2, Division 1 of, to repeal Sections 1139, 1140 and 1141 of, and to add Sections

1139, 1140, 1141, and 1142 to the Revenue and Taxation Code, relating to property taxation and the assessment of special types of property, including vessels and aircraft, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 69: By Senators Kenny and Phillips—An act to amend Section 611 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 70: By Senators Kenny and Phillips—An act to repeal Section 531 of and to add Section 531 to the Revenue and Taxation Code, relating to property taxation and property that has escaped assessment, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 71: By Senators Kenny and Phillips—An act to repeal Section 501 of and to add Section 501 to the Revenue and Taxation Code, relating to property taxation and penal assessments, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 72: By Senators Kenny and Phillips—An act to amend Section 454, and the title of Article 2 of Chapter 3, Part 2, Division 1 of, and to add Sections 408, 466 and 467 to the Revenue and Taxation Code, relating to property taxation, including inspection of information and records in the county assessor's office, subpoenaing and examining of persons by the assessor, and the filing of statements pertaining to specified property subject to taxation, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 73: By Senators Kenny and Phillips—An act to amend Sections 447 and 1060 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, including matters shown on the property statement and on supplemental statements thereto, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 74: By Senators Kenny and Phillips—An act to amend Section 110 of the Revenue and Taxation Code, relating to property taxation and the determination of the actual value of intangibles, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 75: By Senators Kenny and Phillips—An act to amend Section 114 of the Revenue and Taxation Code, relating to property taxation and the definition of "debts" as appertaining thereto, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 76: By Senators Collier and Quinn—An act to amend Section 492 of the Agricultural Code, relating to inspection of dairies, milk, and milk products and the fees to be paid therefor.

Referred to Committee on Agriculture.

Senate Bill No. 77: By Senators Powers and Collier—An act to amend Section 12416 of, and to add Sections 12418.5 and 12421 to, the Business and Professions Code, relating to measurement of logs.

Referred to Committee on Business and Professions.

Senate Bill No. 78: By Senator Crittenden—An act to add Section 651.7 to the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 79: By Senator Kenny—An act to amend Section 1313 of the Fish and Game Code, relating to the trapping of fur-bearing mammals.

Referred to Committee on Fish and Game.

Senate Bill No. 80: By Senator Kenny—An act to amend Section 404 and 423 of, and to add Section 428.5 to, the Fish and Game Code, relating to temporary fishing licenses.

Referred to Committee on Fish and Game.

Senate Bill No. 81: By Senator Kenny—An act to add Section 3930.5 to, and to amend Sections 3931, 3933, 3934 and 3935 of, the Elections Code, relating to the order of names on primary election ballots.

Referred to Committee on Elections.

Senate Bill No. 82: By Senator Kenny—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, relating to retirement of judges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 83: By Senator Kenny—An act to amend Section 437e of the Code of Civil Procedure, relating to summary judgments.

Referred to Committee on Judiciary.

Senate Bill No. 84: By Senator Kenny—An act to amend Sections 2787 and 2810 of the Civil Code, relating to sureties.

Referred to Committee on Judiciary.

Senate Bill No. 85: By Senator Kenny—An act to amend Sections 3147 and 3150 of the Civil Code, relating to negotiable instruments.

Referred to Committee on Judiciary.

Senate Bill No. 86: By Senator Fletcher—An act to amend Section 205 of the Revenue and Taxation Code, relating to exemption of property of veterans from taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 87: By Senator Quinn—An act to add Section 766 to the Vehicle Code, relating to driving while under the influence of intoxicating liquor, including the punishment thereof.

Referred to Committee on Transportation.

Senate Bill No. 88: By Senator Quinn—An act to amend Section 501 of the Vehicle Code, relating to persons convicted of driving while under the influence of intoxicating liquor with resulting death or injury to another.

Referred to Committee on Transportation.

Senate Bill No. 89: By Senator Quinn—An act to add Section 490 to the Vehicle Code, relating to the keeping of records by towers of disabled vehicles.

Referred to Committee on Transportation.

Senate Bill No. 90: By Senators Gordon and Slater—An act to add Sections 775 and 776 to the Agricultural Code, relating to grapes for by-products purposes.

Referred to Committee on Agriculture.

Senate Bill No. 91: By Senators Phillips, Kenny and Mixer—An act to amend Section 1530 of the Water Code or Section 23b of the Water Commission Act, relating to fees for applications or permits to appropriate water.

Referred to Committee on Water Resources.

RECESS

At 11.30 a.m., on motion of Senator Rich, the Senate recessed until 11.40 a.m.

REASSEMBLED

At 11.40 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 92: By Senator Kenny—An act to add Section 45.12 to the California Unemployment Insurance Act, relating to refunds to workers.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 93: By Senators Crittenden and Foley—An act to amend Sections 52.1, 53 and 57 of the Unemployment Insurance Act, relating to the amount of wages required to be earned in the base period.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 94: By Senator Metzger—An act to amend Section 4 of the Central Valley Projects Act of 1933, relating to units.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 95: By Senator Biggar—An act to provide dwelling accommodations for persons of low income, including the creation of the State Loan Value and Mortgage Housing Authority, defining its powers and duties, and providing methods and means for the exercise thereof; authorizing the State Loan Value and Mortgage Authority to issue revenue bonds and give security therefor and authorizing the authority to use the proceeds thereof to finance, subject to specified terms and conditions, the construction of single dwelling accommodations for persons of low income, and including provisions for the issuance of mortgage or loan value insurance by authorized insurers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 96: By Senators Phillips, Kenny and Mixer—An act to amend the County Water District Act, approved June 10, 1913, as amended, by amending Sections 31, relating to assessment, 34, relating to tax levies, 37.1, relating to segregation of assessments, 38, relating to cancellation of assessments, 39, relating to tax payments, 41, relating to costs, 44, relating to tax sales, 45, relating to redemption and 46, relating to partial redemption and adding new Sections 29.1, relating to optional tax system, 45.1, relating to disposal of tax-deeded land, 45.2, relating to resale plans, 45.3, relating to quieting title, 45.4, relating to acquisition of claims, 45.5, relating to actions and defenses as to tax deeds, 45.6, relating to actions and defenses as to sales of tax-deeded land and 47.1, relating to correction of certificates of sale and deeds, and declaring the urgency of this act and providing that it take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 97: By Senators Phillips, Kenny and Mixer—An act to amend an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner," approved July 1, 1937, as amended, by repealing Section 8, relating to refund of contributions, declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 98: By Senators Phillips, Kenny and Mixer—An act to amend the County Water District Act, as amended, by amending Section 12, relating to powers of districts, amending Section 18, relating to rights-of-way, Section 19, relating to water rates and Section 25, relating to additions to districts; repealing Sections 12.1 and 22a; repealing and reenacting Section 52; and by adding Section 1.1 declaring districts public agencies, 10.1, relating to contracts between districts and their officers or directors, 12.1 to 12.15, inclusive, relating to powers of districts, 14.1, relating to oaths, 14.2, relating to investment of funds, 16b, relating to callable bonds, 28.1, relating to findings on additions and exclusions of land and 66 to 71, inclusive, relating to dissolution of districts, declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 99: By Senator Garrison—An act to repeal Chapters 1 and 2 of Division 7 of, to amend Sections 5008, 5041, 5042 of, to add Chapters 1 and 2 to Division 7 of, and to add Section 4964 to the Elections Code, relating to corrupt practices in election campaigns.

Referred to Committee on Elections.

Senate Concurrent Resolution No. 2: By Senator Kenny—Relative to approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the fifth day of November, 1940.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 2, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 2

Senate Concurrent Resolution No. 2—Relative to approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the fifth day of November, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 100: By Senator Mayo—An act to amend Section 481 of the Fish and Game Code, relating to the pollution of waters.

Referred to Committee on Fish and Game.

Senate Bill No. 101: By Senator Mayo—An act to amend Section 4274 of the Political Code, relating to compensation for public services in counties of the forty-fifth class.

Referred to Committee on Local Government.

Senate Bill No. 102: By Senator Mayo—An act to amend Section 4281 of the Political Code, relating to compensation of county and township officers in counties of the fifty-second class.

Referred to Committee on Local Government.

Senate Bill No. 103: By Senator Mayo—An act to amend Section 4283 of the Political Code, relating to compensation for public services in counties of the fifty-fourth class.

Referred to Committee on Local Government.

Senate Bill No. 104: By Senator Kenny—An act amending Sections 26 and 28 of the County Employees Retirement Act of 1937, relating to retirement, declaring the urgency thereof and that this act shall take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 105: By Senator Mayo—An act to amend Section 737ccc of the Political Code, relating to the salary of the judge of the superior court in and for the County of Tuolumne.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 1: By Senator Metzger—A resolution to propose to the people of the State of California an amendment to Section 25½ of Article IV of the Constitution of said State, relating to fish and game.

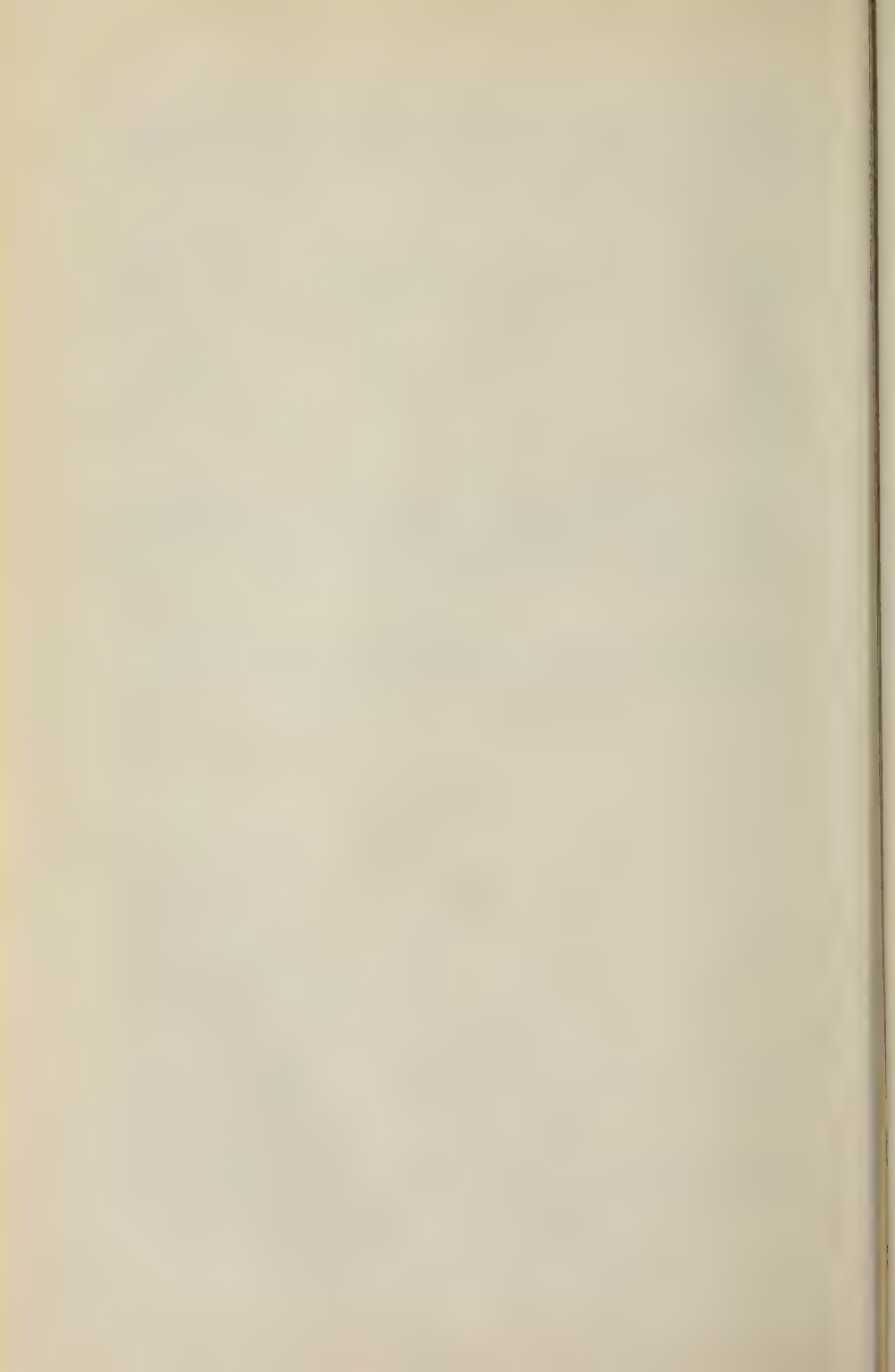
Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 2: By Senator Mayo—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 8b to Article V thereof, relating to appointments by the Governor.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 11.55 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., Thursday, January 9, 1941.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FOURTH LEGISLATIVE DAY
FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 9, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Cretzinger, Crenshaw, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Keene, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixon, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tiedle, Waggoner, and Ward. 57

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Metzger.

Senator Jespersen, on motion of Senator Garrison.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss C. Madriaga of Sacramento.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. George Brown of Berkeley.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl Redwine, District Attorney, and Russell Waite, Deputy District Attorney, of Riverside County.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wallace A. Gilkey of Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Irma Gutermute and Mrs. Edythe Mulkey of Santa Rosa.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Rudd, instructor, and the following pupils of the low seventh grade of the Fruit Ridge School: Lawrence Bahlhorn, Marilyn Bitz, Patricia Blair, Jane Bowers, Thomas Bray, Fred Brown, Helen Carlsberg, Beverly Casey, Stanley Christianson, Albert Clary, Mervin Cole, Josephine DiBella, Geraldine Doyle, Vernon Drifill, Aileen Ellis, Landel Ely, James Fithian, Edith Laverna Gates, Anna Gianotti, Bruce Glenn, Betty Gregorio, Geary Grimes, Marvin Gustafson, Norma Johnson, Eleanor Mello, Eugene Mendonsa, Gaylord Morrow, James McGregor, Mervin Ott, John Petkovich, Lorraine Piaggi, Lois Schmeltz, Nick Shandrew, Roy Snell, Donald Steinagel, Allan Thompson and Shirley Tozier.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 57

Senate Concurrent Resolution No. 1

Senate Concurrent Resolution No. 2

And reports the same correctly engrossed.

RICHT, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 12

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 8, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Hazel M. Blackwell, Chief Stenographer.....	\$6 00
Mary Cadwallader, Stenographer.....	5 00
Isabelle Robbins, Stenographer.....	5 00
W. M. Randall, Stenographer.....	5 00
Vearle Gruger, Stenographer.....	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—35.

NOES—None

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 106: By Senator Swing—An act to add Chapter 7, consisting of Sections 440 to 444, inclusive, to Part 1 of Division 4 of the School Code, relating to giving the assent of the State to an act of Congress of the United States entitled "An act to promote the mining of potash on the public domain," approved February 7, 1927, and providing for the disposition of moneys received by the State thereunder.

Referred to Committee on Education.

Senate Bill No. 107: By Senator Swing—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 108: By Senator Kenny—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to conduct of business by a receiver.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 109: By Senator Fletcher—An act to amend Section 7 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 110: By Senators Rich and Deuel—An act to amend the title of, and to add Sections 4, 5, 6, 7 and 8 to, an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to exclude uninhabited territory therefrom," approved June 11, 1913, relating to the exclusion of uninhabited and sparsely inhabited territory from municipal corporations of the sixth class.

Referred to Committee on Local Government.

Senate Bill No. 111: By Senators Rich and Deuel—An act to add Sections 2b, 2c, 2d, 2e and 2f to an act entitled "An act to provide for the disincorporation of municipal corporations of the sixth class," approved March 26, 1895, relating to the disincorporation of municipal corporations of the sixth class.

Referred to Committee on Local Government.

Senate Bill No. 112: By Senator Seawell—An act to add Section 614 to the Streets and Highways Code, establishing a new State highway.

Referred to Committee on Transportation.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Phillips, ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT

SAN FRANCISCO, January 6, 1941

*Honorable John Phillips, State Senator, Thirty-seventh District
State Capitol, Sacramento, California*

DEAR SIR: I have before me your letter of December 14th in which you ask for our interpretation of Section 39 of the Unemployment Insurance Act with regard to the allowance of a merit rating reduction to California employers who have had the required employment experience and whose accounts show an excess of contributions paid in their own behalf over benefits paid to their employees or chargeable to them sufficient to constitute a reserve equal to the percentages of their annual total taxable pay rolls as prescribed in the section.

The question whether, under the provisions of said Section 39 of the act, an employer must have paid pay roll taxes under the act for five years in order to qualify for merit rating consideration is not wholly free from doubt.

Section 39 of the act, as amended in 1939, reads:

"The commission shall immediately begin to classify and shall continue at all times hereafter to classify employers in accordance with the actual experience with regard to the contributions which they have paid in their own behalf and the benefits which the Unemployment Fund has paid to their employees, or to employees whose benefits are charged against such employers. Commencing January 1, 1941, and continuing thereafter, if it appears in the accounts established and kept as provided below, that an employer shows an excess of contributions paid in his own behalf over benefits paid to his employees or chargeable to him, sufficient to constitute a reserve equal to $7\frac{1}{2}$ per cent or more of the average of his annual total taxable pay rolls for the three preceding years, or the five preceding years, whichever is higher, his rate of contribution shall be reduced * * *."

Under the provisions of the Federal law, a credit is allowed on the amount required to be paid to the Federal Government as pay roll taxes of employers subject to the Federal act for those employers who are granted a reduction in pay roll tax rates as a result of merit rating in accordance with a State act which has been approved in this respect by the Social Security Board.

Section 1602 of the Internal Revenue Code in effect provides that no reduced rate of contribution will be permitted to a person subject to the Federal Social Security Act whose account has not been subject to benefit charges for at least three consecutive years immediately preceding the computation date for determining merit rating under a State law.

I am advised that the California act has not yet been approved by the Federal board in respect to its merit rating provision.

It appears, however, that if our California act can be interpreted as requiring only three years of contribution experience without a requirement of a period of three years of benefit payments or benefit charges, then the provisions of Section 39 of the California act are not in accord with the requirements of Section 1602 of the Internal Revenue Code. California employers who are also subject to the Federal act and who have had five years' experience in the payment of pay roll contributions would necessarily have had at least three years of benefit charging experience, and in this respect such employers would apparently meet the requirements of Section 1602 of the Internal Revenue Code.

I would call your attention, however, to the fact that there are many thousands of employers in this State who are subject to the California act but who are not required to pay pay roll taxes under the Federal act. I refer to those employers who have less than eight persons in their employ for the required period. The contributions paid by employers of this latter class and by their employees are paid into the same pooled fund as are the contributions of employers subject to the Federal act. If Section 39 of our State act can be interpreted as not requiring a full five years' contribution experience, then there may be serious question whether the Social Security Board would approve the merit rating provisions of the California act.

I am advised that there are 11 States, including Hawaii, whose laws contain the same provision as is found in Section 39 of our State act, to the effect that in determining excess of contributions paid by an employer over benefits paid to his employees or chargeable to him, the "average of his annual total taxable pay rolls for the three preceding years, or the five preceding years, whichever is higher" shall be used. We received advices from eight of those States from which it appears that in at least half of the eight States the phrase just quoted for determining the average annual pay rolls is interpreted as permitting pay rolls for three years to be used where five years of pay roll experience has not been had.

The laws of each of the States referred to, however, require at least three years of benefit experience, and in this respect they comply with the requirements of Sec.

tion 1602 of the Internal Revenue Code. I am also advised that California is the only State whose act does not specifically require three years of benefit experience.

I refer to the advices received from those eight States for the purpose of showing that different State authorities have placed different interpretations upon the three or five-year provision in their laws.

I am of the opinion that so long as Section 39 of the California act reads as it now reads, the safer and more logical interpretation of the provision in question is that at least five years of contribution experience is required to entitle an employer to merit rating consideration, in order to determine the ratio by reference to the higher of the two periods. Such an interpretation would more nearly comply with the requirements of Section 1602 of the Internal Revenue Code. I do believe, however, it would be advisable to amend Section 39 of our State act to specifically require three years' benefit experience and thus bring our law in clear accord with the Federal act in this regard, and at the same time the section could be further amended to remove any ambiguity with respect to the three years or the five years of average annual pay roll experience.

Very truly yours,

EARL WARREN, Attorney General
By JOHN J. DAREY, Deputy

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time.

Senate Bill No. 113: By Senator Kenny—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6, consisting of Sections 280 to 283, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Senate and the members thereof, and to make an appropriation therefor.

Referred to Committee on Rules.

Senate Bill No. 114: By Senators Garrison, Carter, Kenny, Jespersen, Collier, Dillinger, Metzger, Swan, Luckey, Foley, Bigger, Shelley and Phillips—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Referred to Committee on Local Government.

Senate Bill No. 115: By Senator Kenny—An act making an appropriation for the support, including salaries, equipment and all other proper expenses, of the Senate offices in Los Angeles and San Francisco.

Referred to Committee on Finance.

Senate Bill No. 116: By Senator Parkman—An act to amend Sections 342 and 367 of the Agricultural Code, relating to live stock marks and brands.

Referred to Committee on Agriculture.

Senate Bill No. 117: By Senators Gordon, Jespersen and Crittenden—An act to repeal Sections 2.464, 2.465, 6.383 and 6.384 of, to

amend Sections 2.505, 3.301 and 4.250 of, and to add Sections 3.321, 3.322, 3.323, 3.324 and 3.325 to the School Code, all relating to the payment of the costs of providing for the education of high school pupils not residing in a high school or unified school district.

Referred to Committee on Education.

Senate Bill No. 118: By Senator Metzger—An act to add Sections 7.5 and 7.7 to and to amend Section 13 of the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 119: By Senator Mixter—An act to amend Section 5.500 of the School Code, relating to classification of persons in positions requiring certification qualifications.

Referred to Committee on Education.

Senate Bill No. 120: By Senator Mixter—An act to amend Section 4109 of the Revenue and Taxation Code, relating to property taxation, the redemption of property, and the payment of delinquent taxes in installments.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 121: By Senator Mixter—An act to amend Sections 120, 157, 2630, 4106, 4110 and 4153 of, to repeal Chapter 4 of and to add a new Chapter 4 to Part 7, Division 1 of, and to add Section 2630.5 to, the Revenue and Taxation Code, and to repeal Section 3819a of, and to add a new Section 3819a to, the Political Code, relating to the redemption of property and the transfer of tax redemption duties from the auditor and treasurer to the tax collector.

Referred to Committee on Revenue and Taxation.

ADJOURNMENT

At 11.30 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 10, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY
FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, January 10, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Dunn,
Dillinger, Fletcher, Foley, Garrison, Gooden, Hays, Juchacz, Keating, Keene, Kitchel,
Luekey, Mayo, McCormack, Metzger, Mixter, Myhand, Powers, Quare, Ross, Seavon,
Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator DeLap, on motion of Senator Metzger.

Senator Swing, on motion of Senator Metzger.

Senator Jespersen, on motion of Senator Garrison.

Senator Parkman, on motion of Senator Myhand.

Senator Phillips, on motion of Senator Swan.

Senator McBride, on motion of Senator Ward.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Wyman of Merced.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Harley Knox, City Councilman, San Diego.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Elmo Adams, of Oakland.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Hunter, San Francisco.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorothy Fay Keenan of Glendale.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Chester M. Sewell, and Mr. and Mrs. Lewis Sewell of Porterville.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Claude B. Mayo, U.S.N. (Ret.); Commander Richard Dwyer, chief engineer; Commander Benjamin Dodson, executive officer; J. G. Ellis, engineer officer; Edward Miller, deck officer; Lieut. Allen Wriedbeck, Coast Guard officer; Lieutenant Commander C. M. Cadwell, supply officer; Carl Cleverdon, secretary; Lieutenant E. L. Robberson, communication officer, and 100 cadets of the California Maritime Academy.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 1

Senate Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FINNIE, Assistant Clerk

• Above resolutions ordered enrolled.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 57

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FINNIE, Assistant Clerk

Above bill ordered enrolled.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 7

Assembly Bill No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK RIED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 7—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 40—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Welfare and Institutions.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Joint Resolution No. 1: By Senator Judah—Relative to the proposed Loma Prieta State Forest.

Referred to Committee on Natural Resources.

Senate Bill No. 122: By Senator Judah—An act to add Section 4383 to the Public Resources Code, relating to State forests, including areas suitable for timber production, outdoor recreation, water protection, and fish and game production.

Referred to Committee on Natural Resources.

Senate Bill No. 123: By Senator Brown—An act to repeal School Code Section 2.1095 and to add Section 2.998 to said code, both relating to the traveling expenses of governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 124: By Senator Metzger—An act to amend Section 19561 of the Business and Professions Code and Section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to rules, regulations and conditions adopted by the California Horse Racing Board.

Referred to Committee on Business and Professions.

Senate Bill No. 125: By Senator Biggar—An act to amend Section 737.11 of the Agricultural Code, relating to violation of Chapter 10, Division 4 thereof.

Referred to Committee on Agriculture.

Senate Bill No. 126: By Senator Biggar—An act to amend Section 736.11 of the Agricultural Code, relating to minimum resale prices of fluid milk.

Referred to Committee on Agriculture.

Senate Bill No. 127: By Senator Biggar—An act to amend Sections 736.3 and 736.4 of the Agricultural Code, relating to fluid milk.

Referred to Committee on Agriculture.

Senate Bill No. 128: By Senator Biggar—An act to amend Section 735.4 of the Agricultural Code, relating to fluid milk.

Referred to Committee on Agriculture.

Senate Bill No. 129: By Senator Biggar—An act to amend Section 735.3 of the Agricultural Code, relating to fluid milk.

Referred to Committee on Agriculture.

Senate Concurrent Resolution No. 3: By Senators Rich, Deuel, Tickle, Myhand and Breed—Relative to Joint Rules of the Senate and Assembly.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 3. at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 3

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGE FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 10, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California.*

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Education:

Lois E. Souter, Los Angeles, vice Eleanor Lloyd Smith, appointment not confirmed, for the term ending January 15, 1943.

Alice H. Dougherty, Oakland, vice self, term expired, for the term ending January 15, 1944.

James M. Tadlock, Eureka, vice Henry S. Grossman, appointment not confirmed, for the term ending January 15, 1944.

LOIS E. SOUTER—

Mrs. Lois E. Souter is a graduate of the Unionville, Michigan, High School, and for the past 20 years has been a resident of San Diego and Los Angeles, California

She served for some time as a member of the State Library Board of the State of Michigan, and in recent years has been a member of the Advisory Board of the Work Projects Administration.

She has been most active in fraternal and church work; is a past matron of the Eastern Star; prominent in Parent Teacher Association groups; and has been prominently identified with work among delinquent children in Los Angeles County.

Mrs. Souter is a housewife and mother of two daughters. She is a woman in her early fifties and has had a long and active interest in education. Her appointment is endorsed by many outstanding club women and civic leaders in southern California. She has served pursuant to an interim appointment since July 8, 1940.

Mrs. Souter presently resides at 7727 South Harvard Boulevard, Los Angeles.

ALICE H. DOUGHERTY

Miss Alice H. Dougherty has served on the State Board of Education for eight years with distinction. She was appointed to the board by Governor Ralph and was reappointed by Governor Merriam. After both appointments she was confirmed by your body.

Miss Dougherty presently resides at 4508 Pleasant Valley Court, Oakland, California.

JAMES M. TADLOCK

Mr. James M. Tadlock holds A.B. and M.A. degrees from the University of Kansas and has done post graduate work at the University of Washington. He has been a resident of California since 1926.

His early experience was in the field of newspaper work in northern California and in the Pacific Southwest. He was a reporter, editorial and special writer on the Seattle Post Intelligencer and on various Portland dailies, and edited and published papers in Raymond and Olympia, Washington. He subsequently was editor for a number of years on the Humboldt Times at Eureka.

Mr. Tadlock is a cultured gentleman of 60 years, of high intelligence, splendid idealism and outstanding character. His appointment gives representation to an important district of the State where a State college is located, and affords the journalism profession representation on the State Board of Education. He has served since July 8, 1940, pursuant to an interim appointment.

Mr. Tadlock presently resides at 2202 E Street, Eureka, California.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 13

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 9, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Laura Mast, Stenographer.....	\$5 00
Julian W. Lindsay, Mailing Clerk.....	4 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Rich, Seiwel, Slater, Swan, Tickle, Waggy, and Ward—30.

NOES—None.

By Senator Kenny:

Senate Resolution No. 14

Resolved, That Senate Standing Rule No. 12 be amended by adding thereto the following:

"21. Reapportionment, 11 members—All bills relating to Senatorial, Assembly, or Congressional districts."

Referred to Committee on Rules.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 13

Senator Fletcher moved that Senate Bill No. 13 be withdrawn from Committee on Welfare and Institutions for purpose of consideration.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 13—An act increasing the Revolving Fund of the San Diego Industrial Workshop for the Blind from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000), making an appropriation therefor and declaring the urgency thereof.

Bill read second time.

RECOMMENDATION OF THE GOVERNOR

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 13:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 9, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GENTLEMEN: Senate Bill No. 13, "An act increasing the Revolving Fund of the San Diego Industrial Workshop for the Blind from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000), making an appropriation therefor and declaring the urgency thereof," in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 13 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Request for Unanimous Consent

Senator Fletcher asked for unanimous consent to take up Senate Bill No. 13, at this time, for consideration.

Unanimous consent withheld.

Senate Bill No. 13 ordered placed on file.

RECESS

At 11.25 a.m., on motion of Senator McCormack, the Senate recessed until 11.30 a.m. to hear from Captain Claude B. Mayo, U. S. N. (Ret.).

REASSEMBLED

11.30 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 66

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 66—An act making an appropriation for the expenses of the Assembly for the Fifty-fourth Session of the Legislature, this act to take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 66, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 66

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 66 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 66—An act making an appropriation for the expenses of the Assembly for the Fifty-fourth Session of the Legislature, this act to take effect immediately.

Bill read second time.

Assembly Bill No. 66—An act making an appropriation for the expenses of the Assembly for the Fifty-fourth Session of the Legislature, this act to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Hays, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FENNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 1—Relative to approving certain amendments to the charter of the City of Pasadena, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city at a special municipal election held therein on November 5, 1940.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 1, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 1

Assembly Concurrent Resolution No. 1—Relative to approving certain amendments to the charter of the City of Pasadena, a municipal corporation of the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said city at a special municipal election held therein on November 5, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Wagy, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following bills were introduced, and read the first time:

Senate Constitutional Amendment No. 3: By Senator Dillinger—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 22 of Article XX, relating to sales of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 130: By Senator Swan—An act to add Section 6362 to the Revenue and Taxation Code, Section 5.23 to the Retail Sales Tax Act of 1933, and Section 4.15 to the Use Tax Act of 1935, relating to the exemption of drugs.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 131: By Senator Kuchel—An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, and portions of the lands granted to the City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon certain trusts and conditions," approved May 25, 1919, and granted to the said City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions," approved April 5, 1927, which have been and which may be hereafter improved, filled, and reclaimed, unavailable and unuseful for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions may be irrevocably alienated and conveyed free of public use and trust by the said county or the said city to the owner or owners of uplands contiguous thereto.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 132: By Senator Biggar—An act relating to the protection of the public service from persons engaged in activities subversive of constitutional government in this State and the United States or inimical to the rights, privileges, or immunities guaranteed to the people, and providing that such persons are ineligible to accept or to hold public office or employment, and for their removal therefrom, and for oaths of office of persons in the public service.

Referred to Committee on Judiciary.

Senate Bill No. 133: By Senators Phillips, Brown, Mayo, Denel, Wagy, Mixter and Seawell—An act to amend Sections 2500, 2555 and 2556 of, and to add Section 2557 and Article 2.5, comprising Sections 2560 to 2570, inclusive, Article 6, comprising Sections 2625 to 2632, inclusive, and Article 7, comprising Sections 2650 to 2654, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations; declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 134: By Senator Dillinger—An act to amend Sections 5713, 5901, 5911, 5931, 5932, 6550 and 7003, to add Sections 6602, 7103.5, 7133.5, 7208.5 and 7208.7 and Article 10.5, consisting of Sections 6525 to 6534, inclusive, to Chapter 6 of Division 8 and Article

1.5, consisting of Sections 7031 to 7038, inclusive, to Chapter 1 of Division 9, and to repeal Chapter 6, consisting of Sections 7800 to 7882, inclusive, of Division 9, all of the Elections Code, relating to absent voting.

Referred to Committee on Elections.

Senate Bill No. 135: By Senator Biggar—An act to amend Sections 4 and 6, and to repeal Section 5a of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to the regulation of canneries.

Referred to Committee on Judiciary.

Senate Bill No. 136: By Senator Swan—An act to prohibit hazing by members of any fraternity at any school, college, or university receiving tax exemption or State appropriations, and to provide penalties therefor.

Referred to Committee on Education.

Senate Bill No. 137: By Senator Swan—An act to add Section 187.5 to, and to amend Section 190 of, the Penal Code, relating to murder and multiple slaying of human beings.

Referred to Committee on Judiciary.

Senate Bill No. 138: By Senator Slater—An act relating to the revision of the School Code of California and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 139: By Senator Fletcher—An act to add Section 2325 to the Public Resources Code, requiring county recorders, when requested, to furnish certified abstracts of title, showing instruments of record, required in proceedings to obtain patents to mineral lands of the United States, in compliance with the laws of the United States and regulations thereunder.

Referred to Committee on Natural Resources.

Senate Bill No. 140: By Senator Fletcher—An act to add Section 2326 to the Public Resources Code, relating to the records of dissolved mining districts.

Referred to Committee on Natural Resources.

Senate Bill No. 141: By Senator Shelley—An act to diminish the causes of labor disputes burdening and obstructing business; to protect the right of employees to organize and bargain collectively; creating the California Labor Relations Board and providing for its powers and duties; declaring certain labor practices by employers to be unfair; authorizing the California Labor Relations Board to conduct hearings and elections and certify as to representatives of employees for pur-

poses of collective bargaining; empowering the California Labor Relations Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint, the conducting of a hearing, and the making of an order; providing certain penalties for failure to comply with or for violation of orders of the California Labor Relations Board and of the National Labor Relations Board; providing for the review of an order of the California Labor Relations Board by a superior court and establishing a procedure for such cases; providing for appeals from the superior court; providing for exclusive judicial review and prohibiting injunctions against the California Labor Relations Board; providing the California Labor Relations Board with investigatory powers, including the power to issue subpoenas and the compelling of obedience thereto; providing for service of papers and process of the California Labor Relations Board; declaring the urgency hereof, to take effect immediately.

Referred to Committee on Labor.

Senate Bill No. 142: By Senator Garrison—An act to amend Section 862a of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to organization, incorporation and government of cities of the sixth class.

Referred to Committee on Local Government.

Senate Bill No. 143: By Senator Garrison—An act to add Section 2901 to the Health and Safety Code, relating to annexation of land to pest control districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 144: By Senator Garrison—An act to amend Section 2871 of, and to add Sections 2822.5, 2871.5, 2871.7, and 2875 to, the Health and Safety Code, relating to pest abatement districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 145: By Senator Garrison—An act to amend Sections 2853 and 2871 of, and to add Section 2803 to, the Health and Safety Code, relating to pest abatement districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 146: By Senator Fletcher—An act to amend Section 4214 of the Political Code, relating to county surveyors.

Referred to Committee on Local Government.

Senate Concurrent Resolution No. 4: By Senators Brown, Deuel, Mayo, Mixter, Phillips, Seawell, and Waggy—Relative to a Joint Fact-Finding Committee, and defining its powers and duties.

Referred to Committee on Rules.

COMMUNICATIONS

The following communications were presented by Senator McCormack, and ordered printed in the Journal:

DEPARTMENT OF COMMERCE, OFFICE OF THE SECRETARY
WASHINGTON, November 29, 1940

The Honorable, The President, The White House

MY DEAR MR. PRESIDENT:

Transmitted herewith is a memorandum from the Director of the Census inclosing a tabulation giving the population of each State on April 1, 1940, as ascertained under the Sixteenth Decennial Census of the United States. This tabulation was prepared in compliance with the provisions of Section 2 of the Act of June 18, 1929, under which the Sixteenth Decennial Census was taken. The tabulation also gives the number of Representatives to which each State will be entitled if the present number of Representatives (435) are apportioned by the method of major fractions, which was the method used in the last preceding apportionment, and also by the method of equal proportions.

The tabulation of total population by States for purposes of apportionment does not show any "Indians not taxed" as all Indians are now subject to Federal taxation.

You will recall that by the provisions of Section 22 of the Decennial Census Act of June 18, 1929, as amended by the Act of April 25, 1940, the President is required to transmit this information to the Seventy-seventh Congress during the first week of the first regular session.

There is also inclosed a table showing the gain or loss in the total population of each State between 1930 and 1940.

Sincerely yours,

JESSE H. JONES
Secretary of Commerce

DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS
WASHINGTON, November 28, 1940

Memorandum

To: Secretary of Commerce
From: Director of the Census
Subject: Population of the United States for the apportionment of Representatives

In compliance with the provisions of Section 2 of the Act of June 18, 1929, I transmit herewith a tabulation showing the population of each State on April 1, 1940, as ascertained under the Sixteenth Decennial Census of the United States. The tabulation (Table 1) also gives the number of Representatives to which each State will be entitled if the existing number of Representatives are apportioned by the method of major fractions, which was the method used in the last preceding apportionment, and also by the method of equal proportions. This is the information which the President is required to transmit to the Seventy-seventh Congress during the first week of the first regular session in compliance with Section 22 (a) of the Act of June 18, 1929, as amended by the Act of April 25, 1940 (Pub. No. 481—Seventy-sixth Congress).

The tabulation of total population by States for apportionment purposes does not show any "Indians not taxed" as all Indians are now subject to Federal taxation.

The Sixteenth Decennial Census reveals important internal shifts in population that have taken place during the past decade. (See Table 2.) Although the westward movement has continued and is reflected in an increased proportion of the population in the Pacific Coast and Mountain States, the trend long established in the United States of migration from rural to urban areas has been slackened. For the first decade since 1830 the proportion of the population residing in urban areas has failed to increase markedly. Consequently, the more rural southern States have increased at a more rapid rate than the more industrial northern States. Actual losses in population were found in some of the midwestern States affected seriously by the drought. These shifts in population are reflected in the new apportionment.

W. L. AUSTIN, Director

(Inclosures)

Table 1
Populations of the States, 1940, and Apportionment of Representatives
in Congress, 1940, and 1930

State	Population April 1, 1940	Present number of Represent- atives*	Apportionment of 435 Representatives, 1940					
			Majority of minor fractions			Majority of minor fractions		
			Number of Represent- atives	Change from 1930		Number of Represent- atives	Change from 1930	
	(1)	(2)	(3)	Gain	Loss	(4)	Gain	Loss
United States	131,669,275	435	435	10	-10	435	9	-9
Alabama	2,832,961	9	9			9		
Arizona	499,261	1	2	1		2	1	
Arkansas	1,949,387	7	6		-1	7		
California	6,907,387	20	23	3		23	3	
Colorado	1,123,296	4	4			4		
Connecticut	1,709,242	6	6			6		
Delaware	266,505	1	1			1		
District of Columbia	663,091							
Florida	1,897,414	5	6	1		6	1	
Georgia	3,123,723	10	10			10		
Idaho	524,873	2	2			2		
Illinois	7,897,241	27	26		-1	26		-1
Indiana	3,427,796	12	11		-1	11		-1
Iowa	2,538,268	9	8		-1	8		-1
Kansas	1,801,028	7	6		-1	6		-1
Kentucky	2,845,627	9	9			9		
Louisiana	2,363,880	8	8			8		
Maine	847,226	3	3			3		
Maryland	1,821,244	6	6			6		
Massachusetts	4,316,721	15	14		-1	14		-1
Michigan	5,256,106	17	18	1		17		
Minnesota	2,792,300	9	9			9		
Mississippi	2,183,796	7	7			7		
Missouri	3,784,664	13	13			13		
Montana	559,456	2	2			2		
Nebraska	1,315,834	5	4		-1	4		-1
Nevada	110,247	1	1			1		
New Hampshire	491,524	2	2			2		
New Jersey	4,160,165	14	14			14		
New Mexico	531,818	1	2	1		2	1	
New York	13,479,142	45	45			45		
North Carolina	3,571,623	11	12	1		12	1	
North Dakota	641,935	2	2			2		
Ohio	6,907,612	24	23		-1	23		-1
Oklahoma	2,336,424	9	8		-1	8		-1
Oregon	1,089,684	3	4	1		4		
Pennsylvania	9,900,180	34	33		-1	33		-1
Rhode Island	713,346	2	2			2		
South Carolina	1,899,804	6	6			6		
South Dakota	642,961	2	2			2		
Tennessee	2,915,841	9	10	1		10	1	
Texas	6,414,824	21	21			21		
Utah	550,310	2	2			2		
Vermont	359,231	1	1			1		
Virginia	2,677,773	9	9			9		
Washington	1,736,191	6	6			6		
West Virginia	1,901,974	6	6			6		
Wisconsin	3,137,587	10	10			10		
Wyoming	250,742	1	1			1		

* The present apportionment of Representatives is based on the 1930 Census. The method followed in 1930 was the method of major fractions. In that instance the use of the method of equal proportions would have resulted in the same apportionment.

Table 2
Population Figures for the United States, by States: 1940
A minus sign (-) denotes decrease.

Division and State	Population		Increase 1930-1940	Per Cent of Increase	
	1940	1930		1930-1940	1920-1930
United States	131,669,275	122,775,046	8,894,229	7.2	16.1
<i>Geographic Divisions</i>					
New England	8,437,290	8,166,341	270,949	3.3	10.3
Middle Atlantic	27,539,487	26,260,750	1,278,737	4.9	18.0
East North Central	26,626,342	25,297,185	1,329,157	5.3	17.8
West North Central	13,516,990	13,296,915	220,075	1.7	6.0
South Atlantic	17,823,151	15,793,589	2,029,562	12.9	12.9
East South Central	10,778,225	9,887,214	891,011	9.0	11.2
West South Central	13,064,525	12,176,830	887,695	7.3	18.9
Mountain	4,150,003	3,701,789	448,214	12.1	11.0
Pacific	9,733,262	8,194,433	1,538,829	18.8	47.2
<i>New England</i>					
Maine	847,226	797,423	49,803	6.2	3.8
New Hampshire	491,524	465,293	26,231	5.6	5.0
Vermont	359,231	359,611	-380	-0.1	2.0
Massachusetts	4,316,721	4,249,614	67,107	1.6	10.3
Rhode Island	713,346	687,497	25,849	3.8	13.7
Connecticut	1,709,242	1,606,903	102,339	6.4	16.4
<i>Middle Atlantic</i>					
New York	13,479,142	12,588,066	891,076	7.1	21.2
New Jersey	4,160,165	4,041,334	118,831	2.9	28.1
Pennsylvania	9,900,180	9,631,350	268,830	2.8	10.5
<i>East North Central</i>					
Ohio	6,907,612	6,646,697	260,915	3.9	15.4
Indiana	3,427,796	3,238,503	189,293	5.8	10.5
Illinois	7,897,241	7,630,654	266,587	3.5	17.7
Michigan	5,256,106	4,842,325	413,781	8.5	32.0
Wisconsin	3,137,587	2,939,006	198,581	6.8	11.7
<i>West North Central</i>					
Minnesota	2,792,300	2,563,953	228,347	8.9	7.4
Iowa	2,538,268	2,470,939	67,329	2.7	2.8
Missouri	3,784,664	3,629,367	155,297	4.3	6.6
North Dakota	641,935	680,845	-38,910	-5.7	5.3
South Dakota	642,961	692,849	-49,888	-7.2	8.8
Nebraska	1,315,834	1,377,963	-62,129	-4.5	6.3
Kansas	1,801,028	1,880,999	-79,971	-4.3	6.3
<i>South Atlantic</i>					
Delaware	266,505	238,380	28,125	11.8	6.9
Maryland	1,821,244	1,631,526	189,718	11.6	12.5
District of Columbia	663,091	486,869	176,222	36.2	11.3
Virginia	2,677,773	2,421,851	255,922	10.6	4.9
West Virginia	1,901,974	1,729,205	172,769	10.0	18.1
North Carolina	3,571,623	3,170,276	401,347	12.7	23.9
South Carolina	1,899,804	1,738,765	161,039	9.3	3.3
Georgia	3,123,723	2,908,506	215,217	7.4	0.4
Florida	1,897,414	1,468,211	429,203	29.2	51.6
<i>East South Central</i>					
Kentucky	2,845,627	2,614,589	231,038	8.8	8.2
Tennessee	2,915,841	2,616,556	299,285	11.4	11.9
Alabama	2,832,961	2,646,248	186,713	7.1	12.7
Mississippi	2,183,796	2,009,821	173,975	8.7	12.2
<i>West South Central</i>					
Arkansas	1,949,387	1,854,482	94,905	5.1	5.8
Louisiana	2,363,880	2,101,593	262,287	12.5	16.9
Oklahoma	2,336,434	2,396,040	-59,606	-2.5	18.1
Texas	6,414,824	5,824,715	590,109	10.1	24.9

Table 2—Continued
Population Figures for the United States, by States: 1940
A minus sign (—) denotes decrease.

Division and State	Population		Increase 1930-1940	Per Cent of Increase	
	1940	1930		1930-1940	1930-1940
<i>Mountain</i>					
Montana	559,456	537,606	21,850	4.1	-2.1
Idaho	524,873	445,032	79,841	17.9	3.0
Wyoming	259,742	225,565	34,177	11.2	16.0
Colorado	1,123,296	1,035,791	87,505	8.4	10.2
New Mexico	531,818	423,317	108,501	25.6	17.5
Arizona	499,261	435,573	63,688	14.6	30.3
Utah	550,310	507,847	42,463	8.4	13.0
Nevada	110,247	91,058	19,189	21.1	17.6
<i>Pacific</i>					
Washington	1,736,191	1,563,396	172,795	11.1	15.2
Oregon	1,089,684	953,786	135,898	14.2	21.8
California	6,907,387	5,677,251	1,230,136	21.7	65.7

November 26, 1940.

The following communication was presented by the Secretary of the Senate, and ordered printed in the Journal:

DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS

WASHINGTON, January 6, 1941

Hon. Joseph A. Beck, Secretary of the Senate of California Legislature
Sacramento, California

DEAR MR. BECK: In compliance with your request of December 31st, received in this office today, there is enclosed a copy of our press release giving final 1940 population figures for the State of California, by counties.

Very truly yours,

LEON E. TRUESDELL
Chief Statistician for Population

(Inclosure)

Table 1. Population of Counties in California: 1940 and 1930

[A minus sign (—) denotes decrease. Per cent not shown where less than 0.1]

County or urban place	Population		Increase 1930-1940	Per cent of increase	
	1940	1930		1930-1940	1930-1940
The State	6,907,387	5,677,251	1,230,136	21.7	65.7
Urban	4,902,265	4,160,596	741,669	17.8	78.8
Rural	2,005,122	1,516,655	488,467	32.2	37.9
Per cent urban	71.0	73.3			--
Counties:					
Alameda	513,011	474,883	38,128	8.0	38.0
Alpine	323	241	82	34.0	—0.8
Amador	8,973	8,494	479	5.6	9.0
Butte	42,840	34,093	8,747	25.7	13.5
Calaveras	8,221	6,008	2,213	36.8	—2.8
Colusa	9,788	10,258	—470	—4.6	10.4
Contra Costa	100,450	78,608	21,842	27.8	45.9
Del Norte	4,745	4,739	6	0.1	71.8
El Dorado	13,229	8,325	4,904	58.9	29.6
Fresno	178,565	144,379	34,186	23.7	12.1
Glenn	12,195	10,935	1,260	11.5	—7.7
Humboldt	45,812	43,233	2,579	6.0	15.6
Imperial	59,740	60,903	—1,163	—1.9	40.2
Inyo	7,625	6,555	1,070	16.3	—6.8
Kern	135,124	82,570	52,554	63.6	50.6
Kings	35,168	25,385	9,783	38.5	15.2
Lake	8,069	7,166	903	12.6	32.7
Lassen	14,479	12,589	1,890	15.0	48.0
Los Angeles	2,785,643	2,208,492	577,151	26.1	135.8
Madera	23,314	17,164	6,150	35.8	40.7
Marin	52,907	41,648	11,259	27.0	52.3

Table 1. Population of Counties in California: 1940 and 1930—Continued
 [A minus sign (—) denotes decrease. Per cent not shown where less than 0.1]

County or urban place	Population		Per cent of increase		
	1940	1930	Increase 1939-1940	1930-1940	1920-1930
Mariposa -----	5,605	3,233	2,372	73.4	16.5
Mendocino -----	27,864	23,505	4,359	18.5	-2.5
Merced -----	46,988	36,748	10,240	27.9	49.5
Modoc -----	8,713	8,038	675	8.4	48.2
Mono -----	2,299	1,360	939	69.0	41.7
Monterey -----	73,032	53,705	19,327	36.0	91.9
Napa -----	28,503	22,897	5,606	24.5	10.7
Nevada -----	19,283	10,596	8,687	82.0	-2.3
Orange -----	130,760	118,674	12,086	10.2	93.4
Placer -----	28,198	24,468	3,640	14.9	31.7
Plumas -----	11,548	7,913	3,635	45.9	39.3
Riverside -----	105,524	81,024	24,500	30.2	61.1
Sacramento -----	170,333	141,909	28,334	20.0	56.0
San Benito -----	11,392	11,311	81	0.7	25.7
San Bernardino -----	161,108	133,900	27,208	20.3	82.4
San Diego -----	289,348	209,659	79,689	38.0	86.8
San Francisco -----	634,536	634,394	142	.	25.2
San Joaquin -----	134,207	102,940	31,267	30.4	28.8
San Luis Obispo -----	33,246	29,613	3,633	12.3	35.3
San Mateo -----	111,782	77,405	34,377	44.4	110.4
Santa Barbara -----	70,555	65,167	5,388	8.3	58.6
Santa Clara -----	174,949	145,118	29,831	20.6	44.1
Santa Cruz -----	45,057	37,433	7,624	20.4	42.5
Shasta -----	28,800	13,927	14,873	106.8	4.2
Sierra -----	3,025	2,422	603	24.9	35.8
Siskiyou -----	28,598	25,480	3,118	12.2	37.4
Solano -----	49,118	40,834	8,284	20.3	0.6
Sonoma -----	69,052	62,222	6,830	11.0	19.5
Stanislaus -----	74,866	56,641	18,225	32.2	30.0
Sutter -----	18,680	14,618	4,062	27.8	44.5
Tehama -----	14,316	13,866	450	3.2	7.6
Trinity -----	3,970	2,809	1,161	41.3	10.1
Tulare -----	107,152	77,442	29,710	38.4	31.2
Tuolumne -----	10,887	9,271	1,616	17.4	19.3
Ventura -----	69,685	54,976	14,709	26.8	91.4
Yolo -----	27,243	23,644	3,599	15.2	38.2
Yuba -----	17,034	11,331	5,703	50.3	9.2

ADJOURNMENT

At 11.48 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 13, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY

EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 13, 1941

The Senate met at 11 a.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jepsen, Japh, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Parkman, on motion of Senator Collier.

Senator Mixter, on motion of Senator Seawell.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred A. Eckstrom of Stockton.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. Signorotti of Patterson.

COMMUNICATION

The following communication was presented by the Secretary of the Senate, and ordered printed in the Journal:

WAR DEPARTMENT, WASHINGTON, January 6, 1941

*Mr. Joseph A. Beck, Secretary
Senate, California Legislature, Sacramento, California*

DEAR SIR: Receipt is acknowledged of your letter of December 6, 1940, with which you inclosed a copy of Senate Joint Resolution No. 2, regarding the procurement of woolen materials by this department.

At the present time blankets, woolen, are being purchased f.o.b. point of manufacture. Two Pacific Coast mills now have contracts for the manufacture of this item.

The procurement of woolen cloth is being made f.o.b. Philadelphia Quartermaster Depot, for inspection and shrinkage.

Consideration is being given to asking for bids for woolen cloth either f.o.b. Philadelphia or f.o.b. San Francisco, this in order to place the West Coast contractors on an equal bidding basis, as far as freight rates are concerned, with eastern manufacturers.

It is hoped to place this scheme into effect on the next purchase of woolen cloth.

Sincerely yours,

HENRY L. STIMSON, Secretary of War

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, JANUARY 13, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the State Board of Prison Directors:

Chris Merchant, San Francisco, vice T. N. Harvey, removed, for the term ending January 12, 1944.

Dr. W. Earle Smith, San Francisco, vice A. R. O'Brien, removed, for the term ending January 12, 1942.

Hugh Lovett Spears, Grapevine, vice John D. McGilvray, removed, for the term ending January 12, 1948.

George A. Briggs, Los Angeles, vice Ed L. Abbott, removed, for the term ending January 12, 1946.

Chris Merchant

Christopher Thomas Merchant, a native of California of Swedish descent, resides at 579 Liberty Street, San Francisco.

He served on the San Francisco police force from 1898 to 1907 and resigned to go into private business. He subsequently operated a cabinet shop in San Francisco and later, from 1917 to 1934, was a general contractor.

Mr. Merchant served on the Golden Gate International Exposition Commission in 1939 and 1940, and was its Chairman of the Buildings and Grounds Committee.

He has been highly recommended to me for consideration for appointment to the Board of Prison Directors because of his combination of intimate knowledge of police work and his experience in the building and construction fields.

He has served on the Board of Prison Directors pursuant to an interim appointment since June 26, 1940.

Dr. W. Earle Smith

Dr. W. Earle Smith, an ordained Baptist minister, has for the past 10 years been executive secretary of the San Francisco-Bay Cities Baptist Union and lives at 720 Linden Street, Oakland.

He was born in 1885 in the State of Missouri, graduated from Midland College, Fremont, Nebraska, with a B.S. degree and received a D.D. degree from Western Theological Seminary in Portland, Oregon.

He engaged in business in Nebraska and in Indiana, and entered the ministry in the First Baptist Church, Pomona, in 1910.

Subsequently he served in the pastorate of churches in Strathmore, California; Columbus, Ohio; Los Angeles and Ontario, California.

He has been a director of young people's work for the Baptist denomination in the seven western States. He is presently serving as executive secretary of the San Francisco-Bay Cities Baptist Union and is chairman of the Executive Committee of the Prison Association of California.

Dr. Smith has served on the Board of Prison Directors pursuant to an interim appointment since June 27, 1940.

Hugh Lovett Spears

Hugh Lovett Spears was born of a family of early settlers in the State of Louisiana and attended public schools in that State. He later was employed by the Tennessee Lumber Company, in which State he remained until coming to California in 1924.

In the south Mr. Spears came into contact with prison systems which he has described as "hell holes of human misery." He became interested in the subject of penology and in the rehabilitation of convicts.

Mr. Spears presently resides at Grapevine, Kern County, and operates several businesses in Bakersfield, including a liquid gas company and a realty and insurance company.

He is a member of the Elks Lodge and a Thirty-second Degree Mason.

Mr. Spears is president of the Central California Tourist Association and is chairman of the Publicity Committee of the California State Chamber of Commerce for the San Joaquin Valley Council. Mr. Spears has served on the Board of Prison Directors pursuant to an interim appointment since June 26, 1940.

George A. Briggs

George A. Briggs, 415 East Adams Boulevard, Los Angeles, owns and operates the apartment in which he lives. Mr. Briggs was born in Iowa and attended public school in Nebraska and college at Iowa Wesleyan University and the University of Nebraska.

He pioneered in the manufacture of telephone instruments and equipment in Chicago, Illinois, and Elkhart, Indiana, and in 1922 entered the field of manufacturing radio equipment. He came to California in 1920 and retired from active business at that time. He owns and manages considerable property in Southern California and is active in the Tax Relief Association.

He is a widely read individual, a keen student, and has an excellent knowledge of mathematics, psychology, philosophy, anthropology, economics, literature and penology. He served as literary critic and book reviewer for the old Los Angeles Record, without compensation. He has been interested particularly in the field of education, and is therefore most concerned with the education and rehabilitation of prisoners, a subject he has given considerable study for the past many years. He has been highly recommended as possessing an unusual degree of intelligence, ability and character.

Mr. Briggs has served on the Board of Prison Directors pursuant to an interim appointment since June 26, 1940.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 5—Relative to the approval of five certain amendments to the charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon the fourth day of June, 1940.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 5

Assembly Concurrent Resolution No. 5—Relative to the approval of five certain amendments to the charter of the City of Alhambra ratified

by the qualified electors of said city at a special municipal election held thereon the fourth day of June, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuehel, Luckey, Mayo, McBride, McCormack, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 13, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 13

And reports the same correctly engrossed.

RICH, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 95

Senator Biggar moved that Senate Bill No. 95 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 95—An act to provide dwelling accommodations for persons of low income, including the creation of the State Loan Value and Mortgage Authority, defining its powers and duties, and providing methods and means for the exercise thereof; authorizing the State Loan Value and Mortgage Authority to issue revenue bonds and give security therefor and authorizing the authority to use the proceeds thereof to finance, subject to specified terms and conditions, the construction of single dwelling accommodations for persons of low income, and including provisions for the issuance of mortgage or loan value insurance by authorized insurers.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 6 of the printed bill, strike out lines 44 to 52, inclusive, and lines 1 to 6, inclusive, on page 7, and insert "provisions of this section, a sum not in excess of one hundred thousand dollars (\$100,000) may be used, by the authority for the purpose of carrying out the provisions of this act, out of the first one million dollars (\$1,000,000) received from the sale of bonds; provided, that, in such event, 10 per cent less than the maximum loan value allowed in Articles 5 and 6 of the act be made on the first one million dollars (\$1,000,000) or any part thereof required to offset any less sum or sums so used by the authority than one hundred thousand dollars (\$100,000) of loans made under the act; provided further, that the authority thereafter set aside a sum equivalent of one half of 1 per cent per annum interest, from accruing interest as paid, on loans until one hundred thousand dollars (\$100,000) or any part thereof used by the authority as is in this section provided, shall

have accumulated in a "bond redemption" fund to be used to redeem or pay at maturity such bonds."

Amendment No. 2

On page 10 of the printed bill, strike out lines 24 to 51, inclusive, and lines 1 to 12, inclusive, on page 11, and insert:

"Sec. 54. For the purposes of this act, loan value and mortgage insurance may be written by any agency, instrumentality or chartered insurer of or under the laws of the United States Government qualified to write such insurance.

Sec. 55. In addition mortgage and loan value insurance may be written by any insurance company authorized to transact the business of mortgage insurance under the provisions of the California Insurance Code; provided, however, that the provisions of Sections 12422, 12442, 12501 and 12502 of the Insurance Code shall not apply to any such insurer writing only mortgage or loan value insurance under the terms of this act.

Sec. 56. Not less than 50 per cent of all premiums collected by any mortgage or loan value insurer upon insurance written under the provisions and terms of this act, less necessary return premiums thereon, shall be maintained as insurance legal reserve under the surplus provisions of Article 3 of Chapter 2 of Part 6 of the Insurance Code of the State of California for the protection of policyholders; provided, however, that the minimum surplus which, when fully made up, is equal in amount to 100 per cent of the then existing capital paid in, and that securities constituting the capital paid in, which may consist of preferred or common capital stock paid in, shall be deposited subject to the provisions of Article 2, Chapter 1, Part 2, Division 1 of the California Insurance Code.

Sec. 57. Insurers shall determine premium rates, however, the minimum premium charge for all coverage under Article 5 shall be not less than one-half of 1 per cent per annum upon the unpaid principal balance of the loan or financing obligation, the same to be determined at the beginning of each year for the succeeding year's coverage of continuing loan and financing obligation and real property concerned therewith.

Sec. 58. Insurers shall determine premium rates for insurance coverage under Article 6 of this act, however, the minimum premium rate shall be not less than three quarters of 1 per cent per annum upon unpaid principal balance of the loan or financing obligation, the same to be determined at the beginning of each year for the succeeding year's coverage of continuing loan and financing obligation and real property concerned therewith.

Sec. 59. A mortgage and loan value insurer may, upon the payment of taxes, accrued interest, hazard insurance premium applicable and upkeep charges and expenses, then prevailing, if any, in respect to a defaulted or repossessed property, refinance such real property under a loan value financing obligation in five equal annual installments, and the authority in such instances shall extend only to foreclosed or repossessed real property to the insurer concerned therewith and accept a first mortgage lien or financing obligation thereupon, to be paid in five equal annual installments of principal, plus then prevailing interest rate, in respect thereof.

Sec. 59.1. Sections 54 to 59, inclusive, of this article shall be incorporated in and become part of the Insurance Code of the State of California as Article 13 of Chapter 2 of Part 6 thereof, and numbered as Sections 12632 to 12637 consecutively to correspond with Sections 54 to 59, inclusive, of this article."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 6, 1941; Tuesday, January 7, 1941; Wednesday, January 8, 1941; Thursday, January 9, 1941; and Friday, January 10, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and Minute Clerk.

RESOLUTIONS

The following resolutions were offered:

By the Committee on Rules:

Senate Resolution No. 15

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of three hundred dollars (\$300) for postage for the Senate and the Treasurer is directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—30.

NOES—None.

By Senator Tickle:

Senate Resolution No. 16

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning January 13, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>	
Rose Signorotti, Stenographer-----		\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 147: By Senators Jespersen and Hays—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 148: By Senators Hays, Quinn and Jespersen—An act making an additional appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, to be expended as provided therein, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 149: By Senator Hays—An act making an appropriation for an Armory at Fresno, Fresno County, California.

Referred to Committee on Finance.

Senate Bill No. 150: By Senator Slater—An act to amend Sections 500, 502, 503 and 505 of, to add Sections 502.1, 502.2 and 516.1 to, and to repeal Section 504 of the Military and Veterans Code, all relating to High School Cadets, and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 151: By Senators Phillips, Keating, McBride, Cunningham and Slater—An act to create a Department of Corrections to

administer the penal system of this State, to transfer to it certain correctional institutions, to repeal the acts specified herein, and to abolish the Board of Prison Terms and Paroles and the Advisory Pardon Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 152: By Senator Kenny—An act to amend Section 2007 of, and to add Section 2007.5 to, the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 153: By Senators Kenny and Phillips—An act making an appropriation for the acquisition and maintenance as a historical monument of the property known as El Alisal in Los Angeles County.

Referred to Committee on Finance.

Senate Bill No. 154: By Senator Biggar—An act to amend Sections 26541 and 26542 of the Health and Safety Code, relating to food, and the standards prescribed by the State Board of Public Health in relation thereto.

Referred to Committee on Public Health and Safety.

Senate Bill No. 155: By Senator Swan—An act to amend Section 6359 of the Revenue and Taxation Code, Section 5 of the Retail Sales Tax Act of 1933, and Section 4 of the Use Tax Act of 1935, relating to the exemption of food products.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 156: By Senator Hays—An act making an appropriation for the institution of a 10-year construction and expansion program for the California National Guard, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 157: By Senators Hays and Kenny—An act making an appropriation for the construction and equipment of garage facilities at Los Angeles for the California National Guard, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 158: By Senators Hays and Swan—An act making an appropriation for the repair, expansion and equipment of armory facilities at Sacramento for the California National Guard, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 159: By Senators Hays and Swan—An act making an appropriation for the construction and equipment of armory and arsenal facilities at Sacramento for the California National Guard, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 160: By Senator Hays—An act making an appropriation for the construction and equipment of garage facilities at

Oakland for the California National Guard and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 161: By Senator Hays—An act making an appropriation for the construction and equipment of armory facilities at Berkeley for the California National Guard, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 162: By Senators Hays and Shelley—An act making an appropriation for the construction and equipment of garage facilities at San Francisco for the California National Guard, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 163: By Senators Garrison and Crittenden—An act to add Section 607 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 164: By Senator DeLap—An act to amend Section 182 of the Penal Code, relating to criminal conspiracy.

Referred to Committee on Judiciary.

Senate Bill No. 165: By Senator Quinn (By request) —An act to amend Sections 330, 331 and 333 of the Military and Veterans Code, relating to organization allowances of the State Militia.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 166: By Senator Seawell —An act to add Section 615 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

RESOLUTIONS

The following resolution was offered:

By Senator Breed:

Senate Resolution No. 17

Relative to the death of Frank M. Carr.

Death having removed Frank M. Carr, who represented the County of Alameda in the State Senate during the Forty second, Forty third, Forty fourth and Forty fifth Sessions, from 1917 to 1925, rendering able and distinguished service to his constituency and State and being identified with outstanding legislation, and that a perpetual reminder thereof may be maintained in the record of proceedings of this body; therefore be it

Resolved by the Senate of the State of California in regular session assembled this thirteenth day of January, 1941, That when this Senate adjourns of this date, it do so out of respect to the memory of the late Frank M. Carr and direct that this resolution be spread upon the minutes of this Senate; and be it further

Resolved by the Senate of the State of California, That the Secretary of the Senate be instructed to forward a suitably engrossed and illuminated copy of this resolution to the family of our late colleague and friend.

Resolution read, and unanimously adopted by a rising vote.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 167: By Senator McBride—An act to amend Sections 5, 7 and 17 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof, and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts, including the qualifications of district directors, the qualifications of electors, the qualifications of directors when such directors are elected to represent divisions of the district, and the qualifications of electors entitled to vote for directors who are elected by divisions.

Referred to Committee on Water Resources.

Senate Bill No. 168: By Senator Metzger—An act to amend Section 38 of the Alcoholic Beverage Control Act, relating to the power of the Board of Equalization to make rules and regulations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 169: By Senators Metzger, Gordon and Garrison—An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses.

Referred to Committee on Agriculture.

Senate Bill No. 170: By Senator Shelley—An act granting certain submerged lands and tidelands of the State of California to the City and County of San Francisco, including the management, use and control thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 171: By Senator Crittenden—An act to amend Section 2.461 of, to repeal Sections 2.462, 2.463, 2.464 and 2.465 of, and to add a new section to be numbered 2.462 to, the School Code, all relating to annexation of elementary school districts on petition from a high school board.

Referred to Committee on Education.

Senate Bill No. 172: By Senator Quinn—An act to add Section 640 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 173: By Senator Quinn—An act to add Section 641 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 174: By Senator Brown—An act to amend Section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

Referred to Committee on Local Government.

ADJOURNMENT

At 11.40 a.m., on motion of Senator Tickle, the President declared the Senate adjourned until 11 a.m., January 14, 1941, out of respect to the memory of the late Senator Frank M. Carr of Alameda County.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 14, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jorgensen, Joseph, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, McFager, Moxer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Phillips, on motion of Senator Swan.

Senator Shelley, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Merrell W. Skeels, Mrs. Richard Soutar, and Mrs. Wallace A. Gilkey, all of Sacramento.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Reverend H. G. Eddy of Weed, and Marshall Horn of Hornbrook.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Enos Bechis and L. A. Bechis, both of Modesto.

On request of Senators Fletcher and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to

Joseph W. Meato, President of the Cabrillo Civic Clubs of California, of Sacramento.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1941.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly at this day passed:

Assembly Bill No. 80

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 80—An act to amend Section 952 of the Agricultural Code, relating to one-variety cotton districts, and declaring the urgency of this act and providing that it shall take effect immediately.

Referred to Committee on Agriculture.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1941.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly at this day adopted:

Assembly Concurrent Resolution No. 6

Assembly Concurrent Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 6—Relative to approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of May, 1940.

Ordered held at the desk without reference to committee.

Assembly Concurrent Resolution No. 7—Relative to approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fifth day of November, 1940.

Ordered held at the desk without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 13, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 57—An act making an appropriation for the expenses of the Senate for the Fifty-fourth Session of the Legislature, this act to take effect immediately:

Senate Concurrent Resolution No. 1—Relative to the reports of the Fact-Finding Committee on Unemployment:

Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the fifth day of November, 1940:

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of January, 1941, at 11:45 a.m.

RICH, Chairman

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 5: By Senator Foley—Approving a certain amendment to the charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the first day of April, 1940.

Request for Unanimous Consent

Senator Foley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 5, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 5

Senate Concurrent Resolution No. 5—Approving a certain amendment to the charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the first day of April, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Delap, Deane, Fellingner, Fletcher, Foley, Garrison, Gordon, Hays, Josiah, Keating, Keady, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parsons, Powers, Quinn, Rich, Senwell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bills were introduced, and read the first time.

Senate Bill No. 175: By Senator Keating—An act to amend Section 6.36 of the School Code, relating to the powers and duties of the governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 176: By Senator Collier—An act to amend Section 690.3 of the Code of Civil Procedure, relating to exemptions from execution and attachment.

Referred to Committee on Judiciary.

Senate Bill No. 177: By Senators Rich and Hays—An act to amend Section 3 of the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution and the powers and duties of the Relief Commission and the Relief Administrator in connection therewith.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 178: By Senator Fletcher—An act to add Section 755.7 to the Vehicle Code, relating to violations of the code by persons under the influence of intoxicating liquor, and the admissibility of evidence in connection therewith.

Referred to Committee on Transportation.

Senate Bill No. 179: By Senator Quinn—An act to repeal Section 791, and to amend section and renumber Section 791.5 to be 791, of the Fish and Game Code, relating to crabs.

Referred to Committee on Fish and Game.

Senate Bill No. 180: By Senators Slater, Quinn, Breed, Brown and McCormack—An act to protect property by making criminal certain unlawful entries on, injuries to and interferences with property, authorizing the closing of streets, and to provide penalties for the violation thereof, to take effect immediately.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 18

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 14, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Janet Weinheimer, Stenographer-----	\$5 00
June Phelan, Stenographer-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

By Senator Tickle:

Senate Resolution No. 19

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, as of January 13, 1941.

Vearle Gruger, Stenographer-----\$5 00

Resolution read and adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 181: By Senator Garrison—An act to add Section 72 to the State Civil Service Act, relating to adjustment of compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 182: By Senator Kenny—An act to add Section 337f to the Penal Code, relating to horse racing, prohibiting the stimulating of a race horse with intent to affect the result of any race.

Referred to Committee on Judiciary.

Senate Bill No. 183: By Senator Kenny—An act to add Section 337g to the Penal Code, relating to horse racing, making it an offense for any person to solicit or induce another to stimulate a race horse with intent to affect the result of any race.

Referred to Committee on Judiciary.

Senate Bill No. 184: By Senator Kenny—An act to add Section 337h to the Penal Code, relating to horse racing, prohibiting dishonesty influencing the result of any race.

Referred to Committee on Judiciary.

Senate Bill No. 185: By Senator Kenny—An act to add Section 377i to the Penal Code, relating to horse racing, making it an offense for any person to solicit or induce another dishonestly to influence the result of any race.

Referred to Committee on Judiciary.

Senate Bill No. 186: By Senators Mayo and Judah—An act to repeal Section 70 of, and to add a new Section 70 and Sections 70.4, 70.6 and 80 to, the Streets and Highways Code, relating to the California Highway Commission and providing for the establishment, appointment, organization and expenses thereof.

Referred to Committee on Transportation.

Senate Bill No. 187: By Senator Swing—An act to amend Section 162 of the Probate Code, relating to interest on deferred legacies.

Referred to Committee on Judiciary.

Senate Bill No. 188: By Senator Swing—An act to amend Section 688 of the Code of Civil Procedure, relating to property subject to execution.

Referred to Committee on Judiciary.

Senate Bill No. 189: By Senator Seawell—An act to amend Section 750 of the Vehicle Code, relating to color of uniforms and vehicles of enforcement officers.

Referred to Committee on Transportation.

Senate Bill No. 190: By Senator Seawell—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance policies and the writing of workmen's compensation insurance.

Referred to Committee on Financial Institutions.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 13—An act increasing the Revolving Fund of the San Diego Industrial Workshop for the Blind from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000), making an appropriation therefor and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Keating, Kenny, Kuehl, Luckey, Mayo, McCormack, Metzger, Mixter, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuehl, Luckey, Mayo, McCormack, Metzger, Mixter, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 7

Senator Breed moved that Assembly Bill No. 7 be withdrawn from Committee on Rules for purpose of consideration.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 7—An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof.

Bill read second time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 7:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 9, 1941

To the Honorable Members of the Senate
Sacramento, California

GENTLEMEN:

ASSEMBLY BILL NO. 7

"An act to amend Section 3259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof," in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 7 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Breed:

Resolved, That Assembly Bill No. 7 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Milton, Mitchell, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swann, Tickle, Wagy, and Ward—39.

NOES—None.

Assembly Bill No. 7—An act to amend Section 4259 of the Welfare and Institutions Code, relating to the Industrial Home for the Adult Blind Revolving Fund, making an appropriation, and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Hays, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Moxley, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swann, Tickle, Wagy, and Ward—25.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Foley, Gordon, Hays, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Milton, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swann, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 191: By Senator Seawell—An act to add Article 18, comprising Section 1120, to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 192: By Senator Swan—An act making an appropriation to pay the claim of Lillian Larkin against the State of California.

Referred to Committee on Finance.

Senate Bill No. 193: By Senator Biggar—An act to add Section 623 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 107

Senator Swann moved that Senate Bill No. 107 be withdrawn from Committee on Judiciary for purpose of consideration.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 107—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF
SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 194: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act to provide aid to the counties in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and to provide for the payment of such aid to the counties, declaring the urgency thereof to take effect as provided therein.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 195: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect as therein provided.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 196: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act providing a Job Mobilization Program to stimulate and encourage private employment; including therein job creation, job finding and job training; providing for the cooperation of public and private groups; and making an appropriation.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 197: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act establishing a Public Works Program for persons receiving public assistance, providing for the administration thereof, and an appropriation therefor.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 198: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act making an appropriation for general public assistance, declaring the urgency thereof, to take effect as provided therein.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 199: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act to establish a revolving fund for financing the Federal Stamp Plan, appropriating money therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 200: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act making an appropriation to the State Department of Agriculture for the distribution of surplus commodities, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 201: By Senators Phillips, Mayo, Deuel, Brown, Mixer, Wagy and Seawell—An act making an appropriation for the conservation and care of all records, books, papers, offices, equipment and real and personal property of the Relief Commission and the Relief Administrator, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 202: By Senator Kenny—An act to add Section 910.5 to the Probate Code, relating to commissions and fees of persons acting as both executor or administrator and attorney.

Referred to Committee on Judiciary.

Senate Bill No. 203: By Senator Fletcher—An act to add Section 801a to the Penal Code, relating to the limitation of time for commencing criminal prosecutions for embezzlement of private funds in certain cases.

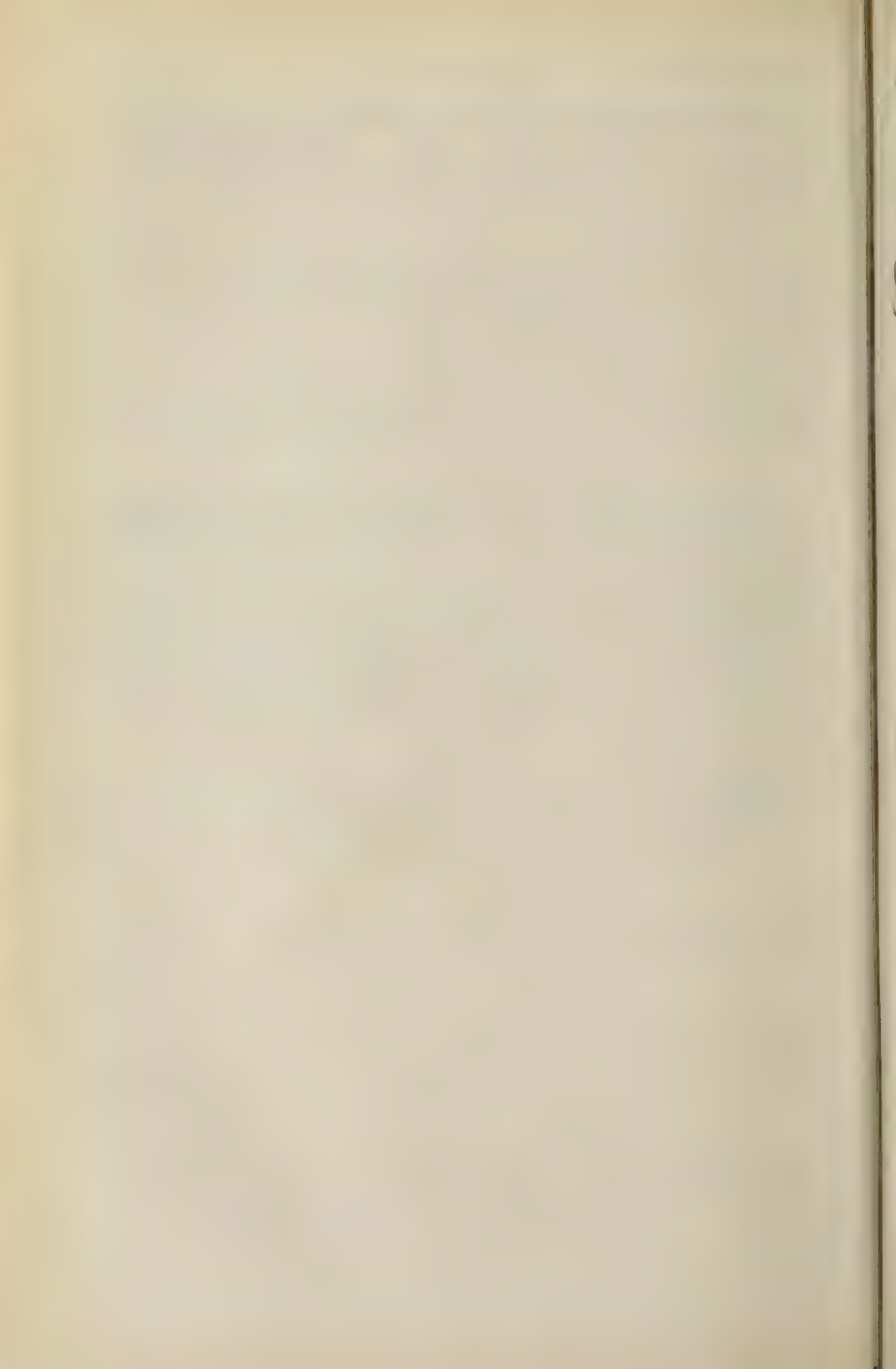
Referred to Committee on Judiciary.

Senate Constitutional Amendment No. 4: By Senators Gordon, Keating, Quinn, Collier, Metzger and Mixer—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by repealing the portion of Section 1 of Article IV, relating to the submission of an initiative measure to the Legislature.

Referred to Committee on Elections.

ADJOURNMENT

At 12.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 15, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

TENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 15, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mendenhall, Mixer, Mohr, Packard, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tucke, Wagy, and Ward—37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Phillips, on motion of Senator Mixer.

Senator Jespersen, on motion of Senator Parkman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Quinn, Slater, and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Bull of Eureka.

On request of Senators Crittenden and Hays, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Agnes Jarvis and Mrs. Seymour Mathiesen of Fresno.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. K. Tibbitts of San Bernardino.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lybbe Reimann and Miss Marjorie Rae Cato, both of Berkeley.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Lloyd Cullen of Santa Rosa, Supervisor George Kennedy, and Honorable and Mrs. Hubert B. Scudder, all of Sebastopol.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 69

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 69--An act to amend Sections 6830 and 6870 of, and to add Section 6879.5 to, the Health and Safety Code, relating to the annexation of territory to a sanitary district, declaring the urgency thereof, and providing that it shall take effect immediately.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Assembly Bill No. 69, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 69

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Biggar:

Resolved, That Assembly Bill No. 69 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Hays, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Slater, Swing, Wagy, and Ward—28.

NOES—None.

Assembly Bill No. 69—An act to amend Sections 6830 and 6870 of, and to add Section 6879.5 to, the Health and Safety Code, relating to the annexation of territory to a sanitary district, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time.

Assembly Bill No. 69—An act to amend Sections 6830 and 6870 of, and to add Section 6879.5 to, the Health and Safety Code, relating to

the annexation of territory to a sanitary district, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Hays, Judah, Kelley, Kachel, Lindsey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Sater, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Hays, Judah, Kelley, Kachel, Lindsey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Sater, Slater, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 1—Relative to the hunting season on migratory wild fowl.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 107

And reports the same correctly engrossed.

RICH, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senator McBride:

Senate Resolution No. 20

Relative to creating a standing committee of the Senate to study and report upon bills relating to reapportionment.

Resolved by the Senate of the State of California. That a standing committee, hereby created, composed of five members of the Senate appointed by the Committee on Committees of the Senate, shall study and report upon all bills relating to the fixing and adjusting of legislative districts and the reapportionment of the representation of this State in Congress.

The committee shall have all the powers of other standing committees of the Senate. The committee may meet in joint session with a committee of the Assembly appointed for a similar purpose.

Resolution read, and referred to Committee on Rules.

By Senator Tickle:

Senate Resolution No. 21

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning January 15, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Hortense May, Stenographer-----	\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Hays, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Rich, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

By Senator Tickle:

Senate Resolution No. 22

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, as of January 14, 1941.

	<i>Per day</i>
Ethel Howland, Stenographer-----	\$5 00

Resolution read and adopted.

By Senator Kenny:

Senate Resolution No. 23

WHEREAS, The Fifth General Assembly of the Council of State Governments will be held in Washington, D. C., January 21-23, 1941; and

WHEREAS, The 48 States will be represented at this meeting by persons in the executive and legislative departments of those States; and

WHEREAS, The Council of State Governments is a medium for these States to ascertain and work for a solution of problems common to them all, and at this time, especially in the fields of relief, taxation, defense and trade barriers; and

WHEREAS, Recent amendments to the Federal Social Security Act impose upon the States onerous conditions to the receipt of Federal moneys for old-age assistance; now, therefore, be it

Resolved by the Senate of the State of California, That two members of the Senate, appointed by the Committee on Committees of the Senate, shall attend as Delegates from, and represent, the Senate of the State of California at the meeting of the Council of State Governments in Washington, D. C., January 21-23, 1941; and be it further

Resolved, That such Delegates shall assist in the formulation of recommendations on problems of relief, taxation, defense and trade barriers, and shall participate in all other discussions; and such members shall especially call the attention of the Council to the requirements of the Social Security Act for a State Plan for Old-Age Assistance in Section 2(a) (5) and 2(a) (7) relating to personnel standards and determination of need, and urge their repeal or modification; and be it further

Resolved, That the sum of ----- (\$-----) or so much thereof as may be necessary is hereby appropriated from the Contingent Fund of the Senate to defray the necessary expenses of the Delegates.

Resolution read, and referred to Committee on Rules.

WITHDRAWAL FROM COMMITTEE OF INITIATIVE PETITION NO. 1

Senator Crittenden moved that Initiative Petition No. 1 be withdrawn from Committee on Rules, and placed on file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1

Senator Biggar moved that Senate Bill No. 1 be withdrawn from Committee on Labor for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1—An act creating a Labor Relations Commission for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers, and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 9 of the printed bill, strike out lines 23 to 31, inclusive, and insert "an individual employed by a parent or spouse."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 204: By Senator Fletcher—An act to add Section 1714.5 to the Civil Code, relating to liability of charitable hospitals for injury or death of patients.

Referred to Committee on Judiciary.

Senate Bill No. 205: By Senator Swing—An act to amend Section 13, and to add Sections 13-a, 13-b, 13-c to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to the regulation and licensing of horse racing and the administration of the act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 206: By Senator Swing—An act to amend Section 79 of the Civil Code, relating to marriage without a license.

Referred to Committee on Judiciary.

Senate Bill No. 207: By Senator Mayo—An act to amend Section 616 of the Fish and Game Code, relating to trout and whitefish in Tuolumne County.

Referred to Committee on Fish and Game.

Senate Bill No. 208: By Senator Fletcher—An act to add Section 1203b to the Penal Code, relating to granting probation.

Referred to Committee on Judiciary.

Senate Bill No. 209: By Senator Ward—An act to amend Sections 220 and 230 of the Elections Code, relating to affidavits of registration.

Referred to Committee on Elections.

Senate Bill No. 210: By Senator Ward—An act to amend Sections 1003 and 1005 of the Elections Code, relating to posting and publishing proclamations of elections.

Referred to Committee on Elections.

Senate Bill No. 211: By Senator Kenny—An act to repeal Section 1151 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 212: By Senator Fletcher—An act to amend Section 1679 of and to add Section 1679.2 to the Insurance Code, relating to insurance and the renewal of licenses of agents, brokers, and solicitors.

Referred to Committee on Financial Institutions.

Senate Bill No. 213: By Senator Kenny—An act to amend Section 2934a of the Civil Code, relating to substitution of trustees in trust deeds.

Referred to Committee on Judiciary.

Senate Bill No. 214: By Senator DeLap—An act to amend Section 697.5 of the Fish and Game Code, relating to the incidental taking of striped bass.

Referred to Committee on Fish and Game.

Senate Bill No. 215: By Senator Deuel—An act to amend School Code Sections 2.230, 2.231, 2.232, 2.250, 2.251 and 2.252, all relating to union and joint union elementary school districts.

Referred to Committee on Education.

Senate Bill No. 216: By Senator Kenny—An act to amend Section 564 of the Code of Civil Procedure, relating to appointment of receivers.

Referred to Committee on Judiciary.

Senate Bill No. 217: By Senator Kenny—An act to amend Section 673 of the Vehicle Code, relating to mufflers and noise, and specifying a penalty for the violation thereof.

Referred to Committee on Transportation.

Senate Bill No. 218: By Senator Seawell—An act to amend Section 108 of the Vehicle Code and to add Section 126.8 thereto, relating to the organization of the Department of Motor Vehicles, including the administration and enforcement of the provisions of the code relating to drivers' licenses.

Referred to Committee on Transportation.

Senate Bill No. 219: By Senator Quinn—An act to amend Section 482 of the Fish and Game Code, relating to pollution of waters.

Referred to Committee on Fish and Game.

Senate Bill No. 220: By Senator Collier—An act to amend Section 737uu of the Political Code, relating to the salary of superior judges in and for the County of Siskiyou.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 221: By Senators Collier and Powers—An act to amend Section 4.770 of the School Code, relating to the allowance of teacher units to elementary school districts.

Referred to Committee on Education.

THIRD READING OF SENATE BILLS

Senate Bill No. 107—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Critchfield, Cunniff, DeLap, Denel, Dillinger, Fletcher, Foley, Hays, Judah, Keating, Kenna, Kneib, Lacey, Mayo, McBride, McCormack, Metzger, Myland, Parkinson, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagon, and Ward—33.

NOES—None.

Senate Bill No. 107—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Critchfield, Cunniff, DeLap, Denel, Dillinger, Fletcher, Foley, Hays, Judah, Keating, Kenna, Kneib, Lacey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkinson, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagon, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 222: By Senator Powers—An act to add Section 519 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 223: By Senators Powers, Collier, Dillinger, Carter, Mayo and Seawell—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for forest protection against the white pine blister rust.

Referred to Committee on Natural Resources.

Senate Bill No. 224: By Senator Swan—An act to add Section 73 to the State Civil Service Act, relating to the minimum salaries of State civil service employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 225: By Senator Swan—An act to add Section 2.1402 to the School Code, relating to powers of the State Board of Education.

Referred to Committee on Education.

Senate Bill No. 226: By Senator Carter—An act to amend Sections 92 and 146 of, and to add Section 108 to, the Civil Code, relating to divorce actions.

Referred to Committee on Judiciary.

Senate Constitutional Amendment No. 5: By Senator Swan—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to text books.

Referred to Committee on Education.

ADJOURNMENT

At 11.45 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 16, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

NINTH LEGISLATIVE DAY
ELEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Thursday, January 16, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Craythorn, Cunningham, DeLoe, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jernigan, J. J. Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormick, Metzger, Miller, Myland, Parkman, Powers, Quinn, Rich, Serwell, Shelby, Slater, Swan, Swang, Teller, Wagy, and Ward—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Phillips, on motion of Senator Swan.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Irving L. Eddy of Yreka.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Elmer W. Heald of El Centro.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. T. J. Moe, Mrs. Dolores Moe, and Mr. Robert Moe, all of Patterson.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs.

George W. Tranger of Lindsay and Mr. Irvin H. Althouse of Porterville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Elliott Castello, Robert K. Soost, and Edgar H. Fickenschier, all of Sacramento.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. A. W. Biggar of Red Bluff.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Charles Schaeppi, of Placerville.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Associate Justice Lloyd Griffin, Fourth District Court of Appeals, of San Diego, and George Haar, of Fresno.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert W. Harvie, of Sacramento.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 5

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 13—An act increasing the revolving fund of the San Diego Industrial Workshop for the Blind from five thousand dollars (\$5,000) to twenty thousand dollars (\$20,000), making an appropriation therefor and declaring the urgency thereof.

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of January, 1941, at 11 a.m.

RICH, Chairman

REMARKS

Senator Cunningham called to the attention of the members of the Senate that today is the anniversary of the birth of Senator George M. Biggar, and Senator Slater recalled that it is also the birthday of Senator Wm. P. Rich. Both members were congratulated and extended the best wishes of their colleagues.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 227: By Senator Quinn—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties,

to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort, providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 228: By Senator Fletcher—An act to amend Section 928 of the Penal Code, relating to grand juries.

Referred to Committee on Judiciary.

Senate Bill No. 229: By Senator Swan—An act to amend Section 125 of the Code of Civil Procedure, relating to secrecy of proceedings in certain actions.

Referred to Committee on Judiciary.

Senate Bill No. 230: By Senator Keating—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Referred to Committee on Local Government.

Senate Bill No. 231: By Senator Slater—An act to amend School Code Section 3.516, relating to employees of the State Board of Education.

Referred to Committee on Education.

Senate Bill No. 232: By Senator Slater—An act to amend School Code Section 4.102a, relating to, and making, an appropriation for vocational rehabilitation.

Referred to Committee on Education.

Senate Bill No. 233: By Senator Slater—An act to amend School Code Sections 3.618 and 3.624, relating to the average daily attendance of physically handicapped pupils of the public schools.

Referred to Committee on Education.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 24

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning January 15, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days</i>	
	<i>per week</i>	
Nathelle B. Ray, Stenographer.....	\$5 00	
Nellie Crisp, Stenographer.....	5 00	
Iva Ross, Stenographer.....		
----- (Compensation to begin as of January 16, 1941)	5 00	

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—33.

NOES—None.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 6—Relative to approving amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the seventh day of May, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 7—Relative to approving amendments to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the fifth day of November, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 234: By Senator Powers—An act to amend Section 6901, 6902 and 6903 of the Labor Code, relating to train crews.

Referred to Committee on Labor.

Senate Bill No. 235: By Senator Fletcher—An act to add Articles 4, 5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Referred to Committee on Business and Professions.

Senate Bill No. 236: By Senator Garrison—An act to add Chapter 4a, consisting of Sections 1222 and 1223, to Division 6 of the Agricultural Code, relating to sales of agricultural products.

Referred to Committee on Agriculture.

Senate Bill No. 237: By Senator Mixter—An act authorizing irrigation districts heretofore organized under the laws of any State adjoining the State of California, now qualified as a foreign corporation to do business in the State of California and said irrigation district is now the owner of lands within the State of California, said lands being now used for reservoir purposes, to acquire title to lands within the State of California by purchase or condemnation, which lie within any watershed in the State of California, from which said irrigation district obtains its water supply, and declaring the use of such lands by said irrigation districts to be a public use within the State of California.

Referred to Committee on Judiciary.

Senate Bill No. 238: By Senator Mixter—An act to authorize the condemnation of land in this State by an irrigation district organized under the laws of an adjoining State.

Referred to Committee on Judiciary.

Senate Bill No. 239: By Senator Swan—An act to add Section 1030.5 to the Political Code, relating to days of work of State officers and employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 240: By Senator Swan—An act to amend Section 664a of the Political Code, relating to time of payment of compensation of officers and employees of the State.

Referred to Committee on Governmental Efficiency.

SECOND READING OF SENATE BILLS

Initiative Petition No. 1—An act to amend the Building and Loan Association Act of the State of California, as amended, by adding to said act a new article to be numbered 17, relating to the rehabilitation, readjustment, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article 17, or of all or of any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article 17, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received, and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read second time, ordered engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 10

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 10—Relative to approving two certain amendments to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the electors of the City of Redondo Beach at the general municipal election held therein on April 10, 1939.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 10, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Relative to approving two certain amendments to the charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the electors of the City of Redondo Beach at the general municipal election held therein on April 10, 1939.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 11:32 a.m., on motion of Senator Rich, the Senate recessed until 12 m.

REASSEMBLED

At 12 m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 241: By Senators Shelley and Breed—An act to add a new section to the Labor Code to be numbered 204a, relating to the time for payment of wages of workers who are employed by employers who cooperate to establish a plan for the payment of wages at a central place or places in accordance with a unified schedule of pay days, this act to take effect immediately.

Without reference to committee.

Senate Bill No. 242: By Senator Powers—An act to add Section 608 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 243: By Senators McCormack and Powers—An act to add Sections 48, 49, 50 and 51 to, to amend Sections 2541, 2574, 2576, 2702, 2703, 2705, 2747, 2753, 2791, 2792, 2793, 2794, 2796, 2797, 2894, 3920, 3921, 3924, 3925, 3926, 3927, 3930, 3941, 3946, 7966, 8720, 8721 and 8722 of, and to repeal Section 2838 of, the Elections Code, relating to nominations and party conventions.

Referred to Committee on Elections.

Senate Bill No. 244: By Senator Seawell—An act to amend Section 2160 of the Welfare and Institutions Code, relating to qualifications for old age assistance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 245: By Senator Quinn—An act to add Chapter 6, comprising Sections 25000 to 25002, to Division 20 of the Health and Safety Code, relating to the compensation of internes.

Referred to Committee on Public Health and Safety.

Senate Bill No. 246: By Senator Kenny—An act to amend Section 337 of the Code of Civil Procedure, relating to the periods prescribed for the commencement of actions.

Referred to Committee on Judiciary.

Senate Bill No. 247: By Senator Kenny—An act to amend Section 725a of the Code of Civil Procedure, relating to foreclosure.

Referred to Committee on Judiciary.

Senate Bill No. 248: By Senator Kenny—An act to pay the claim of William R. Molony against the State Board of Medical Examiners.

Referred to Committee on Finance.

Senate Bill No. 249: By Senator Seawell—An act making an appropriation for an Armory at Auburn in Placer County, California.

Referred to Committee on Finance.

Senate Bill No. 250: By Senator Waggy—An act making an appropriation for an Armory at Bakersfield in Kern County, California.

Referred to Committee on Finance.

Senate Bill No. 251: By Senators Kuchel and Kenny—An act to amend the Metropolitan Water District Act, as amended, by amending Sections 2, 9 and 10, and by adding new sections numbered 9.1 and 9.2, all relating to the definitions of certain terms as used in said Metropolitan Water District Act and in other acts applicable to metropolitan water districts, providing for the addition of area to such districts and for the exclusion of area therefrom and providing the effects of such addition or exclusion, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts and county water districts, and providing for the addition of area to any such municipal

water district, municipal utility district, public utility district or county water district, so included within any such metropolitan water district and providing the effects thereof, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 252: By Senators Kuchel, Kenny and Keating—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending Sections 2, 3, 4, 5, 7, 8, 10, 12 and 27, relating to incorporation, organization, government and management of such districts, the holding of directors' and other elections therein, the establishment of divisions, providing for recalls, setting forth the powers of such districts and the manner and effect of annexing territory thereto, and adding new sections to be known as Sections 6a, 32, 33, 34, 35 and 36, providing for the calling, holding and conducting of elections, the reestablishment of divisions, providing the manner and effect of annexation to such districts, granting additional powers of taxation to such districts when included in metropolitan water districts, designating a short title, repealing conflicting laws, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 16, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 23

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted, as amended.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 23

Senate Resolution No. 23—Relative to the Fifth General Assembly of the Council of State Governments.

Resolution read.

Consideration of Committee Amendments

In the first line of the last paragraph of the resolution, strike out "----- dollars (\$---)", and insert "seven hundred fifty dollars (\$750)".

Amendment read and adopted.

Senate Resolution No. 23

WHEREAS, The Fifth General Assembly of the Council of State Governments will be held in Washington, D. C., January 21-23, 1941; and

WHEREAS, The 48 States will be represented at this meeting by persons in the executive and legislative departments of those States; and

WHEREAS, The Council of State Governments is a medium for these States to ascertain and work for a solution of problems common to them all, and at this time, especially in the fields of relief, taxation, defense and trade barriers; and

WHEREAS, Recent amendments to the Federal Social Security Act impose upon the States onerous conditions to the receipt of Federal moneys for old-age assistance; now, therefore, be it

Resolved by the Senate of the State of California, That two members of the Senate, appointed by the Committee on Committees of the Senate, shall attend as Delegates from, and represent, the Senate of the State of California at the meeting of the Council of State Governments in Washington, D. C., January 21-23, 1941; and be it further

Resolved, That such Delegates shall assist in the formulation of recommendations on problems of relief, taxation, defense and trade barriers, and shall participate in all other discussions; and such members shall especially call the attention of the council to the requirements of the Social Security Act for a State Plan for Old-age Assistance in Section 2(a) (5) and 2(a) (7) relating to personnel standards and determination of need, and urge their repeal or modification; and be it further

Resolved, That the sum of seven hundred fifty dollars (\$750) or so much thereof as may be necessary is hereby appropriated from the Contingent Fund of the Senate to defray the necessary expenses of the Delegates.

Resolution read, as amended.

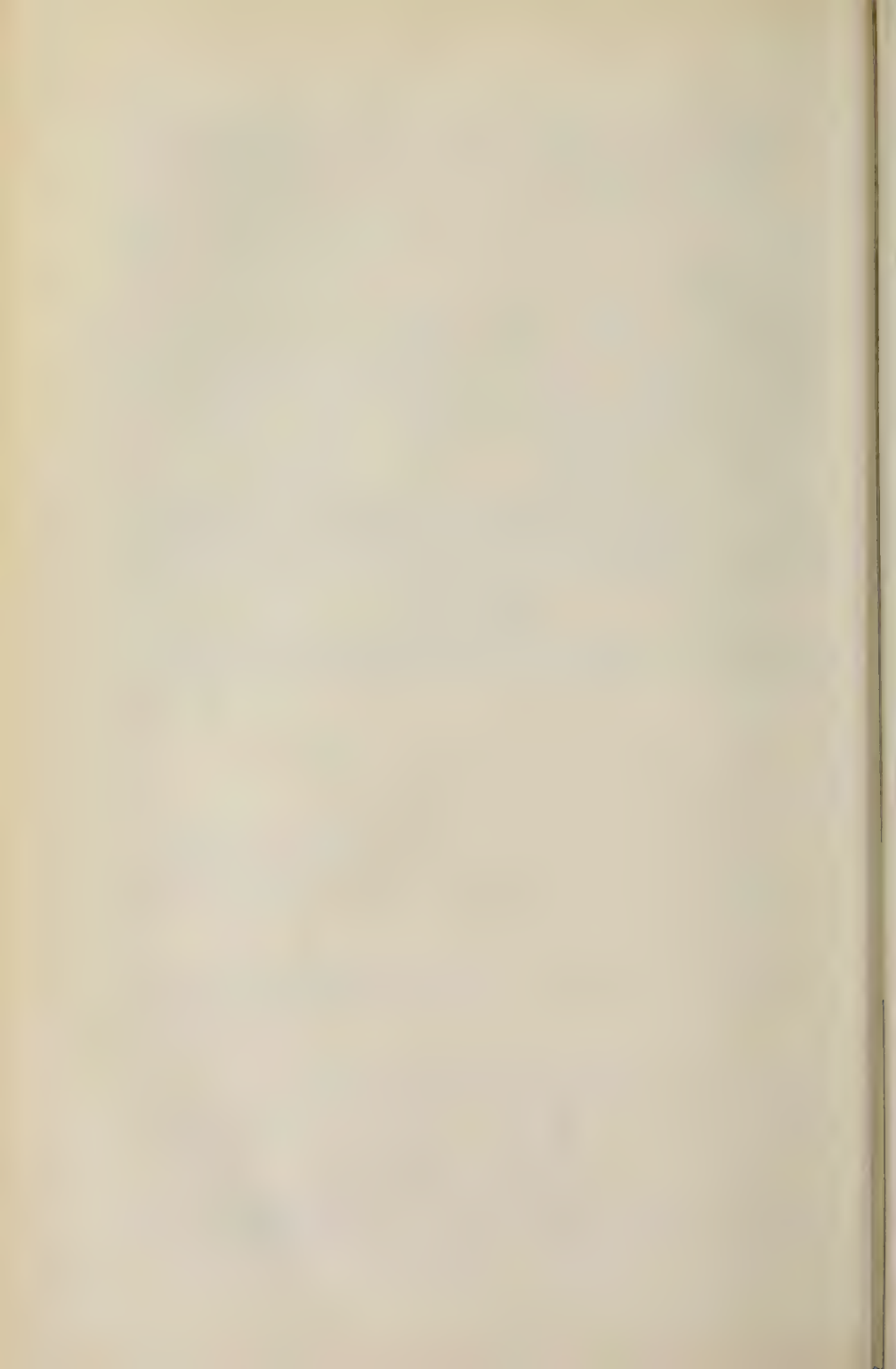
The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Josiah, Keating, Kenny, Kuebel, Luckey, McBride, McCannick, Metzger, Minton, Michael, Parkman, Powers, Quinn, Rich, Sawell, Shelley, Slater, Swan, Tinkle, Wagy, and Ward. 37.

NOES—None.

ADJOURNMENT

At 12.30 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 17, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TENTH LEGISLATIVE DAY

TWELFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 17, 1941

The Senate met at 11 a.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward. 36

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Quinn, on motion of Senator Slater.

Senator DeLap, on motion of Senator Metzger.

Senator Shelley, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. L. Colthart of Dunsmuir.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. George J. Hatfield, former Lieutenant Governor of California, of Merced County.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Initiative Petition No. 1

And reports the same correctly engrossed.

RICH, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Metzger:

Senate Resolution No. 25

WHEREAS, The Fish and Game Commission is authorized by law to acquire, and prepare for use by the public, public shooting grounds; and

WHEREAS, Hunting for wild water fowl is a popular sport of the people of this State, but a great many people are unable to or do not belong to a private shooting club; and

WHEREAS, The available shooting grounds for water fowl hunting are practically all in the hands of private shooting clubs or otherwise in private ownership and not available for the use of the unattached hunter; and

WHEREAS, The establishment of public shooting grounds at localities where the presence of bodies of water and other conditions are suitable for the hunting of water fowl would provide for helpful outdoor recreation of many persons to whom facilities therefor are not now available; and

WHEREAS, The establishment of such public shooting grounds would encourage persons who do not now purchase hunting licenses and special tags for the taking of migratory birds and at the same time lessen the numbers of trespassers upon posted land which is a perennial source of friction; now, therefore, be it

Resolved by the Senate of the State of California. That the Fish and Game Commission of the State of California is urged and requested to take such steps as are necessary and which it deems expedient and feasible for the establishment of public shooting grounds in such areas as will provide suitable facilities for the hunting of wild fowl by as many persons as it is possible to accommodate by such method; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to each member of the Fish and Game Commission of the State of California.

Resolution read, and referred to Committee on Fish and Game.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 253: By Senator Dillinger—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district court of appeal, and of judges of the superior courts," approved July 1, 1937, relating to retirement of judges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 254: By Senator Garrison—An act to amend Article 12 of Chapter 2, Title 1, Part 3, of the Political Code, including Sections 332.1, 332.2 and 332.3 of said code, relating to interstate cooperation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 255: By Senator Garrison—An act to amend Section 1 of an act entitled "An act making an appropriation for the support of the California Commission on Interstate Cooperation, and providing for the expenditure of the same," approved July 22, 1939, extend-

ing the period of time during which the appropriation is available, this act to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 256: By Senator Hays—An act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen.

Referred to Committee on Judiciary.

Senate Bill No. 257: By Senator Powers—An act to amend Section 380.51 of and to add Section 333.5 to the Agricultural Code, relating to brands.

Referred to Committee on Agriculture.

Senate Bill No. 258: By Senators Powers and Collier—An act to amend Section 366 of the Agricultural Code, relating to live stock inspection.

Referred to Committee on Agriculture.

Senate Bill No. 259: By Senator Powers—An act to amend Sections 396 and 397 of the Agricultural Code, relating to sales of estray animals and the disposal of the proceeds of such sales.

Referred to Committee on Agriculture.

Senate Bill No. 260: By Senator Powers—An act to amend Sections 343 and 344 of the Agricultural Code, relating to fees for inspection of animals.

Referred to Committee on Agriculture.

Senate Bill No. 261: By Senator Swan—An act to add Section 970 1 to, and to amend Section 971 of the Labor Code, relating to solicitation of employees by misrepresentation.

Referred to Committee on Labor.

Senate Bill No. 262: By Senator Dillinger—An act to amend Sections 2600, 2621, 2626, 2627, 2628, 2629, 2633, 2670, 2742, 2840, 2846, 2893, 2897, and the article heading of Article 4 of Chapter 2 of Division 5, and to repeal Sections 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2622, 2623, 2624, 2625, 2630, 2631 and 2632 of the Elections Code, relating to sponsor certificates and verification deputies.

Referred to Committee on Elections.

Senate Bill No. 263: By Senator Keating—An act to amend Sections 422 and 423 of the Probate Code, relating to nomination and priority of administrators.

Referred to Committee on Judiciary.

Senate Bill No. 264: By Senators Kenny and Phillips—An act to amend Sections 3101, 3105 and 3110 of the Revenue and Taxation Code, relating to property taxation and to the registration of vessels to enforce the payment of property taxes, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 265: By Senator Dillinger—An act to add Section 637 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 266: By Senator Keating—An act to amend Section 2.21 of the School Code, relating to the attendance of pupils residing in one district upon schools in another district.

Referred to Committee on Education.

Senate Bill No. 267: By Senator Dillinger—An act to add Section 601 to the Streets and Highways Code, establishing a secondary State highway.

Referred to Committee on Transportation.

Senate Bill No. 268: By Senator Swan—An act to add Section 5.782 to the School Code, relating to salaries.

Referred to Committee on Education.

Senate Bill No. 269: By Senator Swan—An act to add Section 3.808 to the School Code, relating to high school courses of study.

Referred to Committee on Education.

Senate Bill No. 270: By Senator Swan—An act to add Section 1406 to the Political Code, relating to the University of California.

Referred to Committee on Education.

Senate Bill No. 271: By Senator Swan—An act to add Section 823.3 to the Streets and Highways Code, relating to Federal aid for the construction of a four-lane divided highway on Route 2 and on Route 4.

Referred to Committee on Transportation.

Senate Bill No. 272: By Senator Swan—An act making an appropriation for the support of the Legislative Counsel Bureau.

Referred to Committee on Finance.

Senate Bill No. 273: By Senator Metzger—An act to amend Section 19595 of the Business and Professions Code, and Section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to wagering on the result of horse racing meetings.

Referred to Committee on Business and Professions.

Senate Bill No. 274: By Senator Keating—An act to include in the State civil service all persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison and to provide disciplinary procedures governing such employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 275: By Senator Dillinger—An act to add Section 635 to the Streets and Highways Code, relating to State highways.
Referred to Committee on Transportation.

Senate Bill No. 276: By Senators Kenny and Phillips—An act to amend Section 1550 of the Probate Code, relating to the inventory and appraisement of estates of wards, and the delivery of a copy thereof to the county assessor.

Referred to Committee on Judiciary.

Senate Bill No. 277: By Senators McCormack and Crittenden—An act to amend Section 117 of the Political Code, relating to the Congressional districts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 278: By Senators Slater, Judah, Crittenden and McCormack—An act to amend Sections 535, 536, 536.5, 536.6, 537, 538 and 539 of, to add Sections 536.2, 536.3, 536.4, 537.5, 539.5 to, and to repeal Sections 536.7, 536.8, 536.9, 540 and 541 of the Fish and Game Code, relating to fish screens in conduits.

Referred to Committee on Fish and Game.

Senate Bill No. 279: By Senator Fletcher—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Referred to Committee on Natural Resources.

Senate Bill No. 280: By Senator Keating—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the State Highway System.

Referred to Committee on Transportation.

Senate Bill No. 281: By Senator Garrison—An act to amend Section 107 of the Revenue and Taxation Code, relating to property taxation, including the definition of possessory interests.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 282: By Senator Garrison—An act to amend Section 410 of the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 283: By Senator Garrison—An act to add Section 2160.7 to the Welfare and Institutions Code, relating to the aged confined in county institutions.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 284: By Senator Garrison—An act to amend Section 5286 of the Business and Professions Code, relating to advertising displays.

Referred to Committee on Business and Professions.

Senate Joint Resolution No. 2: By Senator Garrison—Relative to certain changes in the Social Security Act to permit Federal assistance for the support of aged persons maintained in county hospitals.

Referred to Committee on Welfare and Institutions.

Senate Joint Resolution No. 3: By Senators Collier, Metzger and Powers—Relative to memorializing the Biological Survey of the United States Department of the Interior to fix two dove seasons in California.

Referred to Committee on Fish and Game.

Senate Joint Resolution No. 4: By Senator Swan—Relative to memorializing the President and the Congress to take the steps necessary to permit meat and meat products prepared under California State inspection to be sold on the same basis as meat and meat products under Federal inspection.

Referred to Committee on Agriculture.

Senate Concurrent Resolution No. 6: By Senator Fletcher—Relative to the creation of a Joint State Building Program Committee to investigate and submit a plan for a State Building Plan.

Referred to Committee on Rules.

Senate Constitutional Amendment No. 6: By Senator Biggar—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry.

Referred to Committee on Natural Resources.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 16, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: The Motion Picture Producers of Hollywood jointly have made an outstanding patriotic picture "The Land of Liberty" directed by Cecil B. DeMille, which is a cavalcade of American life.

This picture is to be released by MGM Studios in California through the Fox West Coast Theatres. All of the profits made from the showing of this picture will be donated by the Motion Picture Producers Association to war relief charity.

At the request of both MGM Studios and the Fox West Coast Theatres, I have agreed to cosponsor with the Pals Club a showing of this picture Wednesday evening, January 22d, 8:30 p.m., to both houses of the Legislature in the Assembly Chamber.

During these times when National unity is so important to our National defense and because of the educational value of this picture depicting the life and spirit which has made the United States the greatest democratic Nation in the world, I would like to invite all the members of the Senate and Assembly, the attaches of both houses, their wives and friends to attend the preview showing of this picture Wednesday evening, January 22d.

Sincerely yours,

CULBERT L. OLSON, Governor of California

MOTION TO ACCEPT INVITATION

Senator Slater moved that the invitation of Hon. Culbert L. Olson to attend a showing of the motion picture "Land of Liberty" in the Assembly Chamber on January 22d be accepted.

Motion carried.

RECESS

At 11.28 a.m., on motion of Senator Swing, the Senate recessed until 11.40 a.m.

REASSEMBLED

At 11.40 a.m., the Senate reconvened

Hon. Ray W. Hays, of the Thirtieth District, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 285: By Senators Foley and Keating—An act to amend Section 6062 of the Business and Professions Code, relating to admissions to the practice of law.

Referred to Committee on Business and Professions.

Senate Bill No. 286: By Senators Foley and Keating—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Referred to Committee on Business and Professions.

Senate Bill No. 287: By Senator Mixer—An act to amend Section 43 of the California Irrigation District Act, relating to irrigation district assessments.

Referred to Committee on Water Resources.

Senate Bill No. 288: By Senator Mixer—An act to amend Section 39e of the California Irrigation District Act, relating to irrigation district assessments.

Referred to Committee on Water Resources.

Senate Bill No. 289: By Senator Carter—An act to amend Sections 7055, 7057 and 7058 and the article heading of Article 2, Chapter 2, Part 6 of the Water Code, and Section 4 of the Central Valley Project Act of 1933, relating to the changing of the name of Kennett Dam to Shasta Dam.

Referred to Committee on Water Resources.

Senate Bill No. 290: By Senator Carter—An act to validate the organization and boundaries of fire protection districts, the acts and proceedings of the governing bodies thereof, and taxes and assessments levied in connection therewith, declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Bill No. 291: By Senator Carter—An act to add Section 4004.5 to the Political Code, relating to loans by counties to fire districts, validating loans heretofore made, and declaring the urgency thereof, to take effect immediately.

Without reference to committee.

Senate Bill No. 292: By Senator Gordon—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound the waters of Conn Creek, Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any political subdivision, district, municipal corporation, department or agency of the State for the construction of said dam and appurtenant works, and for the acquisition of the lands or property necessary therefor; and for utilization of the waters to be supplied thereby; to make an appropriation therefor; and to declare the urgency thereof and to provide it take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 293: By Senator Wagy—An act to add Section 1192.5 to the Code of Civil Procedure, relating to liens.

Referred to Committee on Judiciary.

Senate Bill No. 294: By Senator Rich—An act to add Section 1211 to the Probate Code, relating to proof of giving notice.

Referred to Committee on Judiciary.

Senate Bill No. 295: By Senator McBride—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 296: By Senators Luckey and Fletcher—An act to add Section 523 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 297: By Senator Fletcher—An act to amend Section 1 of an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931, relating to boats.

Referred to Committee on Public Health and Safety.

APPOINTMENT BY COMMITTEE ON RULES

SENATE CHAMBER, SACRAMENTO, January 17, 1941

Pursuant to the terms of Senate Resolution No. 23, by Senator Kenny, the Committee on Rules announces that it has appointed as members of this committee Senators Wagy and Mayo.

RICH, Chairman, Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 17, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership—5; committee vote: Ayes—4; noes—1.

RICH, Chairman

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 4—Relative to a Joint Fact-Finding Committee, and defining its powers and duties.

Resolution read.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 13, of the printed resolution, strike out "after", and insert "to"

Amendment No. 2

On page 3, lines 13 and 14, of the printed resolution, strike out "hereof, until the commencement of the Fifty-fifth Legislature;" and insert "thereof;"

Amendments read and adopted.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 4, of the printed resolution, strike out "thirty thousand dollars (\$30,000)" and insert "ten thousand dollars (\$10,000)".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 96

Senator Phillips moved that Senate Bill No. 96 be withdrawn from Committee on Water Resources, and placed on file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 96—An act to amend the County Water District Act approved June 10, 1913, as amended, by amending Sections 31, relating to assessment, 34, relating to tax levies, 37.1, relating to segregation of assessments, 38, relating to cancellation of assessments, 39, relating to tax payments, 41, relating to costs, 44, relating to tax sales, 45, relating to redemption and 46, relating to partial redemption and adding new Sections 29.1, relating to optional tax system, 45.1, relating to disposal of tax-deeded land, 45.2, relating to resale plans, 45.3, relating to quieting title, 45.4, relating to acquisition of claims, 45.5, relating to actions and defenses as to tax deeds, 45.6, relating to actions and defenses as to sales of tax-deeded land and 47.1, relating to correction of certificates of sale and deeds, and declaring the urgency of this act and providing that it take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 298: By Senator Mayo—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 299: By Senator Mayo—An act to amend Section 2209 of the Public Resources Code, relating to publications of the Division of Mines in the Department of Natural Resources.

Referred to Committee on Natural Resources.

Senate Bill No. 300: By Senator Phillips—An act to amend the Coachella District Merger Act, approved June 21, 1937, by adding thereto a new section, to be numbered 13.1, relating to taxation for repair, operation and maintenance of improvements and declaring the urgency of this act and providing that it shall take effect immediately.

Without reference to committee.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 2—Relative to memorializing Congress to amend the Social Security Act with reference to the exempt income rights accorded persons receiving old age assistance.

Referred to Committee on Welfare and Institutions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 89

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 89—An act to legalize bonds heretofore issued and sold or to be issued and sold by municipalities for flood control pur-

poses under an act, or under color of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became law under constitutional provision without Governor's approval on February 25, 1901, where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipality voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring that this act shall take effect immediately.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Bill No. 89, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 89

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Swing:

Resolved, That Assembly Bill No. 89 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cullougham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Haas, Jepsen, Joseph, Kottling, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Meyer, McDonald, Packman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Takke, and Ward—35.
 NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 89—An act to legalize bonds heretofore issued and sold or to be issued and sold by municipalities for flood control purposes under an act, or under color of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became law under constitutional provision without Governor's approval on February 25, 1901, where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipality voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 89—An act to legalize bonds heretofore issued and sold or to be issued and sold by municipalities for flood control purposes under an act, or under color of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became law under constitu-

tional provision without Governor's approval on February 25, 1901, where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipality voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds and declaring that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

Senate Resolution No. 26

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for such members of the Senate as feel the need thereof, sets of the 1939 Edition of Deering's Codes and General Laws of the State of California or sets of such other codes as the members may prefer, all of said sets and volumes to be paid for out of the Contingent Fund of the Senate; and be it further

Resolved, That such codes when purchased will become the property of the Senate and when the members are through with them the Sergeant-at-Arms is directed to take custody of them and store them in a safe place for future sessions of the Legislature.

Resolution read.

Communication

The following communication was presented by the Secretary of the Senate, and ordered printed in the Journal:

SENATE, CALIFORNIA LEGISLATURE, January 17, 1941

MR. PRESIDENT: Pursuant to instructions given me by the Senate, I have investigated the matter of purchases of codes for use of the members.

The Journal of the Session of 1933 records the adoption of a resolution directing the Secretary to purchase eight sets of codes, six of which were to be placed in various committee rooms and two to be kept at the desk of the Senate for use of the members.

In 1935, the Secretary was directed to purchase sets of codes for such members of the Senate as felt the need thereof. Members of the Senate were interviewed and codes purchased for those who expressed themselves as needing the same.

The same procedure was followed in 1937 and 1939. In 1937, subsequent to the adoption of a resolution directing the Secretary to purchase codes, a resolution was offered by Senator Gordon and adopted, setting forth that these codes were the property of the Senate and should be retained by the Senate and stored for future use. The Secretary and the Sergeant-at-Arms subsequently stored sets of these codes in a safe place and mounted guard over them from May 28, 1937, to January 16, 1939, at which time it was discovered that a new set of codes had been published and that the old sets were obsolete. With the appearance of this new set, the old

ones were declared to be valueless and no Senator was so poor as to offer them sanctuary or even lend them desk space. The last that was seen of them, the keeper of the archives was trundling them off to the catacombs in his little red wagon.

The Resolution of 1939, appearing on page 139 of the Journal of that session, directed the Secretary to purchase sets of codes for such members of the Senate as felt the need thereof, which was done.

The publishers offer the present set of 41 volumes at a price of \$80 less 30 per cent, or if the Constitution is omitted, 10 volumes for \$75 less 30 per cent, or a net price of \$52.50 to the Senate. They advise that the codes will be shipped from San Francisco and delivered here the day following submission of the order.

Respectfully submitted,

J. A. BEEK, Secretary of the Senate.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

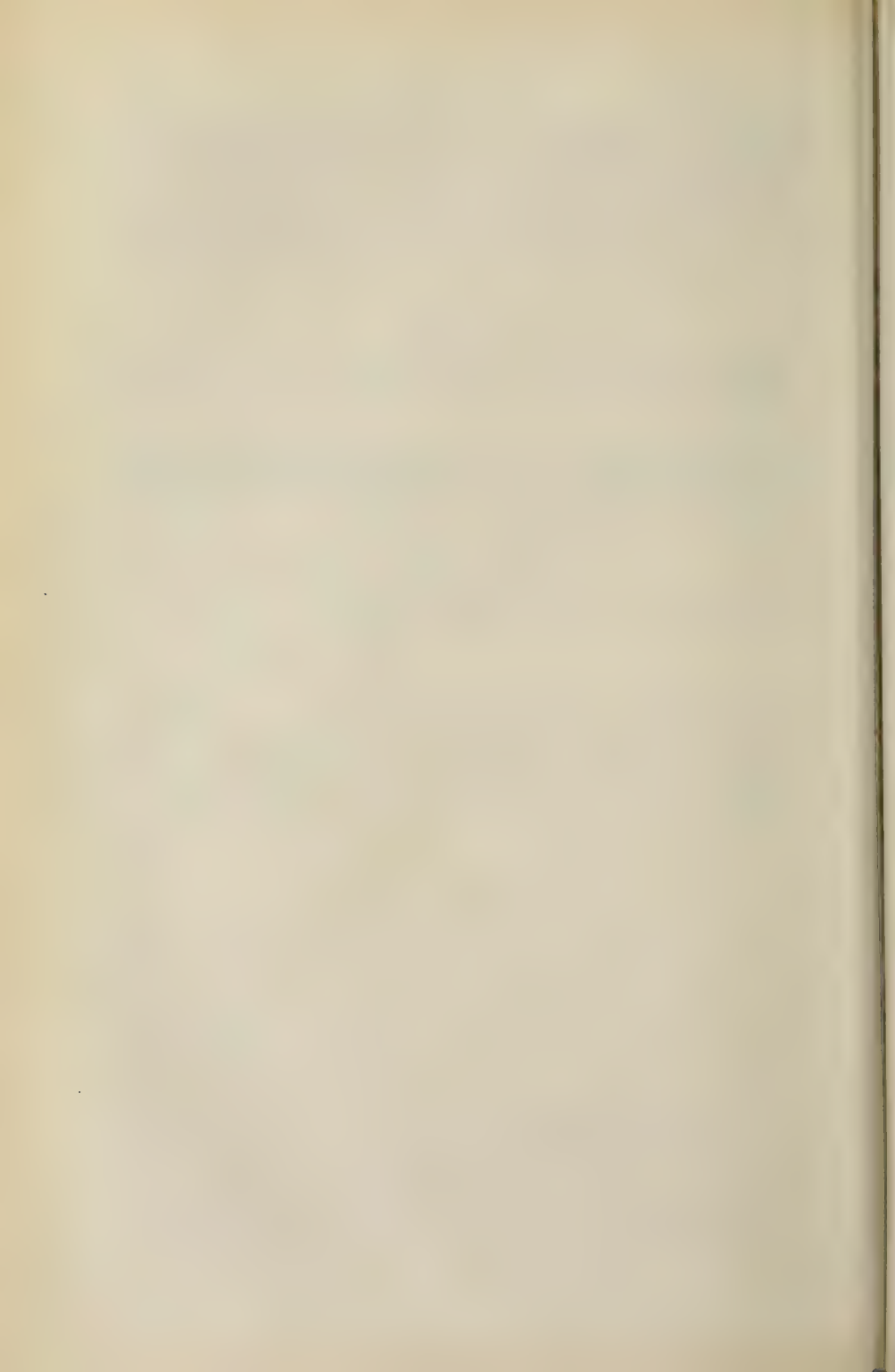
The roll was called, and Senate Resolution No. 26 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dellinger, Fletcher, Foley, Garrison, Hays, Jepsen, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Rich, Seawell, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—Senators Crittenden, Judah, and Slater—3.

ADJOURNMENT

At 12.48 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 20, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

FIFTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, January 20, 1941

The Senate met at 11 a.m.

Hon. Ray W. Hays, of the Thirtieth District, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judith, Kenting, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day: Senators Mayo and Wagye, on motion of Senator Swing.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators McCormack and Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Honorable Arthur H. Breed, Sr., former Senator from Alameda County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Franks of San Diego.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ernest Johnson and Sam F. Finley of Yreka.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ronald M. Adam of Lompoc, Supervisor of Santa Barbara County.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students belonging to the California Scholarship Federation, and their teacher, Miss Almeida, of the Templeton School: Pearl Mae Jespersen, Bill Luther, Kay Griffin, Winona Knauff, Naomi Ford, Edith Claassen and Dorothy Derby.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. J. J. Prendergast, former Assemblyman, of Redlands.

On request of Senator Kuebel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Willis Sargent, Secretary of the Republican State Central Committee, of Los Angeles, and Carlyle Lynton, Assistant Treasurer, of West Los Angeles.

On request of Senators Gordon and Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. R. R. Ingels, former Senator, of Ukiah.

MOTION TO EXTEND CONGRATULATIONS

Senator Slater moved that the Secretary of the Senate send telegrams congratulating and felicitating President Franklin D. Roosevelt and Vice President Henry A. Wallace on the occasion of their inauguration.

Motion carried.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

STATE LANDS COMMISSION SACRAMENTO, January 15, 1941

To the Senate of the State of California

Pursuant to the provisions of Chapter 800, Statutes of California, 1917, we respectfully report that, according to advices received, certificates of title have been issued to August 1, 1940, by the registrars of land titles under the Torrens Law in 16 of the 58 counties as follows:

Alameda -----	176	San Bernardino -----	6,560
Fresno -----	107	San Diego -----	6,695
Humboldt -----	339	San Luis Obispo -----	1
Imperial -----	512	Santa Barbara -----	775
Kern -----	155	Santa Cruz -----	246
Los Angeles -----	108,430	Sonoma -----	601
Orange -----	8,648	Tulare -----	91
Riverside -----	293	Ventura -----	6

The Torrens Act provides that upon the original registration of any land a sum equal to one-tenth of 1 per cent of the assessed value of the land including permanent improvements thereon as the same were valued for county taxation the last time said land and permanent improvements or either thereof were assessed for county taxes next preceding the filing of the petition, shall be collected by the registrar and paid to the State Treasurer to be credited to the "Torrens Title Assurance Fund." The books of the State Treasurer show at the close of business June 30, 1940, combined total receipts of \$47,476.47 and total payments during the Eighty-ninth Fiscal Year on account of defective titles of \$47,474.69, with a cash balance of \$1.78, indicating that only \$0.55 was received into the "Torrens Title Assurance Fund" during the fiscal year ending June 30, 1940.

A copy of Chapter 800, Statutes of 1917, requiring this report, is herewith.

For further information relative to the status of the "Torrens Title Assurance Fund," we respectfully direct your attention to the report of the Honorable State Treasurer for the period ending June 30, 1940.

Respectfully submitted,

WEBB SHADLE, Executive Officer
State Lands Commission

API:EL
enc.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, JUNE 15, 1941

Honorable Joseph A. Beck, Secretary of the Senate
Capital Building, Sacramento, California

Subject: Filing of State Engineer reports pursuant to Chapter 1, Statutes 1940, Second Extra Session, as amended by Chapter 1, Statutes 1940, Fourth Extra Session.

DEAR MR. BECK: Handed you herewith for filing are the following reports of the State Engineer:

A-1 County of Santa Cruz. File No. S. C. 40-1. Report of condition of bridges.

A-30 County of Colusa. File No. Col 40-1. Report of condition of roads.

A-68 County of Solano. File No. Sol 40-2. Report of levee needs.

These reports are upon work proposed under authority of said Chapter 1, Statutes of 1940, as amended, and are transmitted to you pursuant to the requirements of Section 1 thereof.

Very truly yours,

EDWARD HYATT, State Engineer
By A. D. EDMONSTON, Deputy State Engineer

CALIFORNIA STATE PERSONNEL BOARD
SACRAMENTO, JUNE 9, 1941

Mr. Joseph Beck, Secretary of the Senate
State Capital, Sacramento, California

DEAR MR. BECK: Senate Resolution No. 14, adopted in the Third Extraordinary Session of the Fifty-third Legislature, on September 13, 1940, directed the State Personnel Board to investigate the administration of its report of performance system, with particular reference to the possibility of its manipulation by supervising officers, and to report its findings to the Senate during the first week of the current session.

In compliance with this resolution, the board has made such an investigation and by means of this letter presents the required report.

A certain amount of background is necessary to understand the nature and method of administration of the present report of performance plan. Prior to the creation of the State Personnel Board by Article XXIV of the State Constitution in December, 1934, a variety of report of performance plans had been in operation. Shortly after the creation of the board, a rule was adopted requiring that a report be filed once each six months covering the work of each employee, with more frequent reports to be filed in the case of probationers. At that time no change was made in the form of report of performance being used. The form most recently in use by the organization which preceded the State Personnel Board was continued in effect.

Under this old report of performance plan, a single form was used to apply to all of the 1,700 classes of employment in the State service. The form consisted of about 25 very general items, such as "reliability," "judgment," initiative," "quantity of work," "quality of work," etc., and opposite each of these qualities the reporting officer was required to indicate whether the employee under consideration was "excellent," "good," "fair," or "poor," with respect to the particular characteristic. The final step in preparing the report was the assignment by this same reporting officer of a percentage rating which in his judgment represented a fair appraisal of the employee's work.

State employment is scattered so much geographically, and the organization of many of the departments is so complex because of their size, that if these reports are to be made out in each instance by some supervising officer actually familiar with the work of the employee it is necessary to receive reports from about 3,000 reporting officers. With 3,000 reporting officers preparing reports based on somewhat vague statements of characteristics and being allowed the opportunity of a completely unguided and unstandardized expression of a percentage score, the old report plan produced gross inequities, was found to be easily subject to abuse by reporting officers, and because of the vagueness of the reports, was impossible of adequate review or investigation by the board in the event a wronged employee appealed to it.

In the general revision of the State Civil Service Act of 1937, the Legislature made more specific provisions for the necessity of filing periodic reports of performance and prescribed certain conditions with reference to the content and method of administration of such a plan.

Following these changes in the law and as a consequence of accumulated instances of inequity and discrimination under the old plan, serious study was undertaken to develop a new plan which would be a more accurate measure of the value of the work rendered by each employee and which would be less susceptible to abuse.

Several fundamental principles underlie the present report plan.

1. A separate report sheet has been developed for each different type of work which depends on a particular combination of work characteristics to measure

success on the job. It is obvious that a surgeon at a State institution and a farm-hand employed at the same institution should not be judged by the same standards, and the use of different forms, each related to the duties of specific types of work, makes a careful distinction possible.

2. In place of the old vague and generalized statements of opinion upon which the report was based, there have been substituted statements in terms of specific, observable, and verifiable actions of the employee on the job. This contributes to making the report more definite and more accurate and insures the possibility of a complete and fair investigation or hearing in the event of a dispute as to the actual character of the work of the employee.

3. The requirement is made that the report should be prepared by the supervisor in the organization who is best prepared, on the basis of everyday observation, to report accurately on the employee's work. Under the old plan, the designation of supervisors to make out the report was most inadequately dealt with, with the result that many times the report was prepared by an individual who rarely, if ever, actually saw the employee in action.

4. The plan requires that the completed report be shown to the employee and that he be given an opportunity to discuss it with his supervisor. In this manner misunderstandings can be adjusted and the employee can learn at first hand about the aspects of his work in which he needs to improve himself to facilitate his advancement in the service.

To eliminate the inequities resulting from about 3,000 reporting officers each using his own standard of judgment, a plan of evaluation has been developed, based upon uniform, impartial scoring formulae which compare on a State-wide basis all persons doing like work and give proper proportionate weight to each of the factors comprising a given report. This scoring formula is developed in the offices of the State Personnel Board, is retained in the custody of the staff which administers the report of performance plan, and is applied in all cases by them. It has produced a degree of uniformity which no report of performance plan used in the previous 25 years of civil service experience in the State of California has ever produced and has not resulted in the impairment in any way of the rights or interests of any substantial group of employees.

The use of such a scoring formula does not in any sense shift the responsibility for the actual report of performance from the supervisor to the Personnel Board Office. The supervisor still is the reporter of the facts. It is his accurate description of the manner in which the employee does his work that produces the basis for scoring. The actual scoring by mathematical formula in no way substitutes for the judgment and knowledge of the supervisor that of any other person but merely provides a uniform basis for interpreting the facts supplied by a great many different supervisors working in all parts of the State.

The formula itself consists of nothing more than a series of mathematical values given to each of the facts which may possibly constitute a part of the report of any employee. When a report has been prepared, the exact mathematical value of each of the factors finally included in the report are added together and translated statistically into a percentage score.

A study of the scores produced by the old style of individual reports from departments as compared with those produced by the central scoring system reveals that much has been accomplished in equalizing the scores between departments. Where once upon a time all of the employees in some departments were rated extremely low because of the excessively strict attitude of one supervisor and where all of those in another department were rated excessively high because of the liberal point of view of another supervisor, there now has been accomplished a substantial leveling off of the grades in both places, which places them on a par. At the same time none of the rights and interests of the employee have been sacrificed as is evidenced by the fact that prior to the adoption of the present plan 97 per cent of the employees received a score of 80 per cent or better, entitling them to salary adjustments, and 96 per cent still receive reports that high under the present rating plan. Prior to the adoption of the present plan, 77 per cent of the employees received ratings of 85 per cent or better, which entitle them to eligibility for promotional examination, and under the present plan 75 per cent still are rated that high.

Under the present Civil Service Law the employee has the right of appeal to the State Personnel Board in the event the results of the report are not satisfactory. Employees are fully aware of this right of appeal and are free to exercise it whenever they feel the necessity. In the year from October 1, 1939, and September 30, 1940, approximately 50,000 reports were received and scored under the present plan. During that same time only 247 appeals were received by the board. The great majority of these appeals were concentrated in one or two State institutions where it is apparent that the cause of the difficulty was nothing inherent in the report form itself but rather a misunderstanding by the supervisors of the manner in which the report of performance system was to be applied.

Referring to the specific reference in Senate Resolution No. 14 to the possibility of manipulation of the report plan, the board is convinced that the present report of performance plan has gone far to prevent manipulation rather than to facilitate it. By taking from the numerous supervising officers the right to make an independent

appraisal of the employee in such a manner that it was not subject to successful appeal, the possibilities of manipulation by that supervisor have been considerably reduced. By basing the scoring on a mathematical formula which is uniformly applied in all cases, the possibility of manipulation has been still further reduced.

There has never at any time been any evidence before the board, either produced by any employee or produced by the board's own investigation of the plan, that manipulation has been practiced. In the case of almost every appeal which has been made concerning individual ratings, it has been apparent that misunderstanding rather than deliberate manipulation has been the basis of the difficulty. The experience of members of the board serving as referee in the hearing of these appeals has convinced us that the present report is a far more satisfactory instrument from the standpoint of giving the employee a better basis for maintaining a successful appeal in the case abuse should be practiced.

There is absolutely no evidence that favorable reports prepared by supervising officers have been, or could be, processed in such a manner as to produce an unduly low score. The scoring formula, once it is established, is applied uniformly as long as the same report form is in use.

As a safeguard against any possibility of the report being altered by the supervisor after the employee has seen it but before it is referred to the Personnel Board for scoring, the board has just adopted a rule requiring that a copy of the report be given to the employee at the time he reviews it.

The foregoing report has been approved by the State Personnel Board at its meeting of January 9, 1941.

Respectfully submitted,

STATE PERSONNEL BOARD
By ARTHUR J. BROWN, President

RECESS

At 11.05 a.m., on motion of Senator Crittenden, the Senate recessed until 11.15 a.m., to hear from Hon. Arthur H. Breed, Sr., former Senator from Alameda County.

REASSEMBLED

At 11.15 a.m., the Senate reconvened.

Hon. Ray W. Hays, of the Thirtieth District, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 96

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 18, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 4

And reports the same correctly engrossed.

RICH, Chairman

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 27

WHEREAS, It is with a sense of deep sorrow and profound regret that the members of the Senate of the State of California have learned of the passing of Jeremiah B. Lillard, on this twentieth day of January, 1941, at Sacramento; and

WHEREAS, Jeremiah B. Lillard, prior to his recent retirement, was president of the Sacramento Junior College and had served in that institution of learning for 17 years, and had prior thereto been connected with the Department of Education of this State; and

WHEREAS, Jeremiah B. Lillard was a profound student of anthropology and archaeology and established what is now known as the Lillard Museum at Sacramento Junior College which contains a great number of exhibits collected through his years of research and investigation; and

WHEREAS, The passing of Jeremiah B. Lillard brings to a close the illustrious career of one of the foremost educators of the State, who excelled in all branches of his chosen profession whether as a teacher, a scientist, or an administrator, and who gained and merited the respect and affection of his students, his colleagues, and all who came to know him; now, therefore, be it

Resolved by the Senate of the State of California, That when this Senate adjourns this day it do so out of respect to the memory of Jeremiah B. Lillard; and be it further

Resolved, That the Secretary of the Senate is hereby instructed to cause a suitable copy of this resolution to be prepared and transmitted to the widow of said Jeremiah B. Lillard as an expression of the sympathy of the members of this Senate in her bereavement.

Resolution read, and unanimously adopted by a rising vote.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 13, 1941; Tuesday, January 14, 1941; Wednesday, January 15, 1941; Thursday, January 16, 1941; Friday, January 17, 1941, were on motion of Senator Swing, approved as corrected by the Journal Clerk and the Minute Clerk.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 251

Senator Kuchel moved that Senate Bill No. 251 be withdrawn from Committee on Local Government, and placed on file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 251—An act to amend the Metropolitan Water District Act, as amended, by amending Sections 2, 9, and 10, and by adding new Sections numbered 9.1 and 9.2, all relating to the definitions of certain terms as used in said Metropolitan Water District Act and in other acts applicable to metropolitan water districts, providing for the addition of area to such districts and for the exclusion of area therefrom and providing the effects of such addition or exclusion, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts and county water districts, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district or county water district, so included within any such metropolitan water district and providing the effects thereof, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 252

Senator Kuchel moved that Senate Bill No. 252 be withdrawn from Committee on Local Government, and placed on file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 252—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of

all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending Sections 2, 3, 4, 5, 7, 8, 10, 12 and 27, relating to incorporation, organization, government and management of such districts, the holding of directors' and other elections therein, the establishment of divisions, providing for recalls, setting forth the powers of such districts and the manner and effect of annexing territory thereto, and adding new sections to be known as Sections 6a, 32, 33, 34, 35 and 36, providing for the calling, holding and conducting of elections, the reestablishment of divisions, providing the manner and effect of annexation to such districts, granting additional powers of taxation to such districts when included in metropolitan water districts, designating a short title, repealing conflicting laws, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 301: By Senator Fletcher—An act to amend Section 4 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violations thereof and making an appropriation therefor," approved June 10, 1929, relating to examination and approval of dams and work ordered to be done therefor, authorizing the cost of such work to be borne by the State during the Ninety-second Fiscal Year, and to provide that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 302: By Senator Fletcher—An act to amend Section 29 of the Civil Code, relating to rights of unborn children, and providing for limitation of actions for prenatal injuries and injuries sustained in the course of birth.

Referred to Committee on Judiciary.

Senate Bill No. 303: By Senator Mixter—An act to amend Section 4243 of the Political Code, relating to salaries and compensation for public services in counties of the fourteenth class.

Referred to Committee on Local Government.

Senate Bill No. 304: By Senator Wagy—An act to validate the assessment and equalization of property for tax purposes, and the levy of taxes thereon, by sixth class cities, and to validate tax sales, certificates of tax sales, tax deeds and other conveyances resulting therefrom.

Referred to Committee on Judiciary.

Senate Bill No. 305: By Senator Phillips—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, by reenacting Sections 68, 69 and 72; and by adding to said act, as amended, new

sections to be numbered and providing as follows, to wit: Section 74 relating to statutes codified in the Water Code, Section 75 authorizing the district to engage in the electrical power business, and Section 76 granting rights of way for electrical light and power lines; declaring the legislative intention as to unconstitutionality and declaring the urgency of this act, to take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 306: By Senators Tickle and Myhand—An act to amend Section 26½ of the Retail Sales Tax Act of 1933 and Section 20.7 of the Use Tax Act of 1935, relating to priority of the sale and use taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 307: By Senator Swing—An act to amend Section 10604 of the Health and Safety Code, relating to notice of hearing on petition to establish record of birth, death or marriage.

Motion to Refer Bill

Senator Swing moved that Senate Bill No. 307 be referred to Committee on Judiciary.

Motion carried.

Senate Bill No. 308: By Senator Seawell—An act to amend Section 54 of the Fish and Game Code, relating to game management.

Referred to Committee on Fish and Game.

Senate Bill No. 309: By Senator Seawell—An act to add Section 845.5 to, and to repeal Sections 860, 861, 865, 880, 881 and 903 of the Fish and Game Code, relating to nets.

Referred to Committee on Fish and Game.

Senate Bill No. 310: By Senator Seawell—An act to add Section 369h to the Penal Code, relating to the erection and maintenance of lights and signs which interfere with the operation of railroad trains and declaring such lights and signs a public nuisance.

Referred to Committee on Judiciary.

Senate Bill No. 311: By Senator Keating—An act to amend Section 811 of the Fish and Game Code, relating to cockles.

Referred to Committee on Fish and Game.

Senate Bill No. 312: By Senator Keating—An act to add Section 802.5 to the Fish and Game Code, relating to abalones in Marin County.

Referred to Committee on Fish and Game.

Senate Bill No. 313: By Senator Keating—An act to amend Section 810 of, and to add Section 810.5 to, the Fish and Game Code, relating to clams.

Referred to Committee on Fish and Game.

Senate Bill No. 314: By Senator Keating—An act to add Section 6.231 to the School Code, relating to the sale of textbooks by governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 315: By Senator Hays—An act to amend Section 942 of the Code of Civil Procedure, relating to undertakings on appeal.

Referred to Committee on Judiciary.

Senate Bill No. 316: By Senator Phillips—An act to amend Section 1590 of the Labor Code, relating to the conditions of employment agency surety bonds.

Referred to Committee on Labor.

Senate Bill No. 317: By Senator McCormack—An act to amend Section 1 of the California Nautical School Act, relating to the California Nautical School and the place of its maintenance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 318: By Senators Phillips and Breed—An act to amend Sections 7332, 7376, 7400, 7420 and 7442 of, and to repeal Section 7351 and Article 13, comprising Sections 7450 to 7457, inclusive, of Chapter 10 of Division 3 of, and to add Section 7351 to, the Business and Professions Code, relating to the practice of and the training for cosmetology and manicuring.

Referred to Committee on Business and Professions.

Senate Bill No. 319: By Senator Crittenden—An act to amend Section 651 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 320: By Senators Phillips, Luckey and Kuchel—An act authorizing the appointment and prescribing the powers and duties of special policemen for the protection and preservation of public property, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 321: By Senator Cunningham—An act making an appropriation for an armory at Hanford, Kings County, California.

Referred to Committee on Finance.

Senate Bill No. 322: By Senator Swan—An act to add Sections 58 and 58.5 to the State Civil Service Act, relating to persons appointed or employed by or under the State Board of Prison Directors or any warden of a State prison.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 323: By Senator Swan—An act to add Section 446 to Article 6 of Chapter 3 of Title 1 of Part 3 of the Political Code, relating to work relief projects.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 324: By Senator Biggar—An act to add the heading of Chapter 1 of, and to add Chapter 2, comprising Sections 39 to 39e,

to, Title 3 of Part 1 of the Penal Code, relating to sabotage and damaging, injuring, and destroying property and making such property in a defective manner.

Referred to Committee on Judiciary.

Senate Bill No. 325: By Senator Biggar—An act to amend Section 1110 of, and to add Sections 1111 and 1112 to, the Labor Code, relating to labor and trade disputes.

Referred to Committee on Labor.

Senate Bill No. 326: By Senator Biggar—An act to add Section 844 to the Political Code, relating to strikes by public officers or employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 327: By Senator Judah—An act to amend Section 1861a of the Civil Code, relating to liens.

Referred to Committee on Judiciary.

Senate Bill No. 328: By Senator Swan—An act to add Section 2.5 to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to names of collection agencies.

Referred to Committee on Business and Professions.

Senate Bill No. 329: By Senator Swan—An act to add Section 1576.5 to the Penal Code, relating to salaries of guards at State prisons.

Referred to Committee on Judiciary.

Senate Bill No. 330: By Senator Swan—An act to add Section 167.5 to the Civil Code, relating to the earnings of a wife.

Referred to Committee on Judiciary.

Senate Bill No. 331: By Senator Biggar—An act to amend Section 1394 of the Labor Code, relating to the hours and places of work of minors.

Referred to Committee on Labor.

Senate Bill No. 332: By Senator Biggar—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Referred to Committee on Labor.

Senate Bill No. 333: By Senator Biggar—An act to add Section 1397.5 to the Labor Code, relating to the employment of minors and establishing a penalty.

Referred to Committee on Labor.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 10

Senator Fletcher moved that Senate Bill No. 10 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 10—An act to add Section 180.5 to the Vehicle Code, relating to transfers of title or interest in motor vehicles, including the rights obtained by persons who lend money or extend credit to dealers under certificates of ownership delivered to them by the latter.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, after "lender", insert "or dealer".

Amendment No. 2

On page 1 of the printed bill, strike out line 13, and insert "issuance of a new certificate of ownership in the name of the lender or dealer."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 241—An act to add a new section to the Labor Code, to be numbered 204a, relating to the time for payment of wages of workers who are employed by employers who cooperate to establish a plan for the payment of wages at a central place or places in accordance with a unified schedule of paydays, this act to take effect immediately.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "go into effect", and insert "apply to any such plan".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 290—An act to validate the organization and boundaries of fire protection districts, the acts and proceedings of the governing bodies thereof, and taxes and assessments levied in connection therewith, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, between lines 6 and 7, insert:

"(c) Nothing contained in this act shall be construed to render the creation of any fire protection district, or any change in the boundaries of any fire protection district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by that section."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 291—An act to add Section 4004.5 to the Political Code, relating to loans by counties to fire districts, validating loans heretofore made, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 300—An act to amend the Coachella District Merger Act, approved June 21, 1937, by adding thereto a new section, to be numbered 13.1, relating to taxation for repair, operation and maintenance of improvements and declaring the urgency of this act and providing that it shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

RECESS

At 11.39 a.m., on motion of Senator Swing, the Senate recessed until 11.42 a.m.

REASSEMBLED

At 11.42 a.m., the Senate reconvened.

Hon. Ray W. Hays, of the Thirtieth District, presiding.

THIRD READING OF SENATE BILLS

Senate Bill No. 96—An act to amend the County Water District Act approved June 10, 1913, as amended, by amending Sections 31, relating to assessment, 34, relating to tax levies, 37.1, relating to segregation of assessments, 38, relating to cancellation of assessments, 39, relating to tax payments, 41, relating to costs, 44, relating to tax sales, 45, relating to redemption and 46, relating to partial redemption and adding new Sections 29.1, relating to optional tax system, 45.1, relating to disposal of tax-deeded land, 45.2, relating to resale plans, 45.3, relating to quieting title, 45.4, relating to acquisition of claims, 45.5, relating to actions and defenses as to tax deeds, 45.6, relating to actions and defenses as to sales of tax-deeded land and 47.1, relating to correction of certificates of sale and deeds, and declaring the urgency of this act and providing that it take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLaap, Dend, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 4—Relative to a Joint Fact-Finding Committee, and defining its powers and duties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Kuchel, Luekey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swing, Tickle, and Ward—31.

NOES—Senators Carter, Garrison, Keating, Kenny, Seawell, Shelley, and Swan—7.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 334: By Senator Keating—An act to add Section 1353.5 to the Labor Code, relating to enforcement of the laws concerning the working hours of female employees, and prohibiting employers from discriminating against employees who may be witnesses in proceedings relative thereto.

Referred to Committee on Labor.

Senate Bill No. 335: By Senator DeLap—An act to add Section 6102.5 to the Business and Professions Code, relating to attorneys convicted of crimes involving moral turpitude.

Motion to Refer Bill

Senator DeLap moved that Senate Bill No. 335 be referred to Committee on Judiciary.

Motion carried.

Senate Bill No. 336: By Senator Luekey—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in Section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 337: By Senator Kenny—An act to amend Section 690.21 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

Referred to Committee on Judiciary.

Senate Bill No. 338: By Senators Kenny and Tickle—An act to amend Section 4 of The Corporation Income Tax Act of 1937, relating to corporations exempt from tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 339: By Senators Kenny and Tickle—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to corporations exempt from tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 340: By Senator Tickle—An act creating a Legislative Budget Bureau, providing for the appointment by said bureau of a Legislative State Auditor, and prescribing his powers and duties and making an appropriation to carry out the purposes hereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 341: By Senator Luckey—An act to add Section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Referred to Committee on Judiciary.

Senate Bill No. 342: By Senator Luckey—An act to add Section 3.302 to the School Code, relating to admission of persons to the public schools of this State.

Referred to Committee on Education.

Senate Bill No. 343: By Senator Collier—An act to amend Sections 650.6 and 652 of, to add Section 652.5 to, and to repeal Sections 655 and 656 of, the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 344: By Senator Collier—An act to amend Section 1200 of the Fish and Game Code, relating to doves.

Referred to Committee on Fish and Game.

Senate Bill No. 345: By Senator DeLap—An act to amend Section 949 of the Fish and Game Code, relating to fish nets.

Referred to Committee on Fish and Game.

Senate Bill No. 346: By Senator DeLap—An act to amend Section 723 of the Fish and Game Code, relating to the taking of catfish.

Referred to Committee on Fish and Game.

Senate Bill No. 347: By Senator DeLap—An act to amend Section 4242.1 of the Political Code, relating to district attorneys in counties of the thirteenth class.

Referred to Committee on Local Government.

Senate Bill No. 348: By Senator DeLap—An act to amend Section 4242 of the Political Code, relating to boards of supervisors in counties of the thirteenth class.

Referred to Committee on Local Government.

Senate Bill No. 349: By Senator DeLap—An act to amend Section 4242.2 of the Political Code, relating to auditors in counties of the thirteenth class.

Referred to Committee on Local Government.

Senate Bill No. 350: By Senator Myhand—An act to amend Section 451 of the Health and Safety Code, relating to the county health officer.

Referred to Committee on Public Health and Safety.

Senate Bill No. 351: By Senators DeLap and Rich—An act to repeal Title 11a of Part 3 of the Code of Civil Procedure, relating to conciliation proceedings.

Referred to Committee on Judiciary.

Senate Concurrent Resolution No. 7: By Senator Mixter—Relative to reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

Referred to Committee on Rules.

Senate Constitutional Amendment No. 7: By Senator Tickle—A resolution to propose to the people of the State of California to amend Sections 2 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Senator McBride:

Senate Resolution No. 28

WHEREAS, There has come to the attention of the members of the Senate that among other events of National importance that have occurred on the eighteenth day of January, 1900—41 years ago, probably the most important is that there was brought into this world a smiling and genial soul; and

WHEREAS, This baby boy has, over this period of years, developed into a fine citizen of splendid character and outstanding ability and also has retained the smile and geniality that was his upon birth; and

WHEREAS, Not only has this individual grown into splendid manhood, but in addition has contributed to the development of California and has stood for those things that make clean and wholesome government; now, therefore, be it

Resolved, That the Senate of the State of California does tender and extend to Senator E. George Luckey heartiest congratulations on his natal day, and does express the wish that he be spared good health for many years of continued active service; and be it further

Resolved, That the Secretary of the Senate be directed to have prepared a suitably engrossed copy of this resolution and present the same to Senator E. George Luckey.

Resolution read, and unanimously adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 17, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Mrs. Lois E. Senter, Miss Alice H. Dougherty and Mr. James M. Tadlock as members of the State Board of Education has had the same under consideration and respectfully reports as follows, to wit: The committee unanimously recommends that the appointment of Mrs. Lois E. Senter be confirmed and also unanimously recommends that the appointment of James M. Tadlock be confirmed and it recommends by a three to two vote that the Senate refuse to confirm the appointment of Miss Alice H. Dougherty.

W. P. RICH, Chairman

Report ordered printed in the Journal and placed on file.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 147

Senator Jespersen moved that Senate Bill No. 147 be withdrawn from Committee on Military and Veterans Affairs, and placed on file. Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 147—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

Senate Resolution No. 29

Resolved, That Section 12 of the Temporary Standing Rules of the Senate be amended as follows, to wit:

That the membership of the Committees on Business and Professions Codes, Elections, Labor, Local Government, Military and Veterans Affairs and Public Health and Safety be reduced to nine (9) members each; that the membership of the Committee on Education be reduced to ten (10) members; and that the membership of the Committee on Water Resources be reduced to eight (8) members; also that the membership of the Committee on Judiciary be increased to thirteen (13) members.

Resolution read, ordered printed in the Journal, and placed on file.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 20, 1941

MR. PRESIDENT: Herewith is a list of Senate committees, Senators' seniority, schedule of committee meetings and recommendations to committee chairmen.

Your Committee on Rules has appointed the standing committees of the Senate and they are as follows:

Agriculture (11)—Crittenden, Chairman; McBride, Vice Chairman; Gordon, Jespersen, Kuchel, McCormack, Metzger, Mixter, Myhand, Phillips and Powers.

Business and Professions (9)—Fletcher, Chairman; Swan, Vice Chairman; Biggar, Cunningham, Dillinger, Foley, Judah, McBride and Shelley.

Education (10)—Slater, Chairman; Foley, Vice Chairman; Biggar, Carter, Collier, Deuel, Hays, Jespersen, Phillips and Swan.

Elections (9)—Jespersen, Chairman; Dillinger, Vice Chairman; Breed, Collier, Kenny, Kuchel, McCormack, Seawell and Swing.

Finance (11)—Mixter, Chairman; Breed, Vice Chairman; Collier, DeLap, Garrison, Kenny, Quinn, Rich, Swing, Tickle and Wagy.

Financial Institutions (11)—DeLap, Chairman; Kenny, Vice Chairman; Crittenden, Cunningham, Deuel, Fletcher, Hays, Jespersen, McBride, Seawell and Shelley.

Fish and Game (11)—Gordon, Chairman; Judah, Vice Chairman; Brown, Carter, Fletcher, Luckey, Mayo, Metzger, Powers, Seawell and Slater.

Governmental Efficiency (11)—Swing, Chairman; Phillips, Vice Chairman; DeLap, Deuel, Garrison, Hays, McCormack, Parkman, Powers, Rich and Seawell.

Labor (9)—Biggar, Chairman; Shelley, Vice Chairman; Brown, Garrison, Gordon, Judah, Luckey, Tickle and Ward.

Local Government (9)—Powers, Chairman; Cunningham, Vice Chairman; Brown, Gordon, Keating, Mayo, Metzger, Swan and Wagy.

Military and Veterans Affairs (9)—Quinn, Chairman; Luckey, Vice Chairman; Dillinger, Fletcher, Hays, Keating, Mixter, Slater and Swan.

Natural Resources (11)—Wagy, Chairman; Brown, Vice Chairman; Cunningham, Delap, Judah, Kuchel, Mayo, McBride, Parkman, Seawell and Ward.

Public Health and Safety (9)—Metzger, Chairman; Carter, Vice Chairman; Biggar, Collier, Foley, Keating, Parkman, Phillips and Swan.

Public Utilities (11)—Parkman, Chairman; Ward, Vice Chairman; Biggar, Garrison, Gordon, Luckey, McBride, Myhand, Slater, Tickle and Wagy.

Revenue and Taxation (11)—Tickle, Chairman; Collier, Vice Chairman; Breed, Kenny, McCormack, Metzger, Myhand, Parkman, Quinn, Rich and Swing.

Transportation (11)—McCormack, Chairman; Mayo, Vice Chairman; Breed, Fletcher, Jespersen, Judah, Luckey, Powers, Quinn, Shelley and Slater.

Water Resources (8)—Garrison, Chairman; Kuchel, Vice Chairman; Carter, Crittenden, Cunningham, Mixter, Myhand and Wagy.

Welfare and Institutions (11)—Phillips, Chairman; Deuel, Vice Chairman; Brown, Crittenden, Dillinger, Foley, Keating, Mayo, Mixter, Shelley and Ward.

Rules (5)—Rich, Chairman; Myhand, Vice Chairman; Breed, Deuel and Tickle.

Judiciary (13)—Hays, Chairman; Keating, Vice Chairman; Carter, Crittenden, Delap, Dillinger, Foley, Kenny, Kuchel, Quinn, Rich, Swan and Ward.

Senate seniority fell into 10 classes, and the list following shows the class in which each Senator belongs:

Class

1. Slater.
2. Swing.
3. Mixter and Wagy.
4. McCormack.
5. Deuel, Hays, Crittenden and Rich.
6. Gordon, Jespersen, Parkman, Powers, Seawell and Tickle.
7. Biggar, Fletcher, Garrison and Metzger.
8. DeLap, Cunningham, Keating, McBride, Phillips and Quinn.
9. Brown, Breed, Collier, Shelley, Myhand, Mayo, Foley and Kenny.
10. Ward, Judah, Luckey, Carter, Swan, Dillinger and Kuchel.

An examination of the committees will reveal that each Senator, with one exception, has been assigned either to a chairmanship of a committee or a vice chairmanship. One Senator stated that he neither desired to be chairman nor vice chairman of any committee.

In making the assignments, the committee had in mind conflicting dates of meetings between the committees and some changes had to be made because of these conflicting dates. In addition to setting up the committees, your Committee on Rules has submitted a schedule of committee meetings as follows:

Monday

9.00 a.m.	Labor	9
on adjournment	Transportation	11
8.00 p.m.	Judiciary	13

Tuesday

9.00 a.m.	Business and Professions	9
on adjournment	Public Health and Safety	9
on adjournment	Fish and Game	11
8.00 p.m.	Agriculture	11
8.00 p.m.	Revenue and Taxation	11

Wednesday

9.00 a.m.	Water Resources.....	8
on adjournment	Elections.....	9
on adjournment	Welfare and Institutions.....	11
8.00 p.m.	Judiciary.....	13

Thursday

9.00 a.m.	Natural Resources.....	9
on adjournment	Education.....	10
on adjournment	Local Government.....	9
8.00 p.m.	Governmental Efficiency.....	11

Friday

9.00 a.m.	Financial Institutions.....	10
on adjournment	Public Utilities.....	11
on adjournment	Military and Veterans Affairs.....	9
8.00 p.m.	Finance.....	11

And we would ask that this schedule be adopted as the time for the meeting of such committees.

The Committee on Rules thought it might be helpful to the various committees if it would offer some suggestions concerning the committee organization. The following is submitted only as a suggestion and for no other purpose. If there is anything valuable in the suggestions they can be used or if not they can be rejected.

Rules of the Committee

The officers of this committee shall be a chairman, vice chairman and secretary.

The chairman shall preside at meetings when present and when absent the vice chairman shall preside.

The secretary shall keep a complete record of the meetings and of action taken by the committee.

The committee shall meet in regular session, in Room -----, on ----- and ----- of each week, at the hour of ----- Adjoin meetings or special meetings shall be held at the time fixed in the adjourning motion or on the call for the special meeting.

Special meetings may be called by the chairman by giving at least three hours notice, specifying the purpose of the meeting and the time and place thereof and the matters to be considered at such special meeting, and no bill or other formal matter shall be considered at such meeting other than those specified in the notice.

----- members shall constitute a quorum and no bill shall be voted out of committee except on the affirmative vote of ----- members.

No bill shall be signed out of committee.

The chairman shall arrange the calendar for the various meetings and shall set bills to be heard at the various meetings and give notice thereof. No bills except those on the calendar shall be considered at any meeting except with the unanimous consent of those present. The calendar shall be made up at least twelve (12) hours before time of meeting. Notice of hearing of bills shall be given the author and such other persons requiring notice. Bills will not be considered in the absence of the author without his consent. All bills shall be carefully considered and all controversial measures shall be fully and completely heard in such manner and at such time as the committee shall determine.

In controversial matters it might be advisable for the committee to take action in executive session.

Any bill laid upon the table shall not be removed unless one day's notice of intention to remove the same from the table shall have been first given. Reconsideration of the vote by which a bill is voted out, tabled or defeated, may be made at the same meeting or at a subsequent meeting upon at least one day's notice, in writing, to the chairman of the committee and no motion to reconsider a vote or to take it to the table at a subsequent meeting shall be considered unless one day's notice of intention to make such motion shall have been given.

The chairman shall direct the order of presentation of the arguments for and against matters for consideration by the committee and shall permit questions to be asked by the various members of the committee, in an orderly fashion and in keeping with proper decorum.

It shall be the duty of the Sergeant at Arms, or an Assistant Sergeant at Arms, to be present and maintain order during meetings of the committee.

Bills favorably acted upon shall be reported to the Senate as expeditiously as the reports can be prepared.

RICH, Chairman
MYHAND, Vice Chairman
TICKLE
DEUEL
BREED

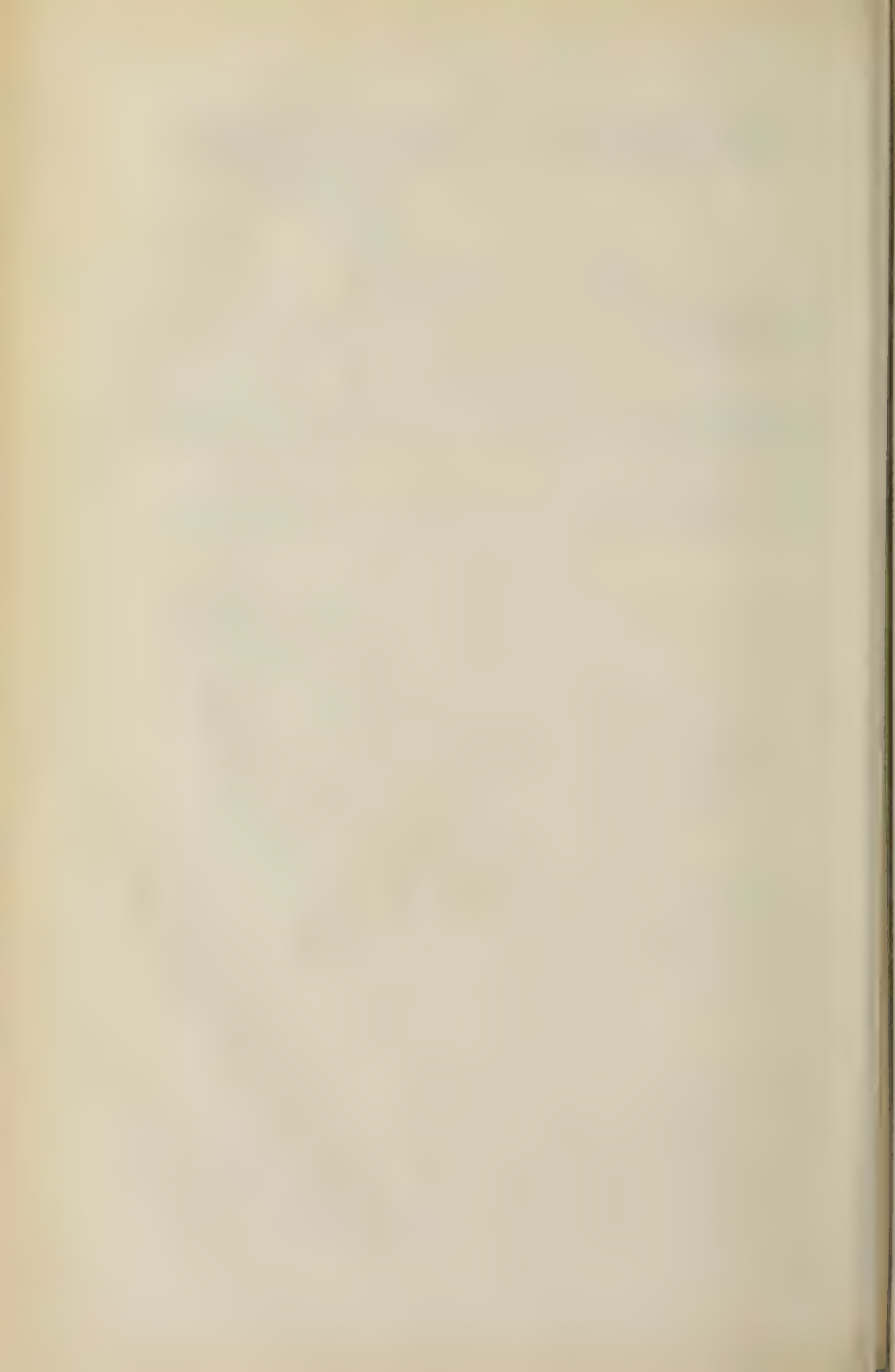
MOTION TO SET SPECIAL ORDER

Senator Crittenden moved that Initiative Petition No. 1 be made a special order of business for Tuesday, January 21, 1941, at 2 p.m.

Motion carried.

ADJOURNMENT

At 12.59 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 21, 1941, out of respect to the memory of the late Jeremiah B. Lillard.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

SIXTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 21, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jepsen, J. L. H., Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Powers, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward. 37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leave of absence for the day:

Senators Waggy and Mayo, on motion of Senator Hays.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major Edgar Gott, Vice President, Consolidated Aircraft Company, of San Diego.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superior Judge Andrew R. Schottky, of Mariposa County, former Senator from Merced and Madera counties.

On request of Senators Myhand and Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to

Harvey Russell, Director of the California Cattlemen's Association, of Madera.

On request of Senators Powers and Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ted Chamberlin, President of the California Cattlemen's Association, of Los Olivos.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. E. Grier, Chairman of the San Bernardino County Board of Supervisors, and Mrs. Grier, and Kenneth Dyhl, all of San Bernardino.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. E. L. Carty, of Oxnard.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin Kent, Superintendent of Schools of Sonoma County.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John E. Canaday, Public Relations Counsel for the Lockheed Aircraft Corporation, of Los Angeles.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 20, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am withdrawing the name of Alice H. Dougherty heretofore nominated by me as a member of the Board of Education.

Respectfully yours,

CULBERT L. OLSON, Governor of California

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 3

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 11

Assembly Concurrent Resolution No. 12

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were read:

Assembly Concurrent Resolution No. 11—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 12—Relative to the reports of the Joint Fact-Finding Committee on Work Relief Projects at Chino, California.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 251

Senate Bill No. 252

Senate Bill No. 291

Senate Bill No. 300

Senate Bill No. 147

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, JANUARY 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 5—Approving a certain amendment to the charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the first day of April, 1940. And reports that the same has been correctly enrolled, and presented to the Governor on the twentieth day of January, 1941, at 2:30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, JANUARY 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 241

Senate Bill No. 290

And reports the same correctly engrossed.

RICH, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, JANUARY 21, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 80

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

CRITTENDEN, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 80—An act to amend Section 952 of the Agricultural Code, relating to one-variety cotton districts, and declaring the urgency of this act and providing that it shall take effect immediately.

Bill read second time and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 12, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 12

Assembly Concurrent Resolution No. 12—Relative to the reports of the Joint Fact-Finding Committee on Work Relief Projects at Chino, California.

Resolution read. The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggart, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Juchic, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Minter, Mohand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Collier and Metzger:

Senate Resolution No. 30

WHEREAS, Since the making of the treaties between the United States and Great Britain and between the United States and Mexico for the regulation of migratory birds, the Biological Survey of the United States, formerly in the United States Department of Agriculture and now in the Department of the Interior, has been charged with the duties of establishing the seasons and bag limits for migratory birds coming within the purview of the treaties; and

WHEREAS, The efforts of the Biological Survey in carrying out the provisions of the Migratory Bird Treaty Act, enacted pursuant to said treaties, have earned and received the wholehearted cooperation and assistance of sportsmen throughout the Nation with the result that species of wild fowl which were once doomed to early extinction have increased in numbers and in distribution until the bird population is well on its way toward stabilization; and

WHEREAS, Since the commencement of regulation of water fowl by the Biological Survey in California, the number of ducks, geese, and similar species has greatly increased; now, therefore, be it

Resolved by the Senate, That the Biological Survey of the United States is hereby commended for its work in conserving and increasing the number of water fowl available for California hunters and urged to continue such efforts along the lines now established, without making any material change in the water fowl seasons and limits, and be it further

Resolved, That the Secretary of the Senate is hereby instructed to cause a copy of this resolution to be sent to the Chief of the Biological Survey and to the Secretary of the Interior of the United States.

Resolution read and adopted.

Senator Breed Presiding

At 11.15 a.m., Hon. Arthur H. Breed, Jr., of the Sixteenth District, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 352: By Senator Rich—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district or flood control district, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 353: By Senator Quinn—An act to add Division 6 comprising Sections 14000 to 14004, inclusive, to the Business and

Professions Code, thereby consolidating and revising the law relating to general provisions concerning business rights, defining the terms used in connection therewith, describing the effect of the provisions on business rights and providing the manner in which said rights may be asserted.

Without reference to committee.

Senate Bill No. 354: By Senator Quinn—An act to add Chapter 1, comprising Sections 14100 to 14103, inclusive, to Division 6, and to add Section 30023 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the definition and transfer of good will, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 355: By Senator Quinn—An act to add Chapter 2, comprising Sections 14200 to 14225, inclusive, to Division 6, and to add Section 30024 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to trade marks, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 356: By Senator Quinn—An act to add Chapter 3, comprising Sections 14400 to 14491, inclusive, to Division 6 and to add Section 30040 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade names and designations, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 357: By Senator Quinn—An act to add Chapter 4, comprising Sections 14700 to 14740, inclusive, to Division 6 and to add Section 30025 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to protection of the rights of authorship and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 358: By Senator Quinn—An act to add Division 7, comprising Part 1, Chapters 1 to 3, inclusive, Sections 16000 to 16240, inclusive, and to add Section 30026 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to licensing by the State, counties and cities, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 359: By Senator Quinn—An act to add Chapter 4, comprising Sections 16300 to 16451, inclusive, to Part 1 of Division 7 and to add Section 30027 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law regulating itinerant merchants and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 360: By Senator Quinn—An act to add Part 2, comprising Chapters 1 to 4, inclusive, Sections 16600 to 17101, inclusive, to Division 7, and to add Section 30028 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the preservation and regulation of competition, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 361: By Senator Quinn—An act to add Part 3, comprising Chapter 1, Sections 17500 to 17535, to Division 7, and to add Section 30041 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to false advertising, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 362: By Senator Quinn—An act to add Chapter 2, comprising Sections 17700 to 17702, inclusive, to Part 3 of Division 7, and to add Section 30029 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to redeemable coupons, and repealing acts and parts of acts specified herein.

Without reference to committee.

Senate Bill No. 363: By Senator Kenny—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346, and 6360 of the Business and Professions Code, and to add Section 6326 thereto, relating to boards of law library trustees and law libraries.

Referred to Committee on Business and Professions.

Senate Bill No. 364: By Senator Kenny—An act to add Chapter 5 to Division 3 of the Business and Professions Code, consisting of Sections 6300 to 6365, inclusive, and to repeal Sections 4190 to 4204, inclusive, of the Political Code, relating to boards of law library trustees and law libraries.

Referred to Committee on Business and Professions.

Senate Bill No. 365: By Senator Kenny—An act to amend Section 4300e of the Political Code, relating to the fees of justices of the peace.
Referred to Committee on Judiciary.

Senate Bill No. 366: By Senator Kenny—An act to add Section 43001e to the Political Code, relating to municipal court fees and costs.
Referred to Committee on Judiciary.

Senate Bill No. 367: By Senator Kenny—An act making an appropriation for the purchase of land and for construction and equipment of an Acute Psychiatric Hospital in Southern California.

Referred to Committee on Finance.

Senate Bill No. 368: By Senator Kenny—An act to add Sections 273.5 and 604.2 to the Vehicle Code, relating to an oath or affirmation as a prerequisite to the issuance of an operator's or chauffeur's license or to the use of the highways.

Referred to Committee on Transportation.

Senate Bill No. 369: By Senator Kenny—An act to amend Sections 3728 and 3729 of the Revenue and Taxation Code of the State of California, regarding the refund to purchaser at tax sale where his tax deed has been adjudged void by court.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 370: By Senator Kenny—An act to amend Sections 3520 and 3712 of the Revenue and Taxation Code, relating to the priority of taxes and special assessments.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 371: By Senator Kenny—An act to amend Section 4295 of the Political Code of the State of California, relating to the performance of official services without fees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 372: By Senator Kenny—An act to amend Section 4295 of the Political Code of the State of California, relating to the performance of official services without fees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 373: By Senator Myhand—An act to amend Section 651.6 of the Fish and Game Code, relating to fish, including salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 374: By Senator Swan—An act to provide for the organization of a State-owned Radio Communication System and a Radio Commission, appointed by the Governor, consisting of three members and relating to the consolidation of all radio communication systems owned by the State of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 375: By Senators Kenny, Phillips and Mixter—An act to amend Section 1530 of the Water Code or Section 23b of the Water Commission Act, relating to fees for applications or permits to appropriate water.

Referred to Committee on Water Resources.

Senate Bill No. 376: By Senator Brown—An act to amend Section 418 of, and to add Section 410.3 to, the Vehicle Code, and to amend Sections 11731, 11732, 11738, 11739, 11740, 11770, 11778, 11784, 11820 and 11840 of, and to add Section 11736.5 to, the Insurance Code, all relating to compulsory liability insurance on motor vehicles.

Referred to Committee on Financial Institutions.

Senate Bill No. 377: By Senator Swan—An act to amend Section 1219 of the Code of Civil Procedure, relating to alimony.

Referred to Committee on Judiciary.

Senate Bill No. 378: By Senator Swan—An act to amend Section 139 of the Civil Code, relating to alimony.

Referred to Committee on Judiciary.

Senate Bill No. 379: By Senator Metzger—An act to add Sections 19564, 19565 and 19566 to the Business and Professions Code or to add Section 3.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation of horse racing and systems of communication with, and messages to and from, race tracks.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 380: By Senator Metzger—An act to amend Sections 4, 6, 8, 13 and 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation of horse racing and the administration of the act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 381: By Senator Metzger—An act to amend Section 19597 of the Business and Professions Code or Section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to amounts deducted by licensees of the California Horse Racing Board from pari-mutuel pools.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 382: By Senator Metzger—An act to amend Section 12 of and to add Section 15.2 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing and making change.

Referred to Committee on Governmental Efficiency.

President of the Senate Presiding

At 11:33 a.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

Senate Bill No. 383: By Senator Metzger—An act to amend Section 10 of, and to add Section 15.2 to, "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 384: By Senator Metzger—An act to amend Section 19597 of, and to add Section 19597.5 to, the Business and Professions Code or to add Section 8.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to redistributions on contributions to pari-mutuel pools.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 385: By Senator Metzger—An act to add Section 19662.5 to the Business and Professions Code or to add Section 15.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing, and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to licensees of the California Horse Racing Board and including bribery of and by such licensees, and other crimes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 386: By Senator Metzger—An act to add Section 19661.5 to the Business and Professions Code, or Section 14.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the sale of pari-mutuel tickets and giving change therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 387: By Senator Metzger—An act to add Section 19437.5 to the Business and Professions Code or to add Section 6.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing, and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provision," approved June 5, 1933, relating to the employees of the California Horse Racing Board and sources of their compensation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 388: By Senator Metzger—An act to amend Section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to persons licensed by the California Horse Racing Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 389: By Senator Crittenden—An act to amend Sections 141 and 142 of, and to add Section 201.2 to, the State Civil Service Act, relating to performance reports.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 390: By Senators Carter, Collier, Mayo and Powers—An act to amend the title and Section 1 of, and to add Section 2 to an act entitled "An act to authorize the legislative bodies of counties, cities and cities and counties, directly or through a duly authorized representative, to attend the sessions of the Legislature of the State of California and to appear before said Legislature and the committees thereof and making the cost incidental thereto a proper charge against the funds of the county, or city, or city and county, and declaring the urgency thereof," approved March 16, 1935, relating to representation of cities, counties and cities and counties, before the Legislature of this State and the Congress of the United States, and declaring the urgency hereof.

Referred to Committee on Local Government.

Senate Concurrent Resolution No. 8: By Senator Quinn—Relative to approving certain amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of such city at a special election held therein on the fifth day of November, 1940.

Without reference to committee.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 290—An act to validate the organization and boundaries of fire protection districts, the acts and proceedings of the governing bodies thereof, and taxes and assessments levied in connection therewith, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Hays, Judah, Keating, Kenny, Kuebel, Luckey, McBride, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Tickle—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Hays, Judah, Keating, Kenny, Kuebel, Luckey, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 291—An act to add Section 4004.5 to the Political Code, relating to loans by counties to fire districts, validating loans heretofore made, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Hays, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Tickle—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Swan—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 300—An act to amend the Coachella District Merger Act, approved June 21, 1937, by adding thereto a new section, to be numbered 13.1, relating to taxation for repair, operation and maintenance of improvements and declaring the urgency of this act and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kuebel,

Luckey, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 251—An act to amend the Metropolitan Water District Act, as amended, by amending Sections 2, 9 and 10, and by adding new sections numbered 9.1 and 9.2, all relating to the definitions of certain terms as used in said Metropolitan Water District Act and in other acts applicable to metropolitan water districts, providing for the addition of area to such districts and for the exclusion of area therefrom and providing the effects of such addition or exclusion, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts and county water districts, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district or county water district, so included within any such metropolitan water district and providing the effects thereof, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 14

Senator Kenny moved that Senate Bill No. 14 be withdrawn from Committee on Welfare and Institutions, and re-referred to Committee on Finance.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 252—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution

and sale of water by said districts," approved May 1, 1911, as amended, by amending Sections 2, 3, 4, 5, 7, 8, 10, 12 and 27, relating to incorporation, organization and management of such districts, the holding of directors' and other elections therein, the establishment of divisions, providing for recalls, setting forth the powers of such districts and the manner and effect of annexing territory thereto, and adding new sections to be known as Sections 6a, 32, 33, 34, 35 and 36, providing for the calling, holding and conducting of elections, the establishment of divisions, providing the manner and effect of annexation to such districts, granting additional powers of taxation to such districts when included in metropolitan water districts, designating a short title, repealing conflicting laws, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Joshi, Keating, Kenny, Kuebel, Luckey, McCormack, Metzger, Mixer, Michael, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Fletcher, Foley, Garrison, Gordon, Hays, Joshi, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mixer, Michael, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 147—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 147:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 15, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Senate Bill No. 147, "An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately," in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 147 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON
Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Quinn moved that the Senate confirm and consent to the appointment of James M. Tadlock of Eureka as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of James M. Tadlock?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of James M. Tadlock as a member of the State Board of Education.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Garrison moved that the Senate confirm and consent to the appointment of Lois E. Souter of Los Angeles as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Lois E. Souter?"

The roll was called, with the following result:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Hays, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Lois E. Souter as a member of the State Board of Education.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 40

Senator Phillips moved that Assembly Bill No. 40 be withdrawn from Committee on Welfare and Institutions for purpose of amendment.

Motion carried.

MOTION TO CHANGE SPECIAL ORDER

Senator Crittenden moved that the special order set for the consideration of Initiative Petition No. 1 be changed from 2 p.m. to 2:30 p.m., January 21, 1941.

Motion carried.

RECESS

At 12.50 p.m., on motion of Senator Rich, the Senate recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Initiative Petition No. 1 was taken up.

Initiative Petition No. 1—An act to amend the Building and Loan Association Act of the State of California, as amended, by adding to said act a new article to be numbered 17, relating to the rehabilitation, readjustment, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article 17, or of all or any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article 17, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received, and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read third time.

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on the passage of Initiative Petition No. 1.

The roll was called, and Initiative Petition No. 1 refused passage by the following vote.

AYES—Senators Biggar, Crittenden, Fletcher, Gordon, Judah, Kenny, McCormack, Metzger, Mixer, Parkman, Powers, Seawell, Slater, Swing, and Ward—15.
NOES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Hays, Jespersen, Keating, Kuebel, Luckey, McBride, Myhand, Phillips, Quinn, Rich, Swan, and Tickle—22.

Motion to Reconsider

Senator Crittenden moved to reconsider the vote whereby Initiative Petition No. 1 was refused passage.

Postponement of Reconsideration

On motion of Senator Crittenden, the consideration of the motion to reconsider the vote whereby Initiative Petition No. 1 was refused passage, was continued until the next legislative day.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 208

Senator Fletcher moved that Senate Bill No. 208 be withdrawn from Committee on Judiciary, for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 208—An act to add Section 1203b to the Penal Code, relating to granting probation.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 6, insert:

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

At the present time when a defendant in a criminal case in an inferior court seeks probation, the law requires that in every case his application be referred to the probation officer for investigation and report, notwithstanding the fact that in view of all the circumstances and evidence in many cases the court may already be satisfied that the granting of probation is justified. Under the present law, until the probation officer's report is made to the court the defendant is frequently held in custody, in some cases for many days. This procedure has resulted in unnecessarily delaying the action of the courts, in unnecessary confinement of a defendant and in great and unnecessary expense in connection with investigations by the probation officer. It is necessary that the congestion now existing be relieved immediately in order that such unnecessary delays be avoided. It is therefore necessary that this act take effect immediately."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 40—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "leaves of absence", and insert "the right of reinstatement."

Amendment No. 2

In line 3 of the title of the printed bill, strike out "for", and insert "entering".

Amendment No. 3

On page 1 of the printed bill, strike out lines 7 to 11, inclusive, and insert "good standing who enters the military service of the United States, whether voluntarily or otherwise, shall have the absolute right to be restored to his former position with the same civil service status formerly had by him upon application by him to the

board within 90 days after the termination of such military service. The provisions of this section shall apply to all such civil service employees who enter the military service during any such war or until the Governor finds and proclaims that the emergency no longer exists."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 391: By Senator Mixer—An act making an appropriation for the establishment of a Pathological Laboratory.

Referred to Committee on Finance.

Senate Bill No. 392: By Senators Crittenden, Swan and Kenny—An act to amend Sections 5.792, 5.793, 5.794, 5.795, 5.796, 5.798 and 5.799a of the School Code and adding a new section thereto, to be numbered 5.792a, all relating to the employment, payment, dismissal, government and control of employees of school districts in positions not requiring certification qualifications.

Referred to Committee on Education.

Senate Bill No. 393: By Senator Ward—An act to amend Section 5 of The Personal Income Tax Act of 1935, relating to rates of taxation.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 394: By Senator Kenny—An act to regulate the accepting, receiving or acquiring of gases by officials and employees of cities, towns, counties, cities and counties, or of the State, and prescribing penalties for the violation thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 395: By Senator Kenny—An act to amend Section 622 of the Fish and Game Code, relating to goldfish and nonnative minnows.

Referred to Committee on Fish and Game.

Senate Bill No. 396: By Senators Fletcher and Kenny—An act to add Section 5.29 to the Retail Sales Tax Act of 1933 and Section 4.18 to the Use Tax Act of 1935, relating to the exemption of property sold or used in the National Defense Program.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 397: By Senator Keating—An act to amend Section 2020 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 398: By Senator Biggar—An act to add Section 154.5 to the State Civil Service Act, relating to medical examinations of State employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 399: By Senator Crittenden—An act to add Section 222 to the Welfare and Institutions Code, relating to county welfare departments.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 400: By Senator Crittenden—An act to provide that Sections 100 to 130, inclusive, of the Welfare and Institutions Code shall constitute and comprise Article 1 of Chapter 1 of Division 1 of said code, to add an article heading to said article, to add Article 2, comprising Sections 135 to 138, to Chapter 1 of Division 1 of the Welfare and Institutions Code, relating to the administration of aid for welfare purposes, and to make an appropriation therefor.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 401: By Senators McBride, McCormack, Foley, Jespersen, Biggar, Slater, Metzger, Parkman, Judah, Breed, Luckey, Seawell, Ward, Kuchel, Collier, Brown, Keating, Crittenden, Phillips, Gordon, Deuel, Powers, Cunningham, Mixter, Myhand and Tickle—An act to add Sections 552.1, 1296.1 and 1299.1 to the Labor Code, relating to the sale or distribution of newspapers and other publications by minors.

Referred to Committee on Labor.

Senate Bill No. 402: By Senator Swing—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to deposits of money belonging to or in the custody of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 403: By Senator Powers—An act to amend Section 702 of the Vehicle Code, relating to gross weight of vehicles with two axles.

Referred to Committee on Transportation.

Senate Bill No. 404: By Senator Powers—An act to add Section 69.1 to the Alcoholic Beverage Control Act, relating to the repeal of Chapter 132 of 1915 Statutes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 405: By Senator Kuchel—An act to add Section 625(b) to the Penal Code of the State of California, relating to throwing of missiles at common carrier vehicles.

Referred to Committee on Judiciary.

Senate Bill No. 406: By Senator Luckey—An act to amend Section 4247 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighteenth class.

Referred to Committee on Local Government.

Senate Joint Resolution No. 5: By Senator Metzger—Relative to the baneful effect of the importation of live stock and dressed meats from countries where foot and mouth disease exists.

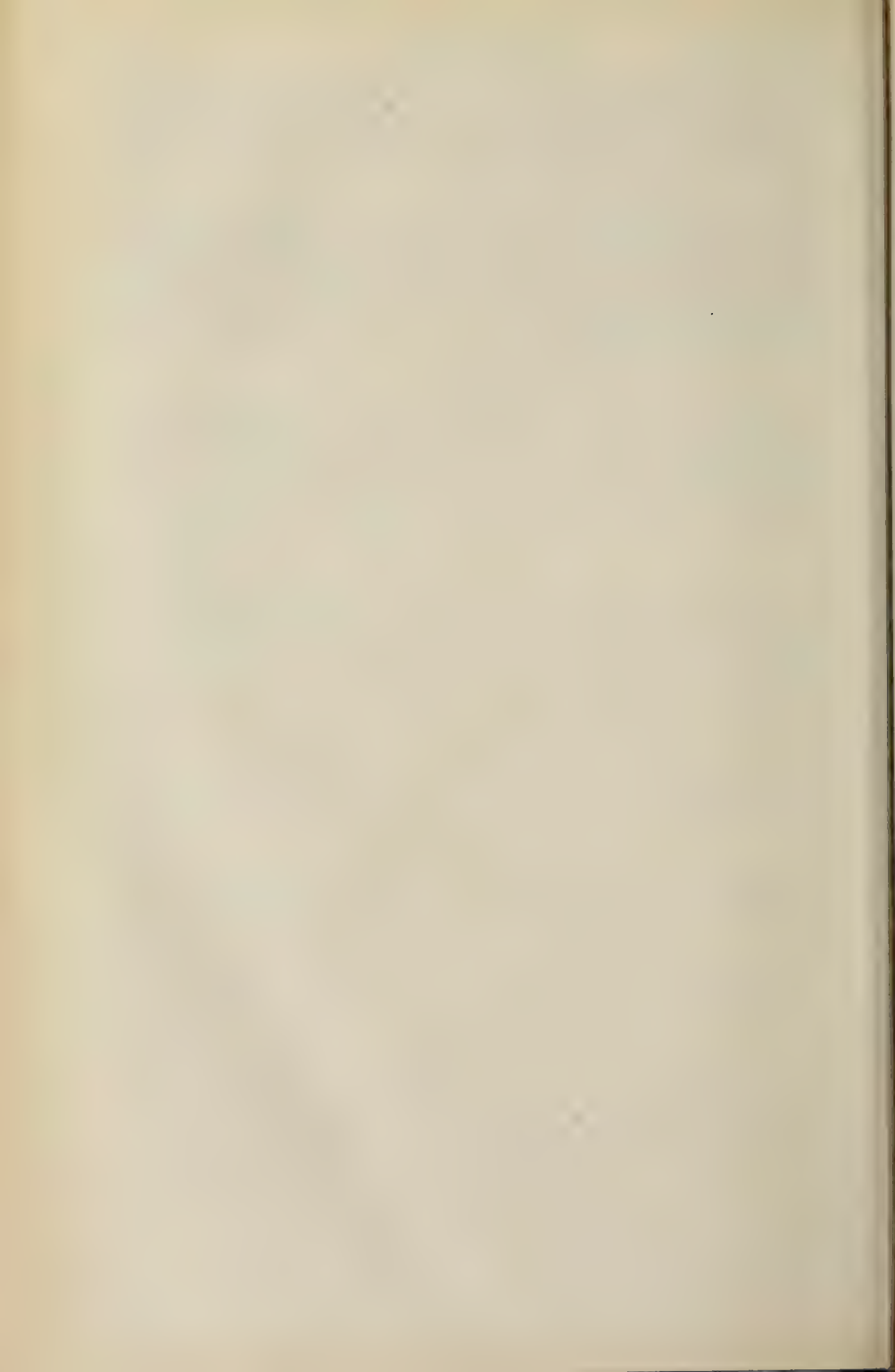
Referred to Committee on Agriculture.

Senate Constitutional Amendment No. 8: By Senators Kenny, Delap and Rich—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

Referred to Committee on Judiciary.

ADJOURNMENT

At 5.05 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 22, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY

SEVENTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, January 22, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mixer, Mahand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelby, Slater, Swan, Swain, Tickle, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the remainder of their sojourn in Washington, D. C., pursuant to Senate Resolution No. 23, adopted January 16, 1941:

Senators Waggy and Mayo, on motion of Senators Hays and Mixer.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hallie M. Tierney, Superintendent of Schools of Modoc County, of Alturas.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry M. Howell, Assistant Superintendent of Schools of Los Angeles.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred Bartholomew, of Los Angeles.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. H. Murray and Barelay Murray, both of Merced.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wallace A. Gilkey, Mrs. Ralph W. Parker and Ada Weeks, all of Sacramento.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leonard Wilson, of Los Angeles.

On request of Senators Mixter and Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superior Judge J. O. Moncur of Plumas County, of Quincy.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Cecil Wetzel, of Omo Ranch, El Dorado County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge W. Finlaw Geary and James Brucker, both of Santa Rosa.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. S. Lyon, District Attorney of El Dorado County, of Placerville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Agnes Foley, teacher of the Kinney School, Sacramento County, and the following pupils of the fourth through eighth grades: Nadine Jansen, Kazuko Ukasaki, Nabuko Iida, Margie Yanagisako, Yoshiye Yoshida, Alfred Parrick, Everett Parrick, Richard Stewart, Ford Yanagisako, Norman Johnson, Norma Rose, Nora Mae Parrick, May Fujinaka, Jack Takamoto, Isam Yanagisako, Wilma Walker, Joyce Shangle, Susumu Fujinaka, Lauren Lauridson, Seigi Yoshida and Jimmy Takamoto; also the following parents: Mrs. J. Jansen, V. Parrick and G. Yanagisako.

COMMUNICATIONS

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, January 21, 1941

*Honorable Joseph A. Beck, Secretary of the Senate
Capitol Building, Sacramento, California*

Subject: Filing of State Engineer reports pursuant to Chapter 1, Statutes 1940, Second Extra Session, as amended by Chapter 1, Statutes 1940, Fourth Extra Session.

DEAR MR. BECK: There is transmitted herewith Report No. A 100 of the State Engineer on the application of the San Francisco District, Coast Guard, of the United States Treasury Department, for State financial assistance in the restoration of a road and bank protection destroyed by the floods of 1940 in the Mattole River, Humboldt County.

This report was prepared under authority of Chapter 1, Statutes of 1940, as amended, and is transmitted to you pursuant to the requirements of Section 1 thereof.

Very truly yours,

EDWARD HYATT, State Engineer
By A. D. EDMONSTON, Deputy State Engineer

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 555

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 175

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 303

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 595

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 555—An act to amend Sections 106, 107, 108 and 109 of the Streets and Highways Code, relating to cooperative agreements as to bridges, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 175—An act to repeal Section 33 of, and to add Sections 34 and 35 to, an act entitled "An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9c, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation," approved June 1, 1940, and to repeal an act entitled "An act to amend Section 33 of an act entitled 'An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add

Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9c, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation,' approved June 1, 1940, relating to the effective date of the provisions thereof,' approved December 7, 1940, relating to property taxation and the effective date of the provisions of Chapter 47 of the First Extraordinary Session of 1940, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 303—An act to add Section 2457.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on medicine thereof, declaring the urgency thereof to take effect immediately.

Referred to Committee on Business and Professions.

Assembly Bill No. 595—An act to amend Sections 6830 and 6870 of, and to add Section 6879.5 to, the Health and Safety Code, relating to the annexation of territory to a sanitary district, declaring the urgency thereof, and providing that it shall take effect immediately.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Assembly Bill No. 595, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 595

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Biggar:

Resolved, That Assembly Bill No. 595 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Minter, Myland, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOTES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 595—An act to amend Sections 6830 and 6870 of, and to add Section 6879.5 to, the Health and Safety Code, relating to

the annexation of territory to a sanitary district, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time.

Assembly Bill No. 595—An act to amend Sections 6830 and 6870 of, and to add Section 6879.5 to, the Health and Safety Code, relating to the annexation of territory to a sanitary district, declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Senate Bill No. 352

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Bill No. 352, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 352

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Senate Bill No. 352 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 352—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district or flood control district, and declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 352—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, irrigation district or flood control district, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 555

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MCCORMACK, Chairman

RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

Senate Resolution No. 31

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred dollars (\$200) in

favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman
BREED
MYLAND
TICKLE
DEUEL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Judson, Keating, Kitchel, Luckey, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35
NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 407: By Senator McCormack—An act to add Section 203.5 to the Streets and Highways Code, relating to funds paid to cities.

Referred to Committee on Transportation.

Senate Bill No. 408: By Senator Dillinger (By request)—An act to amend Section 4276 of the Political Code, relating to salaries and fees of offices in counties of the forty-seventh class.

Referred to Committee on Local Government.

Senate Bill No. 409: By Senator Biggar—An act to add a new section to the Agricultural Code to be numbered Section 735.3-1 relating to market milk and cooperative marketing associations.

Referred to Committee on Agriculture.

Senate Bill No. 410: By Senator Biggar—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation.

Referred to Committee on Natural Resources.

Senate Bill No. 411: By Senator Fletcher—An act to amend the heading of Article 4 of Chapter 1 of Part 2 of Division 4 and Sections 581 and 588 of the Fish and Game Code, relating to kelp and other aquatic plants.

Referred to Committee on Fish and Game.

Senate Bill No. 412: By Senator Carter—An act to amend Section 62.5 of the Fish and Game Code, relating to Fish and Game District 14.

Referred to Committee on Fish and Game.

Senate Bill No. 413: By Senator Fletcher—An act to amend Section 783 of the Fish and Game Code, relating to lobster size limit.

Referred to Committee on Fish and Game.

Senate Bill No. 414: By Senator Carter—An act to repeal Section 290.5 of the Fish and Game Code, relating to application of other laws.

Referred to Committee on Fish and Game.

Senate Bill No. 415: By Senator Crittenden—An act to amend Sections 108 and 109 of the State Employees Retirement Act, relating to a Retirement System for employees and officers of the State of California, and an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 416: By Senator Crittenden—An act to amend Sections 30, 34, 60, 76, 85a, 90 and 92 of the State Employees Retirement Act, relating to a Retirement System for employees and officers of the State of California, and of such cities, school districts, and counties as may elect to include their employees by contract.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 417: By Senator Myhand—An act authorizing suits against the State of California to establish the boundaries of, and to quiet title to, lands purchased from the State, and regulating the procedure therein.

Referred to Committee on Judiciary.

Senate Bill No. 418: By Senator Swan—An act to add Section 13½ to the Public Utilities Act, relating to electrical corporations.

Referred to Committee on Public Utilities.

Senate Bill No. 419: By Senator Swan—An act to amend Section 363 of the Agricultural Code, relating to the sale of bovine animals.

Referred to Committee on Agriculture.

Senate Bill No. 420: By Senator Kuchel—An act to amend Section 862.2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to sales and conveyances of real property.

Referred to Committee on Local Government.

Senate Bill No. 421: By Senator Judah—An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works.

Referred to Committee on Transportation.

Senate Bill No. 422: By Senator Judah—An act making an appropriation to pay the claim of the Comptroller of the Department of Public Works against the State of California.

Referred to Committee on Finance.

Senate Bill No. 423: By Senator Breed—An act to add Article 2.5 (comprising Sections 90 to 90.6, inclusive) to Chapter 1, Division 1 of the Streets and Highways Code, relating to the budgeting of State highway funds, specifying the powers and duties of the California Highway Commission and the State Highway Engineer in connection therewith, and providing for the making and distribution of reports thereof.

Referred to Committee on Transportation.

Senate Bill No. 424: By Senator Breed—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties.

Referred to Committee on Local Government.

Senate Bill No. 425: By Senator Breed—An act to add Section 1628 to the Streets and Highways Code, relating to expenditures by a county out of its special road improvement fund on streets, roads and highways in cities within the county.

Referred to Committee on Transportation.

Senate Bill No. 426: By Senator Breed—An act relating to the reimbursement of funds used to finance the construction, improvement or maintenance of highways, roads and streets by means of convict labor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 427: By Senator Luckey—An act to repeal Sections 131, 131.1, 131.2, 131.3, 131.4 and 131.5 of the Code of Civil Procedure, relating to probation officers and committees.

Referred to Committee on Judiciary.

Senate Bill No. 428: By Senator Mixter—An act to amend Sections 4009, 4030, 4035, 4036, 4044, 4045, 4061, 4210, 4212, 4228 and 4232, to amend and renumber Sections 4038 and 4039, and to repeal Sections 4032, 4034, 4037, 4040, 4041, 4042, 4043, 4046, 4060 and 4212 of, and to add Sections 4032, 4033, 4034, 4046, 4047, 4060, 4215 and 4234 to, the Business and Professions Code, relating to the sale and disposal of drugs and the persons engaged therein.

Referred to Committee on Business and Professions.

Senate Bill No. 429: By Senator Mixter—An act to add Section 79.5 to the State Employees Retirement Act, relating to retirement of employees of the State of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 430: By Senator Tickle—An act to amend School Code Sections 4.784, 4.875 and 4.887, relating to the support of the Public School System.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 353—An act to add Division 6, comprising Sections 14000 to 14004, inclusive, to the Business and Professions Code, thereby consolidating and revising the law relating to general provisions concerning business rights, defining the terms used in connection therewith, describing the effect, of the provisions on business rights and providing the manner in which said rights may be asserted.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 354—An act to add Chapter 1, comprising Sections 14100 to 14103, inclusive, to Division 6, and to add Section 30023 to

Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the definition and transfer of good will, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 355—An act to add Chapter 2, comprising Sections 14200 to 14325, inclusive, to Division 6, and to add Section 30024 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade-marks, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 356—An act to add Chapter 3, comprising Sections 14400 to 14491, inclusive, to Division 6 and to add Section 30040 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade names and designations, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 357—An act to add Chapter 4, comprising Sections 14700 to 14740, inclusive, to Division 6 and to add Section 30025 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to protection of the rights of authorship and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 358—An act to add Division 7, comprising Part 1, Chapters 1 to 3, inclusive, Sections 16000 to 16240, inclusive, and to add Section 30026 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to licensing by the State, counties and cities, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 359—An act to add Chapter 4, comprising Sections 16300 to 16451, inclusive, to Part 1 of Division 7 and to add Section 30027 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law regulating itinerant merchants and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 360—An act to add Part 2, comprising Chapters 1 to 4, inclusive, Sections 16600 to 17101, inclusive, to Division 7, and to add Section 30028 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the preservation and regulation of competition, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 361—An act to add Part 3, comprising Chapter 1, Sections 17500 to 17535, to Division 7, and to add Section 30041 to Division 30 of the Business and Professions Code, thereby revising and

consolidating the law relating to false advertising, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 362—An act to add Chapter 2, comprising Sections 17700 to 17702, inclusive, to Part 3 of Division 7, and to add Section 30029 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to redeemable coupons, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 241—An act to add a new section to the Labor Code to be numbered 204a, relating to the time for payment of wages of workers who are employed by employers who cooperate to establish a plan for the payment of wages at a central place or places in accordance with a unified schedule of pay days, this act to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 208—An act to add Section 1203b to the Penal Code, relating to granting probation.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 80—An act to amend Section 952 of the Agricultural Code, relating to one-variety cotton districts, and declaring the urgency of this act and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO SET SPECIAL ORDER

Senator Crittenden moved that reconsideration of Initiative Petition No. 1 be made a special order of business for Wednesday, January 22, 1941, at 2 p.m.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 431: By Senator Shelley—An act to add Chapter 6, comprising Sections 860 to 867, inclusive, to Part 2 of Division 2 of the Labor Code, relating to time of labor of persons employed as household employees.

Referred to Committee on Labor.

Senate Bill No. 432: By Senator Shelley—An act relating to employees and organizations thereof; defining labor disputes; prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof; prescribing the nature and proof necessary in actions arising out of labor disputes against persons or associations; prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions; limiting the duration of temporary and permanent injunctions in case of labor disputes; and providing for payment of costs; and repealing all acts or parts of acts inconsistent therewith; and providing for contempt proceeding in case of injunctions issued in labor disputes.

Referred to Committee on Labor.

Senate Bill No. 433: By Senator Shelley—An act relating to the acquisition of the toll bridge across the Bay of San Francisco to the County of Marin, and defining the powers and duties of the Cali-

fornia Toll Bridge Authority and of the State Department of Public Works in connection therewith.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 434: By Senator DeLap—An act to add Section 841.5 to the Fish and Game Code, relating to drift bill nets.

Referred to Committee on Fish and Game.

Senate Bill No. 435: By Senator Swan—An act to add Section 73 to the State Civil Service Act, relating to salaries of State Police Officers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 436: By Senator Swan—An act to add Section 83.5 to the State Civil Service Act, relating to qualifications of applicants for civil service positions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 437: By Senator Swan—An act to add Section 735 to the Civil Code, relating to mineral rights in land sold on foreclosure or execution or for delinquent taxes.

Referred to Committee on Judiciary.

Senate Bill No. 438: By Senator Kenny—An act to repeal Section 1300.29 of, and to add Sections 738.1 and 1300.29 to, the Agricultural Code, relating to the stabilization and marketing of milk, cream, and other agricultural products.

Referred to Committee on Agriculture.

Senate Bill No. 439: By Senator Kenny—An act to amend Section 16 of, and to add Section 18 to, the Unfair Practices Act, exempting from the provisions of said act sales made by or to this State, or any county, city and county, city, municipal corporation or other political corporation or subdivision of this State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 440: By Senator Kenny—An act to add Section 7 to the Fair Trade Act, exemption from the provisions of said act sales made by or to this State, or any county, city and county, city, municipal corporation or other political corporation or subdivision of this State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 441: By Senator Kenny—An act to add Section 16906 to, and to amend Sections 17021 and 17024 of, the Business and Professions Code, relating to unfair trade practices.

Referred to Committee on Business and Professions.

Senate Bill No. 442: By Senator Swan—An act to amend Section 3719 of the Political Code to grant to junior college districts the right to borrow under the provisions of said section.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 208

Senate Bill No. 352

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 3—Relative to Joint Rules of the Senate and Assembly;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-second day of January, 1941, at 11.30 a.m.

RICH, Chairman

RECESS

At 12.15 p.m., on motion of Senator Rich, the Senate recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

RECESS

At 2.02 p.m., on motion of Senator Crittenden, the Senate recessed until 2.10 p.m.

REASSEMBLED

At 2.10 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Crittenden moved a call of the Senate.

Motion carried.

Time, 2.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 443: By Senator Kenny—An act to amend Section 1249 of the Code of Civil Procedure, relating to eminent domain proceedings.

Referred to Committee on Judiciary.

Senate Bill No. 444: By Senator Shelley—An act to amend Section 576 of the Vehicle Code, relating to special stops required of vehicles.

Referred to Committee on Transportation.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 5

Assembly Joint Resolution No. 8

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 373

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Joint Resolution No. 8—Relative to excess profits tax legislation.

Referred to Committee on Financial Institutions.

Assembly Joint Resolution No. 5—Relative to the preparation of a mortality table by the Federal Government.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 373—An act to amend Section 1202a of the Penal Code and to repeal Section 2 of an act entitled "An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquisition of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor," approved July 9, 1935, relating to the execution of a sentence of imprisonment.

Referred to Committee on Judiciary.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2.20 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.20 p.m. having arrived, the motion to reconsider Initiative Petition No. 1 was taken up.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Biggar, Crittenden, Fletcher, Gordon, Judah, Kenny, McCormack, Metzger, Mixer, Parkman, Powers, Seawell, Slater, Swing, and Ward—15.

NOES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Hays, Jespersen, Keating, Kuebel, Luckey, McBride, Myhand, Phillips, Quinn, Rich, Shelley, Swan, and Tickle—23.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, January 22, 1941

*Honorable W. P. Rich, Senate Chamber
State Capitol, Sacramento, California*

Subject: Building and Loan Initiative Measure

DEAR SENATOR: You ask: If the Legislature rejects this measure, may it later this session legislate on the subject? If so, is the scope of such subsequent legislation limited or restricted by or in consequence of such rejection?

This is quite different from the case of a legislative attempt to "amend" an initiative.

In our opinion, the Legislature can, after such a rejection, legislate this session on any phase of the subject unaffected by the fact of such rejection.

By that time the initiative has passed out of the hands of the Legislature, is on its way to a vote of the people; essentially no different from an initiative petition directed to the people, qualified and waiting for the election date to come around. The Legislature has never considered its hands tied in the latter situation.

Such legislative action would, of course, be subject to implied repeal (to the extent of conflict between the two measures), if and when the people approve the initiative at the polls.

Yours very truly,

FRED B. WOOD, Legislative Counsel

The following communications were received and read, and on motion of Senator Crittenden, ordered printed in the Journal:

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, January 21, 1941

*Honorable Bradford S. Crittenden, Senate Chamber
State Capitol, Sacramento, California*

Subject: Building and Loan Initiative Measure
Request: No. 9371

DEAR SENATOR CRITTENDEN: This is in response to a certain specific question propounded, and supplements our opinion issued earlier today on the general subject.

You ask if the initiative measure is enacted within 40 days from the time it is received by the Legislature, the Legislature adjourns sine die, a period of 90 days thereafter passes and no referendum petition qualifies requiring the measure to be submitted to the people, may the measure thereafter be amended by the Legislature at any special or regular session?

In our opinion the answer is "yes," limited, of course, in respect to a special session, to the additional question whether or not the gubernatorial proclamation convening the Legislature in special session specifies this among the subjects for which convened.

This right to amend is conferred upon the Legislature by the very words of the initiative measure itself: "This act, and any or all of the provisions of said Article 17 of the Building and Loan Association Act, may be amended or repealed by the Legislature."

Additionally, upon the basis of the hypothesis expressed in your question, the Legislature would not at such future date be amending an act "adopted by the people at the polls under the initiative provisions" of Section 1 of Article IV of the State Constitution, hence presumably would have such power to amend (after this measure takes effect; that is, after the 90-day period following final adjournment of this session). This is true even if this initiative measure did not by its express terms (as it does) declare that the Legislature may amend.

The "in the future" amendatory bill discussed herein would, of course, itself be subject to referendum (like any other legislative bill) unless it happened to be of such a nature that it would fall within that group of excepted cases in which Section 1 of Article IV permitted the Legislature to put a bill into immediate effect.

Yours very truly,

FRED B. WOOD, Legislative Counsel

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, January 21, 1941

*Honorable Bradford S. Crittenden, Senate Chamber
State Capitol, Sacramento, California*

Request: No. 9371

DEAR SENATOR CRITTENDEN: We beg to hand you herewith our opinion in response to your question as to the effect of amendment by the legislature of the initiative measure now pending before the Senate.

In considering the problems confronting the Senate by the initiative measure presented to it by the Secretary of State under the direction of the third paragraph of Section 1 of Article IV of our Constitution, it is important to take a view of the relevant directions and declarations of the Constitution.

We find:

First, that if acted upon, the initiative must be enacted or rejected within 40 days without change or amendment;

Second, that if enacted it is subject to referendum;

Third, if rejected or not acted upon it must be submitted to the vote of the whole people;

Fourth, if rejected and an alternative suggested, both must be submitted to the people.

Speaking generally, in our system the whole power of legislation is committed to the Legislature except only as reserved or restricted in the Constitution. By Section 1 of Article IV of the Constitution the people have reserved to themselves the right to initiate laws and the right to hold up and pass upon laws passed by the Legislature. The reservation of these rights is couched in the most positive terms and no thought can be entertained that the rights were not meant to be fully and most effectively exercised. As throwing some light on the purpose of the reservations it is worthy of mention that the section reserving the rights declares that:

"No act, law or amendment to the Constitution, initiated or adopted by the people shall be subject to the veto power of the Governor."

Reflection upon the history and reason of these reservations, and a study of the language used in the Constitution, leads inevitably to the conclusion that the reserved powers must be given free play and must not be obstructed or interfered with at any stage of the process provided. "To reason otherwise," said Justice Walker of the Supreme Court of Missouri, "concerning these powers constitutes, in its final analysis, the conclusion that the creature is greater than the creator * * * It is not reasonable to conclude, in the absence of words of limitation, that the power thus reserved was intended to be other than complete. Held to be otherwise, it would fail to effect the purpose of its creation, which, as we have shown, was to lessen the limits of legislative power as theretofore possessed by the General Assembly. Of what avail would a reservation be which could be rendered futile by the act of the body from which the power has been withdrawn? To place the seal of judicial approval upon such legislative action would, in effect, render the constitutional provisions concerning the initiative and referendum nugatory * * *"
State vs. Becker, 240 S.W. 229.

In the case just cited the court distinguished between rulings limited to the amendment or repeal by the Legislature of initiated or referred acts and rulings relating to those in process of initiation or referendum, and held that removal by the Legislature of an act pending the referendum process was unauthorized and of no effect.

In the provisions reserving the power of initiative each step of the process is carefully outlined, and throughout an intention is manifest to prevent any thwarting of the popular will. Two methods are provided for transmitting an initiative measure into law. The one adopted in the instant case is the shorter, simpler and least expensive one, that is to say by asking for the concurrence of the Legislature, and providing for the steps to be taken in case that concurrence is withheld. But whether this method is adopted, or the longer, more tedious and more expensive one, the purpose is the same, namely to exercise the reserved right of legislation by the people.

We have pointed out that if this initiative is enacted it is subject to referendum and that if it is rejected or not acted upon it must be submitted to the people, and that if rejected and an alternative proposed both must be submitted to the people.

We consider the natural and inevitable conclusion to be that the initiative machinery having been set in motion in compliance with the constitutional provision "it is immune from obstructive interference from any source" until the last step of the constitutional process is completed by the people's vote, or by the failure of the people, within the 90 days allowed, to take advantage of the referendum right, as the case may be.

We are of the opinion, therefore, that the injunction to enact or repeal "without change or amendment" protects the verbal integrity of the *initiative measure until the completion of the final steps in the constitutional process.*

Yours very truly,

FRED B. WOOD, Legislative Counsel
By ARTHUR P. WILL, Consultant

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 8

And reports the same correctly engrossed.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 445: By Senator Deuel—An act to add Section 7.1 to the Personal Income Tax Act, relating to the tax on compensation received for service rendered for a period of five years or more, to take effect immediately.

Motion to Refer Bill

Senator Deuel moved that Senate Bill No. 445 be held at the desk without reference to committee.

Motion carried.

Senate Bill No. 446: By Senator Collier—An act to repeal Section 171 of the Fish and Game Code, relating to Fish and Game District 1U.

Referred to Committee on Fish and Game.

Senate Bill No. 447: By Senator Rich—An act to amend Section 4265 of the Political Code, relating to compensation for public services in counties of the thirty-sixth class.

Referred to Committee on Local Government.

Senate Bill No. 448: By Senator Seawell—An act to amend Section 737tt of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Sierra.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 449: By Senator Deuel—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's office.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 450: By Senator Metzger—An act to amend Section 105 of the Agricultural Code, relating to plant quarantine inspection stations.

Referred to Committee on Agriculture.

Senate Bill No. 451: By Senator Metzger—An act to amend Section 211 of the Agricultural Code, relating to hoof and mouth disease.

Referred to Committee on Agriculture.

Senate Bill No. 452: By Senator DeLap—An act to repeal Sections 10602 and 10604 of the Health and Safety Code, relating to proceedings to establish records of vital statistics.

Referred to Committee on Public Health and Safety.

Senate Bill No. 453: By Senator DeLap—An act to add Section 1554.1 to the Probate Code, relating to waiver of notice by the Attorney General.

Referred to Committee on Judiciary.

Senate Bill No. 454: By Senator DeLap—An act to add Section 1406.5 to the Probate Code, relating to nomination of guardians.

Referred to Committee on Judiciary.

Senate Bill No. 455: By Senator DeLap—An act to amend Section 851 of the Probate Code, relating to notice of hearing of petition for authorization to execute conveyance to complete contract.

Referred to Committee on Judiciary.

Senate Bill No. 456: By Senator DeLap—An act to add Section 841.5 to the Probate Code, relating to notice of hearing of petition for leasing of real property.

Referred to Committee on Judiciary.

Senate Bill No. 457: By Senator DeLap—An act to amend Sections 771, 1531 and 1534 of the Probate Code, relating to sales of securities.

Referred to Committee on Judiciary.

Senate Bill No. 458: By Senator DeLap—An act to amend Section 714 of the Probate Code, relating to actions on rejected claims.

Referred to Committee on Judiciary.

Senate Bill No. 459: By Senator DeLap—An act to add Section 586.5 to the Probate Code, relating to distribution of assets held by depositaries.

Referred to Committee on Judiciary.

Senate Bill No. 460: By Senator DeLap—An act to add Section 469 to the Probate Code, relating to compensation to attorneys for extraordinary services rendered to special administrators.

Referred to Committee on Judiciary.

Senate Bill No. 461: By Senator DeLap—An act to amend Section 442 of the Probate Code, relating to opposition to petition for letters of administration.

Referred to Committee on Judiciary.

Senate Bill No. 462: By Senator DeLap—An act to add Section 328.5 to the Probate Code, relating to notice of hearing on a petition for probate.

Referred to Committee on Judiciary.

Senate Bill No. 463: By Senator Biggar—An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity.

Referred to Committee on Public Health and Safety.

Senate Bill No. 464: By Senator Crittenden—An act to add Chapter 12, comprising Sections 9201 to 9225, inclusive, to Part 4, Division 8 of the Health and Safety Code, relating to abandonment of cemeteries by public cemetery districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 465: By Senator Quinn—An act to amend Section 970 of the Fish and Game Code, relating to crabs.

Referred to Committee on Fish and Game.

Senate Bill No. 466: By Senator Swan—An act to add Section 134 to the Public Utilities Act, relating to electrical corporations.

Referred to Committee on Public Utilities.

Senate Bill No. 467: By Senator Myhand—An act to amend Section 1032 of the Agricultural Code, relating to agricultural minerals.

Referred to Committee on Agriculture.

Senate Bill No. 468: By Senator Myhand—An act to amend Section 1030 of the Agricultural Code, relating to registration of fertilizing materials.

Referred to Committee on Agriculture.

Senate Bill No. 469: By Senator Gordon—An act to amend Section 1157 of the Fish and Game Code, relating to closing of areas to hunting.

Referred to Committee on Fish and Game.

Senate Bill No. 470: By Senator Gordon—An act to amend Section 493 of the Fish and Game Code, relating to fishing hours.

Referred to Committee on Fish and Game.

Senate Bill No. 471: By Senator Gordon—An act to amend Section 1230 of the Fish and Game Code, relating to predatory mammals.

Referred to Committee on Fish and Game.

Senate Bill No. 472: By Senator Gordon—An act to amend Section 1209 of the Fish and Game Code, relating to geese.

Referred to Committee on Fish and Game.

Senate Bill No. 473: By Senator Gordon—An act to amend Section 1153 of the Fish and Game Code, relating to firearms.

Referred to Committee on Fish and Game.

Senate Bill No. 474: By Senator Gordon—An act to amend Section 458 of the Fish and Game Code, relating to export of deer or game birds.

Referred to Committee on Fish and Game.

Senate Bill No. 475: By Senator Keating—An act to amend Section 607 of the Code of Civil Procedure, relating to the closing argument on a trial.

Referred to Committee on Judiciary.

Senate Bill No. 476: By Senator Collier—An act to add Section 630.5 to the Fish and Game Code, relating to the opening of streams for trout fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 477: By Senators Quinn, Crittenden, Mixter, Slater, Cunningham and Judah—An act declaring the public policy of the State relating to flood waters and the control, conservation and utilization thereof, and the prevention of soil erosion; flood damage and washing away of river and stream banks by floods; prescribing the powers and duties of State departments and agencies relating thereto, authorizing cooperation with the United States, its instrumentalities and agencies in relation thereto; and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 478: By Senator Biggar—An act to amend Sections 479 and 487 of the Agricultural Code, relative to market milk.

Referred to Committee on Agriculture.

Senate Bill No. 479: By Senator Biggar—An act to amend Section 737.7 of the Agricultural Code, relative to penalties for violations of Chapter 10, Division 4 of said Agricultural Code.

Referred to Committee on Agriculture.

Senate Bill No. 480: By Senator Biggar—An act to add a new section to the Agricultural Code, to be numbered 736.5-1, relative to sales of milk for cash.

Referred to Committee on Agriculture.

Senate Bill No. 481: By Senator Biggar—An act to amend Section 736.14 of the Agricultural Code, relating to fees for the administration of Chapter 10 of Division 4.

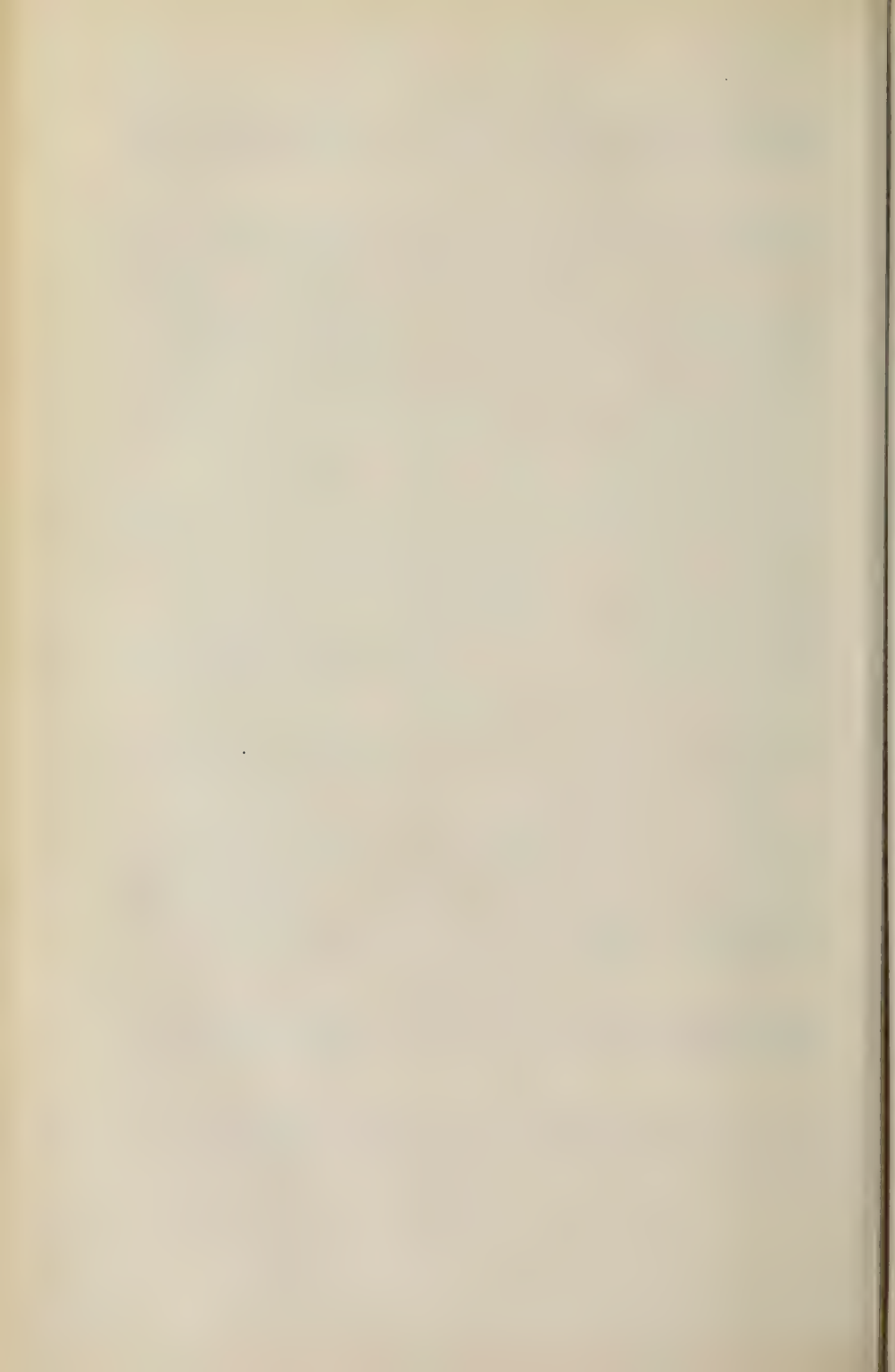
Referred to Committee on Agriculture.

Senate Constitutional Amendment No. 9: By Senator Swan—A resolution proposing to the people of California to amend the State Constitution by adding thereto Article XXVII, relating to the California Highway Patrol.

Referred to Committee on Governmental Efficiency.

ADJOURNMENT

At 4.48 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 23, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY

EIGHTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, January 23, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Josperson, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mexter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swang, Tickle, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ortan E. Darnall, President of the San Diego Board of Education, of San Diego.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin J. Regan, District Attorney of Trinity County, of Weaverville.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. Tunnison, Supervisor of Lassen County, of Westwood.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Benjamin B. Knight, District Attorney of Santa Cruz County, of Santa Cruz.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. C. W. Pierce, of the Los Angeles City Board of Education.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Faugsted, John Winkleman, Ellsworth Williard and F. J. McCarron, El Dorado County Engineer, all of Placerville, and C. Heusner, Chairman of the El Dorado County Board of Supervisors, of Shingle Springs.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wilbur E. Figueira and O. M. Jerue, both of Sacramento.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herbert Orris, of Santa Barbara.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James J. McDonald, Chester R. MacPhee, both of San Francisco and Dr. Henry J. Volonte and Hugh F. Mullin, Jr., both of San Mateo.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robt. L. Ryan, County Engineer, of Ventura.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mesdames Alice Boodell, Elizabeth Graham, Agnes Collins and May Q. Lilienthal, all of Oakland.

REMARKS

Senator Swing called attention to the oranges which were distributed to the members of the Senate through the courtesy of Mark D. Anderson, manager of the Redlands Highlands Fruit Exchange.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 32

Relative to the death of John T. "Casey" Young

Appropriately the Senate can pause for a moment to pay a tribute of respect to one of its old time attaches, John T. "Casey" Young. Mr. Young closed his Life Book rather suddenly last Saturday night in a Sacramento hospital, following many months of invalidism which, however, did not keep him entirely away from the activities of life, particularly the companionship of friends. He was buried beside his pioneer parents last Tuesday in San Francisco.

I take particular part in calling the attention of the Senate to "Casey" Young's death. He accompanied me to the Legislature 30 years ago and up to within a few years was present and employed at each succeeding session of the Senate, serving as Assistant Sergeant-at-Arms and Bookkeeper, always attentive to his duties and uniformly courteous to the members of the Senate.

"Casey" Young had a long and interesting career. In early life he was a baseball player and it was then that he was given the sobriquet of "Casey at the Bat," in addition to the other distinguished diamond star who had been similarly styled. Everybody knew him as "Casey." He was also employed in the railroad mail service and in other activities. Aside from his legislative employment, he had not been actively and constantly engaged in other work for many years. Prior to moving to Santa Rosa, he had lived in San Francisco and was active in politics. He knew the political leaders and politics of yesteryear. Several years since, he came to Sacramento to live. For years, he made his daily rounds of the State Capitol offices and greeted friends everywhere.

"Casey" Young had great pride in his pioneer ancestry and to him "Mother's Day" was an outstanding event of each year. He never ceased praising his mother and his pioneer father. He was a brother of the late Harry R. Young of San Francisco. He also took pride in his attire, his carnation wearing and his friends. He had his likes and dislikes as all humans have and he was at the same time gentle and kind and appreciated attention; therefore, be it

Resolved, That the Senate of the State of California when it adjourns this twenty-third day of January, 1941, does so out of respect to the memory of John T. "Casey" Young; and be it further

Resolved, That the Secretary of the Senate be requested to forward an illuminated copy of this resolution to the bereaved relatives of our friend.

Resolution read, and unanimously adopted by a rising vote.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 241

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 336

Assembly Bill No. 337

Assembly Bill No. 282

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 300

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 9

Assembly Joint Resolution No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 336—An act to repeal Sections 3519 and 3520 of, and to add Section 3520 to, the Revenue and Taxation Code, relating to property taxation and property deeded to the State for taxes, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 337—An act to amend Sections 107, 121, 252, 260, 531, 2905, 4337, 4990 and 5138 of, and to repeal Section 261 of the Revenue and Taxation Code, relating to property taxation, including the assessment and collection of taxes, installment payment of taxes, exemptions, cancellation of taxes, suits to recover taxes, and the definitions of real estate, real property, possessory interests, and taxing agency, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 282—An act to amend Section 10203 of the Insurance Code, relating to group life insurance, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Financial Institutions.

Assembly Bill No. 47—An act to add Sections 337f, 337g and 337h to the Penal Code, prohibiting interference with the natural outcome of horse races, whether by bribery of, or solicitation of bribery by, jockeys, trainers, owners, race track officials, or others or by the use of drugs, or electrical or mechanical or other appliances, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 13—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Referred to Committee on Rules.

Assembly Bill No. 300—An act to add Section 86.2 to the State Civil Service Act, relating to an oath for civil service employees, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 9—Relative to the naming of the new airport on Treasure Island the John J. Montgomery Aviation Field.

Referred to Committee on Transportation.

Assembly Joint Resolution No. 6—Relative to memorializing Congress to increase the appropriation of funds for the Central Valley Water Project.

Motion to Place Bill on File

Senator Mixer moved that Assembly Joint Resolution No. 6 be placed on file without reference to committee.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 303

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership: 9; committee vote: Ayes: 5; absent: 4.

FLETCHER, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 303—An act to add Section 2457.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on medicine thereof, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 6: By Senator Judah. Relative to the construction of necessary roads required by the Army and the Navy.

Request for Unanimous Consent

Senator Judah asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6 Relative to the construction of necessary roads required by the Army and the Navy.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cronin, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Swing, and Ward. 33.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, JANUARY 23, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Joint Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership: 11; committee vote: Ayes: 8; absent: 3.

PHILLIPS, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 2 Relative to memorializing Congress to amend the Social Security Act with reference to the exempt income rights adopted persons receiving old age assistance.

Resolution read.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 11 and 12, of the printed resolution, strike out "good workers and ambitious", and insert "still able".

Amendment No. 2

On page 1, line 13, of the printed resolution, strike out "their individual labors", and insert "gardening or other light labor suited to their age".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman

Above reported resolution ordered to third reading.

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership—5; committee vote: Ayes—4; absent—1.

RICH, Chairman

Above reported resolution ordered to third reading.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 482: By Senator Myhand—An act to add Section 454.5 to the Fish and Game Code, relating to hunting with firearms.

Referred to Committee on Fish and Game.

Senate Bill No. 483: By Senator Fletcher—An act to appropriate funds to the State Department of Education for publications by the California State Historical Association.

Referred to Committee on Finance.

Senate Bill No. 484: By Senator Fletcher—An act relating to the liability for sales and use taxes and interest thereon arising out of sales of tangible personal property purchased by contractors to carry out their construction contracts with the United States on a cost-plus-a-fixed-fee basis, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 485: By Senator Myhand—An act to add Sections 4026, 4026.1, 4026.2, and 4026.3, to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service.

Referred to Committee on Local Government.

Senate Bill No. 486: By Senator Fletcher—An act to add Section 1732.5 to the Civil Code, relating to warranties.

Referred to Committee on Judiciary.

Senate Bill No. 487: By Senator Judah—An act to add Sections 3.25 and 3.26 to the School Code, relating to summer vacations, declaring the urgency hereof, and that this act shall take immediate effect.

Referred to Committee on Education.

Senate Bill No. 488: By Senator Gordon—An act to add Chapter 4.5, consisting of Sections 24500 to 24538, inclusive, to Division 20 of the Health and Safety Code, relating to the conduct of pounds, the disposition of animals impounded or sheltered therein and the protection of the interests of domestic animals and of public health.

Referred to Committee on Public Health and Safety.

Senate Bill No. 489: By Senator Crittenden—An act making an appropriation to pay the claim of Anne K. Greenlees against the State of California.

Referred to Committee on Finance.

Senate Bill No. 490: By Senators Seawell, Fletcher, Keating, Shelley and Kenny—An act to amend Section 70 of the Streets and Highways Code, relating to the California Highway Commission.

Referred to Committee on Transportation.

Senate Bill No. 491: By Senator Swan—An act to amend Section 1649 of the Labor Code, relating to trade and vocational schools furnishing employment agency services.

Referred to Committee on Labor.

Senate Bill No. 492: By Senator Dillinger—An act making an appropriation for the employment of seven additional employees to eliminate the necessity of present employees of the Preston School of Industry working outside of classification, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 493: By Senator Kenny—An act to add Chapter 1.5, consisting of Sections 4700 to 4707, inclusive, to Division 7 of the Elections Code, relating to State election campaigns.

Referred to Committee on Elections.

Senate Bill No. 494: By Senator Kenny—An act to amend Section 55 of and add Section 54.4 to the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 495: By Senator Kenny—An act to amend Sections 396 and 439 of the Code of Civil Procedure, relating to transfer of cases.

Referred to Committee on Judiciary.

Senate Bill No. 496: By Senator Kenny—An act to amend Section 164 of the Civil Code, relating to property acquired after marriage.

Referred to Committee on Judiciary.

Senate Bill No. 497: By Senator Kenny—An act to amend Section 1588 of the Labor Code, relating to license fees of employment agencies and labor contractors.

Referred to Committee on Labor.

Senate Bill No. 498: By Senator Quinn—An act to add Section 4986.2 to the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 499: By Senator Powers—An act to amend Section 4268 of the Political Code, relating to compensation of county officers.

Referred to Committee on Local Government.

Senate Bill No. 500: By Senator Powers—An act to amend Section 942 of the Streets and Highways Code, relating to powers of board of supervisors.

Referred to Committee on Transportation.

Senate Bill No. 501: By Senator Powers—An act to amend Section 980 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county planning commissions in relation thereto.

Referred to Committee on Transportation.

Senate Bill No. 502: By Senator Rich—An act to amend Section 2953 of the Civil Code, relating to agreements waiving statutory rights.

Referred to Committee on Judiciary.

Senate Constitutional Amendment No. 10: By Senators Kenny and Carter—Propose to the people of the State of California an amendment to the Constitution of said State by adding Section 34b to Article IV and amending Section 17 of Article V and adding Section 20 to Article XIII of said Constitution, relating to State revenue, taxes, moneys and property and the collection, acquisition, administration, supervision, management, control, use and disposition thereof and reports, accounting and auditing with respect thereto.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 353
Senate Bill No. 354
Senate Bill No. 355
Senate Bill No. 356
Senate Bill No. 357
Senate Bill No. 358
Senate Bill No. 359
Senate Bill No. 360
Senate Bill No. 361
Senate Bill No. 362

And reports the same correctly engrossed.

RICH, Chairman

MOTION TO CHANGE SCHEDULE OF COMMITTEE MEETINGS

Senator Rich moved that the schedule of committee meetings be changed as follows:

Meeting of COMMITTEE ON TRANSPORTATION changed from MONDAY, AFTER ADJOURNMENT until MONDAY EVENING at 8 p.m.

Meeting of COMMITTEE ON PUBLIC UTILITIES changed from FRIDAY, AFTER ADJOURNMENT until MONDAY, AFTER ADJOURNMENT.

Meeting of COMMITTEE ON FINANCE from FRIDAY NIGHT to WEDNESDAY MORNING, at 9 a.m.

Meeting of COMMITTEE ON WATER RESOURCES from WEDNESDAY MORNING to FRIDAY, AFTER ADJOURNMENT.

Motion carried.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 503: By Senator Luckey. An act to repeal Section 33 of, and to add Sections 34 and 35 to, an act entitled "An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807k, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9e, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation," approved June 1, 1940, and to repeal an act entitled "An act to amend Section 33 of an act entitled 'An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113, and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9e, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation,' approved June 1, 1940, relating to the effective date of the provisions thereof," approved December 7, 1940, relating to property taxation and the effective date of the provisions of Chapter 47 of the First Extraordinary Session of 1940, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 504: By Senator Judah—An act to amend Section 83 of the Fish and Game Code, relating to Fish and Game District 15.

Referred to Committee on Fish and Game.

Senate Bill No. 505: By Senator Parkman—An act to add Sections 1425.2, 1425.4, 1425.5 and 1425.6 to the Penal Code, relating to the territorial jurisdiction of justices' courts and trials therein.

Referred to Committee on Judiciary.

Senate Bill No. 506: By Senator Parkman—An act to amend Sections 8931, 8938, 8939, 8963, and 9000 of the Health and Safety Code, relating to cemeteries.

Referred to Committee on Public Health and Safety.

Senate Bill No. 507: By Senator Parkman—An act to add a new section to the School Code to be numbered 5.855, relating to the Teachers' Permanent Fund.

Referred to Committee on Education.

Senate Bill No. 508: By Senator Parkman—An act to amend School Code Section 5.352, relating to fees for life diplomas issued by the State Board of Education.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 555:—An act to amend Sections 106, 107, 108 and 109 of the Streets and Highways Code, relating to cooperative agreements as to bridges, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 361:—An act to add Part 3, comprising Chapter 1, Sections 17500 to 17535, to Division 7, and to add Section 30041 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to false advertising, and repealing acts and parts of acts specified herein.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, strike out lines 50 to 52, inclusive, and on page 4 thereof, strike out lines 1 to 22, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 283

Senator Garrison moved that Senate Bill No. 283 be withdrawn from Committee on Welfare and Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 283—An act to add Section 2160.7 to the Welfare and Institutions Code, relating to the aged confined in county institutions.

Bill read second time.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, after "confinement", insert "following the first 60 days thereof".

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "otherwise".

Amendment No. 3

On page 1, line 9, of the printed bill, strike out " ", and insert ", if he were not confined. Nothing in this section shall prohibit a person from receiving his pension during the first 60 days of his confinement."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

REPORTS OF STANDING COMMITTEES**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, JANUARY 22, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred Senate Bill No. 390

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3

POWERS, Chairman

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 390—An act to amend the title and Section 1 of, and to add Section 2 to an act entitled "An act to authorize the legislative bodies of counties, cities and cities and counties, directly or through a duly authorized representative, to attend the sessions of the Legislature of the State of California and to appear before said Legislature and the committees thereof and making the cost incidental thereto a proper charge against the funds of the county, or city, or city and county, and declaring the urgency thereof," approved March 16, 1935, relating to representation of cities, counties and cities and counties, before the Legislature of this State and the Congress of the United States, and declaring the urgency hereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 34, of the printed bill, add:

"Provided, however, That the legislative body of any county or city or city and county may withdraw from any association entered into under the provisions of this act at any time by resolution of said legislative body ordering such withdrawal."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 509: By Senators Fletcher, Shelley and Kenny—An act to authorize housing authorities created by the Housing Authorities Law of this State to provide housing for persons engaged in National defense activities and their families (provided that no such project shall be initiated under this act until a finding of necessity for said project has been made by the President of the United States pursuant to appropriate Federal legislation) and to acquire or assist similar projects of the Federal Government or act as agent of the Federal Government with respect to such projects of housing authorities or the Federal Government and providing that this act take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 510: By Senators Kenny and Carter—An act to add two new articles to Chapter 3 of Title 1 of Part 3 of the Political Code, one to be numbered Article 2.5 embracing Sections 360 to 360i, both inclusive, and creating a Department of Revenue, and one to be numbered Article 2.8 embracing Sections 360j to 360m, both inclusive, and creating a Board of Tax Appeals, all relating to State revenue and taxes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 511: By Senators Kenny and Carter—An act to enact a Fiscal Code, relating to State revenue, taxes, moneys and property, and the collection, acquisition, disposition, administration, supervision, management, control and use thereof and budgeting, auditing, accounting and reporting with respect thereto.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 512: By Senators Kenny and Carter—An act to add a new article to Chapter 3 of Title 1 of Part 3 of the Political Code, to be numbered Article 2.5 embracing Sections 360 to 360i, both inclusive, creating a Department of Revenue and relating to State revenue and taxes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 513: By Senators Kenny and Carter—An act to add a new article numbered 6a, consisting of Sections 446 to 451, both inclusive, to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the duties of the State Controller, and providing for the auditing and management of the fiscal and business affairs of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 514: By Senators Kenny and Carter—An act to repeal Article 6, consisting of Sections 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 444.5 and 445, of Chapter 3 of Title 1 of Part 3 of the Political Code, and to add a new article numbered Article 6 to Chapter 3 of Title 1 of Part 3 of the Political Code, and to repeal Sections 658 and 679 of said code, relating to the Auditor General and the transfer of certain duties heretofore exercised by the State Con-

troller and the Department of Finance to the Auditor General and providing for the auditing and management of the fiscal and business affairs of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 515: By Senator Swan—An act making an appropriation to pay the claim of Mrs. Henry Martin against the State of California.

Referred to Committee on Finance.

Senate Bill No. 516: By Senator Swan—An act to amend Section 82 of the State Civil Service Act, relating to promotional examinations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 517: By Senator Swan—An act to add Section 1.253 to the School Code, relating to assistant county supervisor of attendance.

Referred to Committee on Education.

Senate Bill No. 518: By Senator Swan—An act to repeal Chapter 5 of Part 1 of Division 2, and Chapter 3 of Part 2 of Division 2, of the School Code, relating to consolidated school districts.

Referred to Committee on Education.

Senate Bill No. 519: By Senator Parkman—An act to repeal Sections 424, 425 and 426 of and to add Sections 407, 408 and 409 to the Fish and Game Code, relating to license agents, compensation for sale and bonding of agents.

Referred to Committee on Fish and Game.

Senate Bill No. 520: By Senator Cunningham—An act to amend Section 343 of the Agricultural Code, relating to brands and marks inspection.

Referred to Committee on Agriculture.

Senate Bill No. 521: By Senator Slater—An act to amend Section 798.6 of the Fish and Game Code, relating to abalone bag limits in District 2.

Referred to Committee on Fish and Game.

Senate Bill No. 522: By Senator Slater—An act to amend Section 2837 of the Elections Code, relating to county central committees.

Referred to Committee on Elections.

Senate Bill No. 523: By Senator Tickle—An act to amend Section 4a of the Bank and Corporation Franchise Tax Act, relating to the rate of tax on banks and financial corporations.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 524: By Senator Tickle—An act to amend Section 612 of the Fish and Game Code, relating to steelhead trout fishing.

Referred to Committee on Fish and Game.

Senate Bill No. 525: By Senator Parkman—An act to amend Sections 1, 2, 6, 7 and 8 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof,' approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act."

Referred to Committee on Public Utilities.

Senate Bill No. 526: By Senator Parkman—An act to add Section 5.5 to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," relating to computation of gross receipts.

Referred to Committee on Public Utilities.

Senate Bill No. 527: By Senator Fletcher—An act to repeal certain obsolete or superseded acts, all relating to appropriations of money from the State Treasury, and matters incidental thereto.

Referred to Committee on Judiciary.

Senate Bill No. 528: By Senator Deuel—An act regulating the manufacture and sale of California olive oil and olive oil substitutes, and promoting honesty and fair dealing by establishing standards and methods of labeling and packaging, defining olive oil and olive oil substitutes; imposing penalties for violations of this act, and defining the powers of the State Department of Public Health in relation thereto; and declaring the urgency hereof.

Referred to Committee on Agriculture.

Senate Bill No. 529: By Senator Parkman—An act to add Section 4056g to the Political Code, relating to officers, deputies, assistants and employees of the counties, and their rights and privileges in relation to their several county offices and employments during, and after termination of, their service in the armed forces or training and service in the land or naval forces of the United States.

Referred to Committee on Local Government.

Senate Bill No. 530: By Senator Garrison—An act to add Section 28.7 to Article 1 of Chapter 1 of Division 1 of the Agricultural Code, relating to bonds and licenses.

Referred to Committee on Agriculture.

Senate Bill No. 531: By Senator Garrison—An act to repeal Section 511 of the Vehicle Code, and to add a new Section 511 thereto, relating to speed limits and speed controlled areas.

Referred to Committee on Transportation.

Senate Bill No. 532: By Senator Garrison—An act to repeal Chapter 7 of Division 6 of the Agricultural Code, relating to deciduous fruit dealers.

Referred to Committee on Agriculture.

Senate Bill No. 533: By Senator Garrison—An act to provide for the acquisition of land and the construction and equipment of buildings, offices and facilities for officers, boards, commissions and State agencies.

Referred to Committee on Governmental Efficiency.

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 33

WHEREAS, There will soon be a vacancy in the membership of the Supreme Court of the United States; and

WHEREAS, There is no member of the present Supreme Court of the United States who is a Californian; and

WHEREAS, There are many esteemed jurists and members of the bar in the State of California who are well qualified to sit upon the Supreme Court Bench; now, therefore, be it

Resolved by the Senate of the State of California, That we hereto respectfully urge the President of the United States to appoint a Californian to the vacancy soon to exist in the membership of the Supreme Court; and be it further

Resolved, That a copy of this resolution be sent by the Secretary of the Senate to the President and Vice President of the United States and to each Senator and Representative from California in Congress.

Resolution read and adopted.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 175

Senator Tickle moved that Assembly Bill No. 175 be withdrawn from Committee on Revenue and Taxation, and placed on file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILLS NOS. 336 AND 337

Senator Rieh moved that Assembly Bills Nos. 336 and 337 be withdrawn from Committee on Revenue and Taxation, and placed on file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 445—An act to add Section 7.1 to The Personal Income Tax Act, relating to the tax on compensation received for service rendered for a period of five years or more, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator Denel asked for, and was granted, unanimous consent to take up Senate Bill No. 445, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 445**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator Deuel:

Resolved, That Senate Bill No. 445 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 445—An act to add Section 7.1 to The Personal Income Tax Act, relating to the tax on compensation received for service rendered for a period of five years or more, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tickle—35.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Mixer asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 6, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—Relative to memorializing Congress to increase the appropriation of funds for the Central Valley Water Project.

Resolution read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Tickle—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 534: By Senator Phillips—An act to add Article 11 to Chapter 2 of Part 1 of Division 2 of the School Code, relating to the inclusion in school districts of lands owned by the United States of America.

Referred to Committee on Education.

Senate Bill No. 535: By Senators Phillips and Jespersen—An act to provide for the further development of vocational education in California by accepting the provisions and benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved June 8, 1936, entitled "An act to provide for the further development of vocational education in the several States and Territories"; and making an appropriation therefor; and declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Senate Bill No. 536: By Senators Phillips and Jespersen—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural commodities, and providing for production adjustment payments.

Referred to Committee on Agriculture.

Senate Bill No. 537: By Senators Phillips and Jespersen—An act to amend Sections 1300.12, 1300.14, 1300.17, 1300.20, 1300.23 and 1300.28 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 538: By Senator Hays—An act to amend School Code Section 6.320, relating to the ordering of State textbooks by heads of State institutions.

Referred to Committee on Education.

Senate Bill No. 539: By Senator Garrison—An act to amend Sections 4, 5, 6, 7, 9 and 10 of an act entitled "An act to provide for the consolidation of districts organized or existing under the California Irrigation District Act," approved May 31, 1921, relating to the consolidation of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 540: By Senator Garrison—An act to add Section 23.5 to the California Irrigation District Act, relating to irrigation district elections.

Referred to Committee on Water Resources.

Senate Bill No. 541: By Senator Garrison—An act to add Section 1.5 to the California Irrigation District Act, relating to publication of notices pursuant to laws relating to irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 542: By Senator Collier—An act to add Section 3.693 to the School Code, relating to moral instructions.

Referred to Committee on Education.

Senate Bill No. 543: By Senator Phillips—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding thereto new Sections 21.1 and 21.2, relating to allocation of proceeds of contracts or other sources of payment to the payment of bonds and 21.3, relating to redemption of bonds and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 544: By Senator Phillips—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending Section 26, relating to annual estimate for taxes, and Section 28, relating to annual tax levy; and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 545: By Senator Phillips—An act to provide for the acquisition, development, and disposal of electrical power by Palo Verde Irrigation District and granting to said district rights of way for electric light and power lines.

Referred to Committee on Public Utilities.

Senate Bill No. 546: By Senator Keating—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 547: By Senator Keating—An act making an appropriation for construction, improvements, equipment and the purchase of land for the California Maritime Academy.

Referred to Committee on Finance.

Senate Bill No. 548: By Senator Mixer—An act to amend Sections 30 and 30a of the California Irrigation District Act, relating to irrigation district bonds.

Referred to Committee on Water Resources.

Senate Bill No. 549: By Senator Mixer—An act to repeal Sections 62 and 63 of the California Irrigation District Act, relating to

apportionment of water by water commissioners and flow of water through irrigation district ditches in times of high water.

Referred to Committee on Water Resources.

Senate Bill No. 550: By Senator Mixter—An act to repeal Section 2 of an act entitled "An act to provide for drainage by irrigation districts," approved March 18, 1907, relating to the duties of irrigation districts and their officers to drain land.

Referred to Committee on Water Resources.

Senate Bill No. 551: By Senator Mixter—An act to repeal Section 2½ of an act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, relating to the dissolution of irrigation districts having no indebtedness not barred by the statute of limitations.

Referred to Committee on Water Resources.

Senate Bill No. 552: By Senator Mixter—An act to amend Section 93a of the California Irrigation District Act, relating to the inclusion of lands.

Referred to Committee on Water Resources.

Senate Bill No. 553: By Senator Mixter—An act to add Section 57.5 to the California Irrigation District Act, relating to the compensation of directors of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 554: By Senator DeLap—An act to amend Section 78 of the Fish and Game Code, relating to Fish and Game Districts 12 and 12b.

Referred to Committee on Fish and Game.

Senate Bill No. 555: By Senator Breed—An act making an appropriation for construction, improvements, equipment and the purchase of land for the California School for the Blind.

Referred to Committee on Finance.

Senate Bill No. 556: By Senator Breed—An act making an appropriation for construction, improvements, equipment and the purchase of land for the California School for the Deaf.

Referred to Committee on Finance.

Senate Bill No. 557: By Senator Kenny—An act to amend Sections 975, 977 and 980 of the Code of Civil Procedure, and to add Sections 980a, 980b and 980c to said code, relating to appeals from justice and police courts.

Referred to Committee on Judiciary.

Senate Joint Resolution No. 7: By Senator Seawell—Relative to memorializing Congress to provide funds for greater speed in completion of the Central Valley Project in aid of the National defense.

Referred to Committee on Water Resources.

Senate Bill No. 558: By Senator Breed—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 559: By Senator Breed—An act to amend Section 356a of the Political Code, relating to contracts between different State agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 560: By Senator Breed—An act to add Chapter 7, comprising Sections 7300 to 7310, inclusive, to Part 4 of Division 6 of the Welfare and Institutions Code, relating to the establishment and maintenance of an acute neuro-psychiatric hospital, creating a board of trustees therefor, and providing for the powers and duties of the Department of Institutions and the Regents of the University of California in connection therewith.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 561: By Senators Biggar, Slater and Gordon—An act to amend Section 18 of the Alcoholic Beverage Control Act, relating to restrictions on issuance of on-sale beer and wine and distilled spirits licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 562: By Senators Gordon, Slater and Biggar—An act to amend Section 49 of the Alcoholic Beverage Control Act, relating to the importation of alcoholic beverages and consignment thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 563: By Senators Slater, Gordon and Biggar—An act to amend Section 67.1 of the Alcoholic Beverage Control Act, relating to the tax on wine used for industrial purposes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 564: By Senator Biggar—An act to amend Section 653 of the Fish and Game Code, relating to salmon in Districts 2 and 2½.

Referred to Committee on Fish and Game.

Senate Bill No. 565: By Senator Hays—An act to amend an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, by adding a new Section 11½ authorizing the Railroad Commission to authorize the refund or remission of excessive charges.

Referred to Committee on Public Utilities.

Senate Bill No. 566: By Senator Hays—An act to amend an act entitled "An act to provide for the organization of the Railroad Commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'Railroad Commission Fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing Title 15 of Part 4 of Division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915 by adding a new Section 71½ authorizing the Railroad Commission to authorize common carriers to refund charges in excess of just and reasonable minimum rates of charge.

Referred to Committee on Public Utilities.

Senate Bill No. 567: By Senator Hays—An act to amend Sections 1, 3, 7, 12, 14½ and 15 of an act entitled "An act regulating the use of public highways for commercial purposes by certain motor vehicles operated thereon for the transportation of property for compensation; preventing discriminations between various forms of transportation; conferring powers upon the Railroad Commission with respect to the transportation of property for compensation by said motor vehicles; providing penalties for the violation of this act, and repealing all acts inconsistent with the provisions of this act," approved May 27, 1935, relative to the use of public highways for commercial purposes by motor vehicles.

Referred to Committee on Public Utilities.

Senate Bill No. 568: By Senator Hays—An act to add Section 192 to the School Code, relating to transportation of pupils to and from elementary and secondary schools other than public schools.

Referred to Committee on Education.

Senate Bill No. 569: By Senator Hays—An act to amend Section 15 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Referred to Committee on Financial Institutions.

**WITHDRAWAL FROM COMMITTEE OF SENATE JOINT
RESOLUTION NO. 7**

Senator Seawell moved that Senate Joint Resolution No. 7 be withdrawn from Committee on Water Resources for purpose of consideration.

Motion carried.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 7, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 7

Senate Joint Resolution No. 7: Relative to memorializing Congress to provide funds for greater speed in completion of the Central Valley Project in aid of the National defense.

Resolution read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—36.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 570: By Senators Foley, McBride, Gordon, Biggar, Crittenden, Kenny and Swing—An act making an appropriation for construction, improvements, and equipment at the Agnews State Hospital.

Referred to Committee on Finance.

Senate Bill No. 571: By Senators Foley, McBride, Gordon, Crittenden, Kenny, Biggar and Swing—An act making an appropriation for the purchase of land at the Agnews State Hospital.

Referred to Committee on Finance.

Senate Bill No. 572: By Senators Gordon, McBride, Biggar, Crittenden, Kenny, Swing and Foley—An act making an appropriation for construction, improvements, and equipment at the Napa State Hospital.

Referred to Committee on Finance.

Senate Bill No. 573: By Senators Gordon, McBride, Crittenden, Biggar, Kenny, Foley and Swing—An act making an appropriation for the support of the Department of Institutions during the Ninety-third and Ninety-fourth Fiscal Years, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 574: By Senators McBride, Biggar, Crittenden, Gordon, Foley and Swing—An act making an appropriation for construction, improvements, and equipment at the Ventura School for Girls.

Referred to Committee on Finance.

Senate Bill No. 575: By Senators McBride, Crittenden, Biggar, Swing, Gordon and Foley—An act making an appropriation for construction, improvements, and equipment at the Patton State Hospital.

Referred to Committee on Finance.

Senate Bill No. 576: By Senators McBride, Crittenden, Biggar, Swing, Gordon and Foley—An act making an appropriation for the purchase of land at the Patton State Hospital.

Referred to Committee on Finance.

Senate Bill No. 577: By Senators McBride, Biggar, Foley, Gordon, Swing, Crittenden and Kenny—An act making an appropriation for construction, improvements and equipment at the Camarillo State Hospital.

Referred to Committee on Finance.

Senate Bill No. 578: By Senators Crittenden, McBride, Biggar, Gordon, Foley and Swing—An act making an appropriation for construction, improvements, and equipment at the Stockton State Hospital.

Referred to Committee on Finance.

Senate Bill No. 579: By Senators Slater, McBride, Crittenden, Biggar, Gordon, Foley and Swing—An act making an appropriation for construction, improvements, and equipment at the Sonoma State Home.

Referred to Committee on Finance.

Senate Bill No. 580: By Senators Dillinger, McBride, Biggar, Crittenden, Gordon and Foley—An act making an appropriation for construction, improvements, and equipment at the Preston School of Industry.

Referred to Committee on Finance.

Senate Bill No. 581: By Senators Biggar, Gordon, McBride, Kenny, Swing and Crittenden—An act making an appropriation for construction, improvements, and equipment at the Mendocino State Hospital.

Referred to Committee on Finance.

RECESS

At 12:35 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 445

Senate Concurrent Resolution No. 7

And reports the same correctly engrossed.

RICH, Chairman

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 40

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 208

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 655

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 655—An act relating to the operation of motor vehicles in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Referred to Committee on Transportation.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 582: By Senator Hays—An act making an appropriation for the support of the Fresno State College.

Referred to Committee on Finance.

Senate Bill No. 583: By Senator Hays—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Fresno State College.

Referred to Committee on Finance.

Senate Bill No. 584: By Senator DeLap—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to provide for the joint exercise of powers by public agencies and defining public agencies.

Referred to Committee on Local Government.

Senate Bill No. 585: By Senator DeLap—An act to amend Section 865 of the Fish and Game Code, relating to use of nets.

Referred to Committee on Fish and Game.

Senate Bill No. 586: By Senator Fletcher—An act making an appropriation for the purchase of land and for construction and equipment of workshop, offices, and storeroom for the State Blind Shop in San Diego.

Referred to Committee on Finance.

Senate Bill No. 587: By Senator Fletcher—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the San Diego State College.

Referred to Committee on Finance.

Senate Bill No. 588: By Senator Fletcher—An act making an appropriation for the support of the San Diego State College.

Referred to Committee on Finance.

Senate Bill No. 589: By Senator McCormack—An act to amend Sections 345, 466 and 612 of the Streets and Highways Code, relating to descriptions of certain State highways.

Referred to Committee on Transportation.

Senate Bill No. 590: By Senator McCormack—An act to amend Section 465 of the Vehicle Code, relating to signs, signals and traffic control devices.

Referred to Committee on Transportation.

Senate Bill No. 591: By Senator Crittenden—An act to amend Sections 65, 66, 78, 79, 83, 83a, 83b, 84, 86, 88, 93, 108 and 109 of and to add Section 100b to the State Employees' Retirement Act, relating to the retirement of State employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 592: By Senator Deuel—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Chico State College.

Referred to Committee on Finance.

Senate Bill No. 593: By Senator Deuel—An act making an appropriation for the support of the Chico State College.

Referred to Committee on Finance.

Senate Bill No. 594: By Senator Parkman—An act to authorize and direct the State Treasurer to destroy or cremate unsold and canceled revenue bonds of the California Toll Bridge Authority.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 595: By Senator Foley—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the San Jose State College.

Referred to Committee on Finance.

Senate Bill No. 596: By Senator Foley—An act making an appropriation for the support of the San Jose State College.

Referred to Committee on Finance.

Senate Bill No. 597: By Senator Ward—An act making an appropriation for the support of the Santa Barbara State College.

Referred to Committee on Finance.

Senate Bill No. 598: By Senator Ward—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Santa Barbara State College.

Referred to Committee on Finance.

Senate Bill No. 599: By Senator McBride—An act to provide for a coordinated building program of construction, repairs, and improvements, and equipment therefor, for State institutions in the Department of Institutions, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 600: By Senator Powers—An act to amend Section 352 of the Political Code, relating to traveling expenses of State officers and employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 601: By Senator Foley—An act to amend Section 675a of the Political Code, relating to approval of contracts by the Department of Finance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 602: By Senator Foley—An act to add a new section to the State Civil Service Act, to be numbered 57.3, relating to the noncertificated officers, and employees of the State normal schools or teachers' colleges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 603: By Senator Foley—An act to add Section 5.45 to the School Code, relating to the dismissal of employees of State colleges.

Referred to Committee on Education.

Senate Bill No. 604: By Senator Quinn—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Humboldt State College.

Referred to Committee on Finance.

Senate Bill No. 605: By Senator Quinn—An act making an appropriation for the support of the Humboldt State College.

Referred to Committee on Finance.

Senate Bill No. 606: By Senator Mixer—An act to amend the title of an act entitled "An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness

to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency hereof and providing that this act shall go into immediate effect," approved February 1, 1935, relating to cooperation between irrigation districts and county water districts.

Referred to Committee on Water Resources.

MOTION TO REFER SENATE BILLS

Senator Rich moved that Senate Bills Nos. 353 to 362, inclusive, be withdrawn from file, and referred to Committee on Judiciary.

Motion carried.

MOTION TO REFER ASSEMBLY BILLS

Senator Rich moved that Assembly Bills Nos. 336 and 337 be withdrawn from file, and referred to Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 607: By Senator Kenny—An act to amend Section 2020 of the Welfare and Institutions Code, relating to income and resources under the Old Age Security Law, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 608: By Senator Kenny—An act to amend Section 3084 of the Welfare and Institutions Code, relating to income of the needy blind, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 609: By Senator Kenny—An act to amend Section 2163 of the Welfare and Institutions Code, relating to personal property of persons receiving old age assistance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 610: By Senator Kenny—An act to amend Section 3047 of the Welfare and Institutions Code, relating to property of persons receiving aid to the needy blind.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 611: By Senator Kenny—An act to add Section 125 to the Welfare and Institutions Code, relating to the establishment of a Merit System Council, defining its powers and duties, and making an appropriation.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 612: By Senator Kenny—An act to add Section 112.5 to the Welfare and Institutions Code, relating to establishment

of personnel standards for the administration of public assistance programs.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 613: By Senator Swing—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 614: By Senators Kenny, Jespersen, Fletcher, Ward and McBride—An act making an appropriation for the acquisition, development and maintenance of ocean beaches for public use.

Referred to Committee on Finance.

Senate Bill No. 615: By Senator Shelley—An act to amend Section 1350 of the Labor Code, relating to hours of labor of females in certain employments.

Referred to Committee on Labor.

Senate Bill No. 616: By Senator Shelley—An act to add Section 1351.5 to the Labor Code, relating to hours of rest of female employees.

Referred to Committee on Labor.

Senate Bill No. 617: By Senator Shelley—An act to amend Section 1589 of the Labor Code, relating to surety bonds of employment agencies.

Referred to Committee on Labor.

Senate Bill No. 618: By Senator Shelley—An act to amend Section 1593 of the Labor Code, relating to employment agency licenses.

Referred to Committee on Labor.

Senate Bill No. 619: By Senator Shelley—An act to amend Sections 7302, 7321, 7324, 7330, 7331, 7332, 7334, 7351, 7360, 7372, 7373, 7376, 7382, 7383, 7391, 7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 of, to repeal Article 13, comprising Sections 7450 to 7457, inclusive, of, and to add Section 7329 to Article 3 of Chapter 10 of Division 3 of said code, relating to the practice, the training for and government of cosmetology.

Referred to Committee on Business and Professions.

Senate Bill No. 620: By Senator Shelley—An act to amend Section 6 of an act entitled "An act providing for a State Exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State Building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 621: By Senator Shelley—An act to add a new section number 975 to the Labor Code, relating to the employment and transportation of strikebreakers.

Referred to Committee on Labor.

Senate Bill No. 622: By Senator Shelley—An act to amend the title of Part 4 of Division 2 of, and Sections 95, 96, 1171, 1172, 1173, 1174, 1175, 1181, 1185, 1186, 1188, 1191, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1203, 1297, 1352, 1392 and 1393 of the Labor Code and to add Sections 98a, 100a, 101.1, 1170, 1172.1, 1197.1, 1197.2, 1197.3, 1197.4, 1198.1, 1198.2, 1198.3 and 1394.5 thereto, relating to labor and employment relations, including minimum wages.

Referred to Committee on Labor.

Senate Bill No. 623: By Senator Shelley—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the San Francisco State College.

Referred to Committee on Finance.

Senate Bill No. 624: By Senator Shelley—An act making an appropriation for the support of the San Francisco State College.

Referred to Committee on Finance.

Senate Bill No. 625: By Senator Shelley—An act to add Section 8.8 to the California Toll Bridge Authority Act, relating to the collection of tolls on toll bridges or other toll highway crossings constructed or acquired under the provisions of said act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 626: By Senator Garrison—An act to amend Section 19c of the California Irrigation District Act, relating to the selection of the officers of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 627: By Senator Garrison—An act to amend Sections 1, 7, 9 and 11 of the Irrigation District Improvement Act, relating to formation of, government of, and assessments in irrigation district improvement districts.

Referred to Committee on Water Resources.

Senate Bill No. 628: By Senator Garrison—An act to amend Section 4 of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to assessments in irrigation districts having an area of more than 500,000 acres.

Referred to Committee on Water Resources.

Senate Bill No. 629: By Senator Garrison—An act to amend Section 1 of "An act granting to irrigation districts of the State of California the right to construct, operate and maintain electric light and

power lines along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume," approved May 25, 1923, relating to rights of way for electric power lines.

Referred to Committee on Water Resources.

**WITHDRAWAL FROM COMMITTEE OF SENATE JOINT
RESOLUTION NO. 5**

Senator Metzger moved that Senate Joint Resolution No. 5 be withdrawn from Committee on Agriculture for purpose of consideration. Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 5

Senate Joint Resolution No. 5 Relative to the baneful effect of the importation of live stock and dressed meats from countries where foot and mouth disease exists.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Tickle—29.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 630: By Senators Seawell, Powers and Myhand—An act to amend Sections 4453, 4454, 4455 and 4456 of the Health and Safety Code, relating to water supply.

Referred to Committee on Public Health and Safety.

Senate Bill No. 631: By Senator Kenny—An act to add Article 3a, comprising Sections 1210 to 1210.12, to Chapter 4, Title 4, Part 4, Division 2 of the Civil Code, relating to acknowledgments of written instruments and to make uniform the law with relation thereto.

Referred to Committee on Judiciary.

Senate Bill No. 632: By Senator Kenny—An act to amend Section 1875 of the Code of Civil Procedure and to establish Article 1 of Chapter 1 of Title 2 of Part 4 of the Code of Civil Procedure, comprising Section 1875, and to add Article 2 to Chapter 1 of Title 2 of Part 4 of the Code of Civil Procedure, comprising Sections 1876 to 1876.6, inclusive, all relating to judicial notice.

Referred to Committee on Judiciary.

Senate Bill No. 633: By Senator Kenny—An act to repeal Section 2244 and to add Article 4, comprising Sections 2245 to 2245.13, inclusive, to Chapter 1 of Title 8 of Part 4 of Division 3 of the Civil Code, relating to liabilities of third persons dealing with fiduciaries.

Referred to Committee on Judiciary.

Senate Bill No. 634: By Senator Kenny—An act to add Chapter 3, comprising Sections 259 to 259.9, inclusive, to Division 2 of the Probate

Code, relating to the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously.

Referred to Committee on Judiciary.

Senate Bill No. 635: By Senator Kenny—An act to add Chapter 4a, consisting of Sections 1220 to 1226, inclusive, to Title 4 of Part 4 of Division 3 of the Civil Code, relating to the registration of Federal tax liens, and to repeal "An act authorizing the filing of notices of liens for internal revenue taxes payable to the United States of America and the discharges thereof in the office of the county recorder, prescribing the manner of filing and indexing the same and fixing the compensation therefor," approved June 22, 1923, as amended.

Referred to Committee on Judiciary.

Senate Bill No. 636: By Senator Kenny—An act to repeal Chapter 1, comprising Sections 260 to 272, both inclusive, and Chapter 2, comprising Sections 280 to 294, both inclusive, of Division 2a of the Probate Code and to add Chapter 1, comprising Sections 260 to 274, both inclusive, to Division 2a of the Probate Code, all relating to missing persons.

Referred to Committee on Judiciary.

Senate Bill No. 637: By Senator Kenny—An act to add Chapter 3a, comprising Sections 468 to 468.26, inclusive, to Title 13, Part 1 of the Penal Code, and repealing Sections 2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14 and 15 of an act entitled "An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this State; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use or possession of any of such weapons by certain classes of persons; to prescribe penalties for violation of this act and increased penalties for repeated violations hereof, to authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal Chapter 145 of California Statutes of 1917, relating to the same subject," approved June 13, 1923, relating to the sale, transfer and possession of pistols, revolvers and other dangerous weapons, providing for licenses, prescribing penalties for violating the act and for committing certain crimes when armed and limiting probation and parole of persons convicted of these crimes, changing the law of evidence and of arrest, and to make uniform the law relating thereto.

Referred to Committee on Judiciary.

Senate Bill No. 638: By Senator Kenny—An act making an appropriation for support of the Commission on Uniform State Laws, to take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 539. By Senator Henry.—An act to amend Section 1 of the act to provide for the creation of a Commission on California State Laws, the appointment of commissioners thereof, and to appropriate money for traveling expenses." approved May 14, 1937, relating to the Commission on California State Laws.

Referred to Committee on Judiciary.

Senate Bill No. 540. By Senator Seawell.—An act providing for the collection of money advanced in payment of taxes on real property by delinquents.

Referred to Committee on Judiciary.

Senate Bill No. 541. By Senator Henry.—An act to prevent and punish the desecration, mutilation or exposure of the Flag of the United States of America, and of the State and of any flag standard, which may or shall authorized by law.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 542. By Senator Seawell.—An act authorizing incorporation of hotels defined to include, transient, temporary and closed hotels and without their being temporary, select and water recreation-making enterprises as herein defined, and providing an authorized and exclusive method of licensing such enterprises through the issuance of licenses made possible solely from the payment of such corporation, and as is hereby secured by the taking power, including the issuance of licenses from the enterprises defined herein and including transient systems for the promotion or operation of temporary, authorizing such corporations to construct and operate such enterprises and to prescribe rates and select fees, bills, taxes, rentals and other charges for the services, facilities and commodities furnished therein, regulating the issuance of such licenses, providing for their payment and the rights and remedies of the holders thereof.

Referred to Committee on Local Government.

Senate Bill No. 543. By Senator Seawell.—An act to amend Section 27 of the State Civil Service Act, relating to examinations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 544. By Senator Powers.—An act to add Section 4308 to the Labor Code of the State of California, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

Senate Bill No. 545. By Senators Swan and Kerns.—An act to amend the title and Section 3 of, and to add Articles 11 to 15, inclusive comprising Sections 151 to 157, inclusive to the Unemployment Insurance Act, relating to a system of Health Insurance within the system of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 646: By Senator Swan—An act to add Section 3.748 to the School Code, relating to courses in physical education.

Referred to Committee on Education.

Senate Bill No. 647: By Senator Swan—An act to amend Section 3.735 of and to add Section 3.735a to the School Code, relating to courses of education in physical culture, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 648: By Senator Myhand—An act to amend Section 1029 of the Agricultural Code, relating to manures used for fertilizing purposes.

Referred to Committee on Agriculture.

Senate Bill No. 649: By Senator Myhand—An act to amend Section 1011 of the Agricultural Code, relating to spray residue.

Referred to Committee on Agriculture.

Senate Bill No. 650: By Senator Powers—An act to amend Section 485 of the Civil Code, relating to fences along railroads, and damages for killing stock.

Referred to Committee on Judiciary.

Senate Bill No. 651: By Senators Powers and Luckey—An act to amend Section 367 of the Agricultural Code, relating to live stock inspection.

Referred to Committee on Agriculture.

Senate Bill No. 652: By Senators Powers and Luckey—An act to add Section 331.5 to the Agricultural Code, relating to the branding of live stock.

Referred to Committee on Agriculture.

Senate Bill No. 653: By Senators Powers and Luckey—An act to amend Section 336 of the Agricultural Code, relating to live stock brands.

Referred to Committee on Agriculture.

Senate Bill No. 654: By Senators Powers and Luckey—An act to amend Section 344 of the Agricultural Code, relating to live stock inspection.

Referred to Committee on Agriculture.

Senate Bill No. 655: By Senators Powers and Luckey—An act to amend Section 363 of the Agricultural Code, relating to bills of sale for live stock.

Referred to Committee on Agriculture.

Senate Bill No. 656: By Senator Garrison—An act to amend Section 1300.3 of the Agricultural Code, relating to processors.

Referred to Committee on Agriculture.

Senate Bill No. 657: By Senator Garrison—An act to amend Sections 1268, 1268.1, 1268.5 and 1269 of the Agricultural Code, relating to produce dealers.

Referred to Committee on Agriculture.

Senate Bill No. 658: By Senator Garrison—An act to amend Sections 1299.18, 1299.20 and 1300.4 of, and to add a new section, to be numbered 1300.4a, to the Agricultural Code, relating to processors.

Referred to Committee on Agriculture.

Senate Bill No. 659: By Senator Slater—An act to amend Sections 821, 822, 823, 826 and 827 of, and to add Sections 821.3 and 821.6 to the Agricultural Code, relating to standards for apples.

Referred to Committee on Agriculture.

Senate Bill No. 660: By Senator McCormack—An act to amend Section 820 of the Agricultural Code, relating to tomatoes.

Referred to Committee on Agriculture.

Senate Bill No. 661: By Senator McCormack—An act to add Section 787.5 to the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables.

Referred to Committee on Agriculture.

Senate Bill No. 662: By Senator Breed—An act to amend Section 8560 of the Health and Safety Code, relating to cemeteries.

Referred to Committee on Public Health and Safety.

Senate Bill No. 663: By Senator Crittenden—An act to add Section 358a to the Political Code, relating to the scope and validity of rules, regulations, and orders adopted by State administrative agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 664: By Senator Crittenden—An act approving the report of the Chief of Engineers, dated -----, in course of transmission by the Secretary of War to the Congress of the United States, and providing the extent to which the State of California will contribute to the expense of executing the plan approved in said report; conditioned upon the United States authorizing and adopting said plan and appropriating funds to carry out its part of said plan; and further providing the purposes for which expenditures made hereunder shall be applied.

Referred to Committee on Water Resources.

Senate Bill No. 665: By Senator Kuchel—An act to add Section 57.6 to the Unemployment Insurance Act, relating to qualification for benefits.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 666: By Senator Kuchel—An act to amend Section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equip-

ment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Referred to Committee on Judiciary.

Senate Bill No. 667: By Senator Kuchel—An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property.

Referred to Committee on Judiciary.

Senate Bill No. 668: By Senator Kuchel—An act to amend Section 587 of the Probate Code, relating to the powers and duties of executors and administrators.

Referred to Committee on Judiciary.

Senate Bill No. 669: By Senator Kuchel—An act to add Sections 3220.5 and 3240.5 to the Streets and Highways Code, relating to the closing and abandonment of city streets and providing for the reservation of certain easements therein.

Referred to Committee on Transportation.

Senate Bill No. 670: By Senator Kuchel—An act to amend Sections 956 and 960 of, and to add Section 960.5 to, the Streets and Highways Code, relating to the abandonment of county highways.

Referred to Committee on Transportation.

Senate Bill No. 671: By Senator Hays—An act to amend Section 1 of an act entitled "An act relating to fees to be paid to the Railroad Commission by railroad corporations, express corporations, freight forwarders, persons or corporations operating vessels, and persons or corporations owning or operating motor vehicles in the transportation of property for hire upon the public highways under the jurisdiction of the Railroad Commission of the State of California, providing for the collection thereof by the Railroad Commission, and providing penalties for the violation of this act," approved July 16, 1935, relating to fees payable by persons, firms, associations, or corporations engaged in businesses pertaining to the transportation of property.

Referred to Committee on Public Utilities.

Senate Bill No. 672: By Senator Hays—An act to amend an act entitled "An act regulating the use of certain public highways by motor vehicles operated thereon for the transportation of property for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act," approved June 11, 1935, by amending Sections 3, 5, 6, 7, 11, 13 and 14, by repealing Section 8, and by adding new Sections 12 $\frac{1}{2}$, 13 $\frac{1}{2}$, 13 $\frac{3}{4}$, 19 $\frac{1}{2}$ and 19 $\frac{3}{4}$; providing for the filing of copies of certificates of insurance policies; authorizing the Railroad Commission to make interim orders under said act; authorizing suspension and revocation of permits; conferring on the Railroad Commission certain powers relating to reports, accounts, and records of such carriers; and granting witnesses immunity from prosecution.

Referred to Committee on Public Utilities.

Senate Bill No. 673: By Senator Hays—An act to amend an act entitled "An act relating to the use of certain public highways by motor vehicles operated thereon for the transportation of property for compensation; conferring powers upon the Railroad Commission with respect thereto; providing penalties for the violations of this act and repealing all acts inconsistent with the provisions of this act," approved June 11, 1935, by adding a new Section 10½ authorizing the Railroad Commission to authorize the refund or remission of excessive charges.

Referred to Committee on Public Utilities.

Senate Bill No. 674: By Senator Kuchel—An act to add Section 1557.1 to the Probate Code, relating to the investment of funds in guardianship matters.

Referred to Committee on Judiciary.

Senate Bill No. 675: By Senator Kuchel—An act to add Section 1483.2 to the Probate Code, relating to guardian's petition for substitution and discharge of surety.

Referred to Committee on Judiciary.

Senate Bill No. 676: By Senator Keating—An act making an appropriation for the support of the California Maritime Academy.

Referred to Committee on Finance.

Senate Bill No. 677: By Senator Keating—An act to add Section 731.5 to the Streets and Highways Code, to prohibit the use of State highway right of way for the purpose of delivering motor vehicle fuel to vehicles thereon.

Referred to Committee on Transportation.

Senate Bill No. 678: By Senator Keating—An act to amend Section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923.

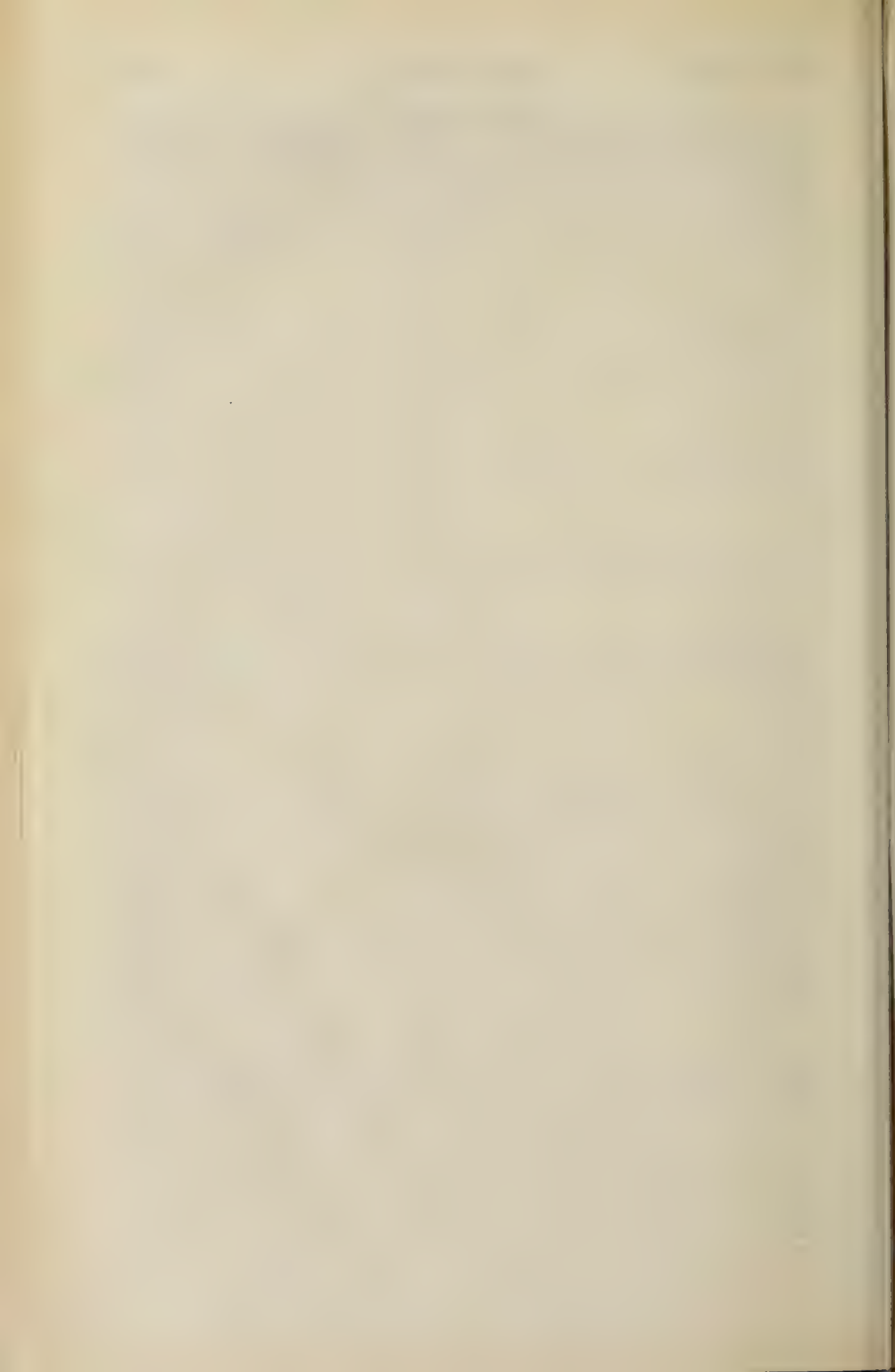
Referred to Committee on Governmental Efficiency.

Senate Bill No. 679: By Senator Keating—An act to amend Section 820 of the Streets and Highways Code, relating to cooperation with the United States.

Referred to Committee on Transportation.

ADJOURNMENT

At 4.55 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., January 24, 1941, out of respect to the memory of the late John T. "Casey" Young.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

NINETEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, January 24, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jepsen, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Munter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. E. J. Guidotti, Chairman, Board of Supervisors of Sonoma County, and his son Philip Guidotti, both of Guerneville.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin J. Regan of Weaverville and Harry Bostwick of Redding.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George A. Griffith of Los Angeles, Anthony G. Zallio and Henry Tracy of Sacramento.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. William J. Cashill, Speaker of the House of Representatives of the State of Nevada.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Rudy Schmoke of San Diego.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to McIntyre Faries of Los Angeles.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. B. Bull, E. F. Beckman and H. J. Wells, all of Lodi.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Herbert Fehley of Klamath.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Warren E. Sisson, Executive Director and Secretary of the Housing Authority of the City of Oakland.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles Brown, Jr., of Shoshone.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul S. Bomberger of Modesto, President of the California Real Estate Association, and Glenn D. Willaman of Los Angeles, State Secretary.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George D. Difani, President of Ione Chapter, California State Employees Association, of Ione.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Stanley Van Vleck of Sloughhouse.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to G. J. Bianchi of Oakdale.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Julius Rainwater, Director of Public Welfare for San Diego County.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to V. J. Stoltz, Principal; Florence Eggert, Vice Principal; Wesley E. Scott, instructor; and the following students of the Dixon Union High School: Bernice Anderson, Albert Bartok, John Bartok, Helen Bello, Irvin Bowles, Annabelle Brown, Alma Bruhn, Anita Cagel, Aileen Callaghan, Betty Mae Carpenter, John Daniels, Elma Dodini, Jane Hansen, Joan Harkins, Robert Holly, Lois Inman, Donald Johnson, Robert Larson, Jay Lewis, Joe Lopes, Claire Lye, Bill Lyon, Vaneta Moore, Carven McGrew, Frances Peck, Peter Popov, Wayne Province, Walter Rayn, Hardin Reddick, Richard Rider, Nathalee Schroeder, William Seyman, Nora Sweeney, Norman Thissell, J. P. Thomsen, Charles Tutt, Florence Vanetti, Robert Webb, and Billy Wong.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles J. Luttrell of Yreka and J. J. McNamara of Crescent City.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Victoria T. Leggett, Mrs. Ernest O'Brien, Mrs. J. E. Findley, and Mrs. Caroline Schnaber, all of Richmond.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Virgil Rund of Quincy.

RECESS

At 11.05 a.m., on motion of Senator Kenny, the Senate recessed until 11.10 a.m. to hear from the Hon. William J. Cashill, Speaker of the House of Representatives of the State of Nevada, and from Hon. Buren Fitts, former Lieutenant Governor of the State of California, of Los Angeles.

REASSEMBLED

At 11.10 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

CALIFORNIA STATE PLANNING BOARD, SACRAMENTO, January 23, 1941

Mr. Joseph A. Beck, Secretary of the Senate
State Capitol, Sacramento, California

DEAR SIR: We take pleasure in transmitting herewith 40 copies of our report, "Tax Deeded Land in California—Supplemental Report," for the information and use of the members of the Senate.

Yours very truly,

L. DEMING TILTON, Administrative Officer

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 6

Senate Joint Resolution No. 7

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 96

Senate Bill No. 290

Senate Bill No. 291

Senate Bill No. 300

Senate Bill No. 445

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 251

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 107

Senate Bill No. 252

And requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 14—Relative to approving certain charter amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of such city at a special election held therein on the fifth day of November, 1940.

Request for Unanimous Consent

Senator Quinn asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 14, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 14

Assembly Concurrent Resolution No. 14—Relative to approving certain charter amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of such city at a special election held therein on the fifth day of November, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Dillinger, Foley, Gordon, Hays, Jepsen, Judah, Kenny, Luckey, McBride, Meizger, Mixer, Myland, Phillips, Powers, Quinn, Seawell, Slater, Swan, Tickle, and Ward—26.
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 13

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 13—Relative to memorializing the Secretary of the Navy to establish an airdrome at San Francisco Bay.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 13, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 13

Assembly Joint Resolution No. 13—Relative to memorializing the Secretary of the Navy to establish an airdrome at San Francisco Bay.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Dillinger, Foley, Gordon, Hays, Jepsen, Joshi, Keating, Kenney, Linder, McCormick, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Slater, Swan, and Tickle—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JEDDREY 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 15—Relative to memorializing the President and the Congress of the United States to make the necessary and additional Federal appropriations to connect military cantonments with the existing State highway system and to improve and enlarge the capacity of highways and bridges where necessary to meet the extraordinary requirements of military use.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 241—An act to add a new section to the Labor Code to be numbered 204a, relating to the time for payment of wages of workers who are employed by employers who cooperate to establish a plan for the payment of wages at a central place or places in accordance with a unified schedule of pay days, this act to take effect immediately.

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fourth day of January, 1941, at 11 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 390

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 5

Senate Joint Resolution No. 6

Senate Joint Resolution No. 7

And reports the same correctly engrossed.

RICH, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 336

Assembly Bill No. 337

Assembly Bill No. 373

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

HAYS, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 373—An act to amend Section 1202a of the Penal Code and to repeal Section 2 of an act entitled "An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor," approved July 9, 1935, relating to the execution of a sentence of imprisonment.

Bill read second time.

Motion to Amend

Senator Hays moved adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 10 to 14, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 655

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

MCCORMACK, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 282

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

DeLAP, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Dillinger:

Senate Resolution No. 34

Resolved, That when the Senate does this day adjourn, it do so out of respect to the memory of James Wilson Marshall, who discovered gold in a mill race at Coloma, in January, 1848.

Also, that our adjournment be out of respect to the memory and the great deeds of those pioneers who, as a result of that discovery, peopled this region and built for us this empire here on the shores of the broad Pacific, the empire that we have inherited and do now enjoy.

Resolution read and adopted.

By Senator Mixer:

Senate Resolution No. 35

Resolved by the Senate of the State of California, That the Standing Committee on Finance of the Senate is hereby authorized to meet at any place at the regular session of the Fifty-fourth Legislature, at the State Capitol, or elsewhere in the State, and to perform the duties and to exercise all of the powers vested in it by the Standing Rules of the Senate; and be it further

Resolved, That the sum of fifteen hundred dollars (\$1,500) is hereby made available to the Standing Committee on Finance of the Senate from the Contingent Fund of the Senate for the purpose of paying the expenses of the committee in connection with its duties, including costs of any records and transcripts, and an allowance of eight dollars (\$8) per day (in lieu of expenses for living accommodations and meals) and five and one-half cents (\$0.05½) per mile each way for each member of said committee, incurred in connection with the powers granted and duties imposed by this resolution and the Rules of the Senate, and for the paying of the expenses of the necessary assistants of said committee, the sum so made available to be disbursed upon the certification of the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Hays, Jepsen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

By Senator Kenny:

Senate Resolution No. 36

Relative to forwarding copies of California legislative publications to the President, Office of Government Reports

Resolved by the Senate of the State of California, That the Secretary of the Senate shall authorize the Legislative Bill Room to forward daily three copies of all California legislative publications, including Histories, Journals, and bills, to the Executive Office of the President of the United States, Office of Government Reports.

Resolution read and adopted.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT
RESOLUTION NO. 8**

Senator Seawell moved that Assembly Joint Resolution No. 8 be withdrawn from Committee on Revenue and Taxation, and placed on file.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 680: By Senator DeLap—An act validating the formation, existence and boundaries of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Motion to Hold Bill at Desk

Senator DeLap moved that Senate Bill No. 680 be held at the desk without reference to committee.

Motion carried.

Senate Bill No. 681: By Senator Powers—An act to amend Section 6140 of the Business and Professions Code, relating to fees of the State Bar.

Motion to Refer Bill

Senator Powers moved that Senate Bill No. 681 be referred to Committee on Judiciary.

Motion carried.

Senate Concurrent Resolution No. 9: By Senator Foley—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at the State election held therein on November 5, 1940.

Request for Unanimous Consent

Senator Foley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 9, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 9

Senate Concurrent Resolution No. 9—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at the State election held therein on November 5, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote.

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 682: By Senator Mixter—An act to amend Section 465.6 of the Vehicle Code, relating to signs alongside highways.

Referred to Committee on Transportation.

Senate Bill No. 683: By Senator McBride—An act to add Section 39.5 to the Unemployment Insurance Act, relating to rates of contribution.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 684: By Senators DeLap, Foley and Keating—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, relating to capital outlays by cities, counties, cities and counties, or districts.

Referred to Committee on Local Government.

Senate Bill No. 685: By Senators DeLap, Foley and Keating—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in the banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 686: By Senator DeLap—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, to make an appropriation therefor, and to repeal certain acts inconsistent therewith.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 687: By Senators DeLap, Rich and Ward—An act to amend Section 16f of the Bank Act, relating to adverse claims to bank deposits and the contents of safe deposit boxes standing in the name of one other than the claimant and to add two new sections, Sections 539a and 682a to the Code of Civil Procedure, relating to the attachment of and the levy of execution upon bank accounts and the contents of safe deposit boxes standing in the name of one other than the defendant or judgment debtor.

Referred to Committee on Judiciary.

Senate Bill No. 688: By Senator Jespersen—An act to add Section 46 to the California Irrigation District Act, relating to property sold for delinquent irrigation district assessments.

Referred to Committee on Water Resources.

Senate Bill No. 689: By Senator Jespersen—An act to amend Sections 32d and 32e of the California Irrigation District Act, relating to the payment of principal and interest on irrigation district bonds.

Referred to Committee on Water Resources.

Senate Bill No. 690: By Senator Jespersen—An act to amend Sections 4, 5 and 6 of the California District Securities Commission Act, relating to the procedure for certifying district bonds as legal investments, for use as security for the performance of any act, and the effect thereof.

Referred to Committee on Water Resources.

Senate Bill No. 691: By Senator Jespersen—An act to amend Section 48 of the California Irrigation District Act, relating to irrigation district assessments and land sold or deeded or both for delinquency therefor.

Referred to Committee on Water Resources.

Senate Bill No. 692: By Senator Jespersen—An act to repeal an act entitled "An act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release," approved May 1, 1911.

Referred to Committee on Water Resources.

Senate Bill No. 693: By Senator Jespersen—An act to add Section 72.5 to the California Irrigation District Act, relating to court proceedings brought by and against irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 694: By Senator Jespersen—An act to amend Sections 1 and 5 of the California Irrigation District Act, relating to the formation and government of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 695: By Senator Jespersen—An act to repeal Part 4 of Division 2 of the Revenue and Taxation Code and to repeal an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 696: By Senator Jespersen—An act to amend Section 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

Referred to Committee on Local Government.

Senate Bill No. 697: By Senator Jespersen—An act to amend Sections 2799, 2805, 2806, 2816, 2819 and 2820 of, to repeal Section 2798 of, and to add new Sections 2798, 2798.3 and 2798.5 to the Elections

Code, relating to State party conventions, State central committee meetings and the memberships thereof.

Referred to Committee on Elections.

Senate Bill No. 698: By Senator Kenny—An act making an appropriation to pay the claim of D. and D. Oil Company of Nevada against the State of California.

Referred to Committee on Finance.

Senate Bill No. 699: By Senator Kenny—An act to amend Sections 3720, 3721 and 3724 of the Revenue and Taxation Code, relating to the procedure for the distribution of the proceeds of tax sales.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 700: By Senator Kenny—An act to amend Section 1026 of the Penal Code, relating to the plea of insanity joined with other pleas.

Referred to Committee on Judiciary.

Senate Bill No. 701: By Senator Kenny—An act to amend Section 1027 of the Penal Code, relating to the appointment of alienists when a defendant pleads not guilty by reason of insanity.

Referred to Committee on Judiciary.

Senate Bill No. 702: By Senator Kenny—An act to amend Section 1089 of the Penal Code, relating to rules governing alternate jurors.

Referred to Committee on Judiciary.

Senate Bill No. 703: By Senator Kenny—An act to amend Section 1127 of the Penal Code, relating to instructions.

Referred to Committee on Judiciary.

Senate Bill No. 704: By Senator Kenny—An act to add a new section to the Penal Code, to be numbered 18b, relating to the punishment of certain felonies.

Referred to Committee on Judiciary.

Senate Bill No. 705: By Senator Kenny—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Referred to Committee on Judiciary.

Senate Bill No. 706: By Senator Kenny—An act to add Section 423 to the Code of Civil Procedure, relating to pleadings.

Referred to Committee on Judiciary.

Senate Bill No. 707: By Senator Kenny—An act to amend Section 426 of the Code of Civil Procedure, relating to exhibits to accompany complaint in actions for infringement.

Referred to Committee on Judiciary.

Senate Bill No. 708: By Senator Kenny—An act to add Sections 386.5 and 389.5 to the Code of Civil Procedure, relating to parties to civil actions.

Referred to Committee on Judiciary.

Senate Bill No. 709: By Senator Kenny—An act to amend Section 821 of the Penal Code, relating to taking defendant charged with felony before magistrate, and to admission to bail.

Referred to Committee on Judiciary.

Senate Bill No. 710: By Senator Kenny—An act to add Section 1144 to the Penal Code, relating to criminal jury trials in municipal courts.

Referred to Committee on Judiciary.

Senate Bill No. 711: By Senator Kenny—An act to amend Section 283 of the Penal Code, relating to the punishment of bigamy.

Referred to Committee on Judiciary.

Senate Bill No. 712: By Senator Kenny—An act to amend Section 284 of the Penal Code, relating to the punishment of marrying the husband or wife of another.

Referred to Committee on Judiciary.

Senate Bill No. 713: By Senators Kenny and Carter—An act to add Chapter 1a, comprising Section 1247k, to Title 9 of Part 2 of the Penal Code, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in criminal cases.

Referred to Committee on Judiciary.

Senate Bill No. 714: By Senators Kenny and Carter—An act to add Chapter 1a, comprising Section 961, to Title 13 of Part 2 of the Code of Civil Procedure, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in civil actions.

Referred to Committee on Judiciary.

Senate Bill No. 715: By Senator Kenny (By request)—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Referred to Committee on Business and Professions.

Senate Bill No. 716: By Senator Kenny (By request)—An act to amend Section 6047 of the Business and Professions Code, relating to admissions to practice law.

Referred to Committee on Judiciary.

Senate Bill No. 717: By Senator Swan—An act to add Sections 6953 and 6954 to the Labor Code, relating to speedometers on locomotive engines and motor cars.

Referred to Committee on Labor.

Senate Bill No. 718: By Senator Swan—An act to add Chapter 6.5 to Division 2 of the Business and Professions Code, relating to undergraduate nurses and practical nurses.

Referred to Committee on Business and Professions.

Senate Bill No. 719: By Senator DeLap—An act to add Section 12.5 and to amend Section 3 of an act entitled "An act creating a

State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, relating to the organization of said bureau and defining its powers and duties and making appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 720: By Senator DeLap—An act to amend Section 1670 of the Business and Professions Code, relating to dentistry.

Referred to Committee on Business and Professions.

Senate Bill No. 721: By Senator DeLap—An act to amend Section 842 of the Probate Code, relating to the leasing of real property belonging to the estate of a deceased person.

Referred to Committee on Judiciary.

Senate Bill No. 722: By Senator Quinn—An act to amend Section 97 of the Fish and Game Code, relating to the Trinity and Klamath Fish and Game District.

Referred to Committee on Fish and Game.

Senate Bill No. 723: By Senator Gordon—An act making an appropriation for construction and improvements at the Veterans Home.

Referred to Committee on Finance.

Senate Bill No. 724: By Senator Swan—An act to add Section 266.5 to the Vehicle Code, relating to submission of evidence of voting with application for driver's license.

Referred to Committee on Transportation.

Senate Bill No. 725: By Senator Swan—An act to repeal Section 220 of the Labor Code, relating to the payment of wages.

Referred to Committee on Labor.

Senate Bill No. 726: By Senator Swan—An act to provide for the construction of a new State office building and making an appropriation therefor.

Referred to Committee on Finance.

Senate Bill No. 727: By Senator Swan—An act to add Section 193 to the Military and Veterans Code, relating to compulsory military training in junior colleges and State colleges.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 728: By Senator Crittenden—An act to amend Sections 1083, 1083.1, 1083.2 and 1089 of the Agricultural Code, relating to commercial feeding stuffs.

Referred to Committee on Agriculture.

Senate Bill No. 729: By Senator Crittenden—An act to amend Sections 794 and 828.2 of the Agricultural Code, relating to cherries.

Referred to Committee on Agriculture.

Senate Bill No. 730: By Senator Crittenden—An act to establish an Institute of Trade and Commerce, prescribing the purpose, powers, and duties and providing for the administration thereof, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 731: By Senator Luckey—An act to add Section 592 to the Streets and Highways Code, establishing a secondary State highway.

Referred to Committee on Transportation.

Senate Bill No. 732: By Senator Luckey—An act to add Section 591 to the Streets and Highways Code, establishing a secondary State highway.

Referred to Committee on Transportation.

Senate Bill No. 733: By Senator Luckey—An act to repeal Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments.

Referred to Committee on Water Resources.

Senate Bill No. 734: By Senator Luckey—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 735: By Senator Luckey—An act to amend Section 15 of the California Irrigation District Act, relating to the government of irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 736: By Senator Rich—An act to amend Section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 737: By Senators Phillips and Crittenden—An act to add Sections 9603.5 and 9606.5 to the Revenue and Taxation Code, and to amend Section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle, including persons engaged in the carriage of mail and parcel post.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 738: By Senator Biggar—An act to amend Section 537 of the Code of Civil Procedure, relating to attachments.

Referred to Committee on Judiciary.

Senate Bill No. 739: By Senator Biggar—An act to add Section 399.5 to the Penal Code, relating to the negligent control of dangerous animals.

Referred to Committee on Judiciary.

Senate Bill No. 740: By Senator Biggar—An act to amend Section 53 of the Probate Code, relating to holographic wills.

Referred to Committee on Judiciary.

Senate Bill No. 741: By Senators McBride and Ward—An act to amend Sections 20743, 20744, 20746, 20751, 20880, 20888, 20910 and 20930 of, to repeal Sections 20800, 20826, 20840, 20849, 20860, 20866, 20892, 20911 and 20950 of, and to add Sections 20704, 20705, 20706, 20707, 20708, 20800, 20826, 20840, 20849, 20860, 20866, 20882.5, 20892, 20911 and 20950 to the Business and Professions Code, relating to sales of petroleum products.

Referred to Committee on Business and Professions.

Senate Bill No. 742: By Senators Kuchel, Kenny and Keating—An act to add Article 21 to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the filing, codification, and publication of the rules and regulations of officers, boards, authorities, and commissions, and creating a Codification Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 743: By Senator Kuchel—An act to add Section 1483.1 to the Probate Code, relating to reduction of bond of guardian.

Referred to Committee on Judiciary.

Senate Bill No. 744: By Senator Kuchel—An act to amend Section 1483 of the Probate Code, relating to new bond and discharge of sureties.

Referred to Committee on Judiciary.

Senate Bill No. 745: By Senator Kuchel—An act to add Section 465.7 to the Vehicle Code, relating to signs.

Referred to Committee on Transportation.

Senate Bill No. 746: By Senator DeLap—An act to amend Section 410 of the Political Code, relating to the laws, resolutions and Journals of the Legislature.

Referred to Committee on Rules.

Senate Bill No. 747: By Senator McBride—An act to amend Sections 1071 and 1074 of the Streets and Highways Code, relating to highway work on county roads.

Referred to Committee on Transportation.

Senate Bill No. 748: By Senator Quinn—An act to amend Section 670 of the Fish and Game Code, relating to sale of canned salmon.

Referred to Committee on Fish and Game.

Senate Bill No. 749: By Senator Keating—An act to amend Section 960 of, and to add Section 960.1, 960.2, 960.3 and 960.4 to, the Streets and Highways Code, relating to the abandonment and vacation of county highways.

Referred to Committee on Transportation.

Senate Bill No. 750: By Senators DeLap, Rich and Ward—An act to amend the Building and Loan Association Act of the State of California as amended, by adding thereto a new article to be numbered 17, relating to the rehabilitation, readjustment, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article 17, or of all or any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article 17, to exchange shares, stock investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received.

Referred to Committee on Financial Institutions.

Senate Bill No. 751: By Senator Garrison—An act to add Section 924.5 to the Penal Code, relating to grand juries.

Referred to Committee on Judiciary.

Senate Bill No. 752: By Senator Garrison—An act to amend Section 241 of the Code of Civil Procedure, relating to grand juries and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

Referred to Committee on Judiciary.

Senate Bill No. 753: By Senator Breed—An act to repeal the Joint Highway District Act.

Referred to Committee on Transportation.

Senate Bill No. 754: By Senator Luckey—An act to amend the title and Section 1 of "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, relating to the acquisition, development, and disposal of electrical power by irrigation districts.

Referred to Committee on Water Resources.

Senate Bill No. 755: By Senator Luckey—An act to amend "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification

of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Referred to Committee on Water Resources.

Senate Bill No. 756: By Senator Foley—An act to add Section 2.1521 to the School Code, relating to educational societies.

Referred to Committee on Education.

Senate Bill No. 757: By Senator Foley—An act to add a new article to Chapter 1 of Part 2 of Division 2 of the School Code, to be known as Article 10, relating to the attendance of school members of governing boards of school districts at state-wide educational meetings.

Referred to Committee on Education.

Senate Bill No. 758: By Senator Foley—An act to amend Section 601 of the Code of Civil Procedure, relating to challenge of jurors.

Referred to Committee on Judiciary.

Senate Bill No. 759: By Senator Foley—An act to amend Section 7137 and to repeal Section 7139 of the Business and Professions Code, relating to the regulation of contractors.

Referred to Committee on Business and Professions.

Senate Bill No. 760: By Senator Foley—An act to amend Sections 7110 and 7113 of the Business and Professions Code, relating to the regulation of contractors.

Referred to Committee on Business and Professions.

Senate Bill No. 761: By Senator Foley—An act to add Sections 7028.5, 7050, 7065.6, 7074, 7106.5 and 7121, and Article 9, consisting of Sections 7140 to 7145, inclusive, to Chapter 9 of Division 3 of, and to amend Sections 7002, 7026, 7059, 7068, 7069, 7090 and 7115 of, and to repeal Sections 7055, 7056, 7057, 7058, 7074 and 7138 of, the Business and Professions Code, relating to the regulation of contractors.

Referred to Committee on Business and Professions.

Senate Bill No. 762: By Senator Foley—An act to add Chapter 1c to Division 5 of the Agricultural Code, to include Section 775 and relating to grades, standards, inspection, and certification of dried fruits.

Referred to Committee on Agriculture.

Senate Bill No. 763: By Senator Foley—An act to amend Sections 111, 1551, 2005, 2182, 3077, 3078, 3079, 3085, 3086 and 3089, and to repeal Sections 2141, 2142 and 3076 of the Welfare and Institutions Code, relating to the organization, powers and duties of the State Department of Social Welfare.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 764: By Senator Parkman—An act to amend the County Water District Act, approved June 10, 1913, as amended, by adding a new Section 22d thereto, relating to special assessment proceedings.

Referred to Committee on Water Resources.

Senate Bill No. 765: By Senator Judah—An act appropriating money for the acquisition of Hincley Basin by the State.

Referred to Committee on Finance.

Senate Bill No. 766: By Senator Kenny—An act to amend Section 2 of the Private Car Tax Act of 1937, relating to the meaning of words, terms and phrases and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 767: By Senator Kenny—An act to amend Section 11203 of the Revenue and Taxation Code, relating to the meaning of words, terms, and phrases.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 768: By Senator Kenny—An act to amend Sections 5, 9 and 14 of the Motor Vehicle Fuel License Tax Act, relating to the filing of reports, the revocation of licenses and the conduct of activities without a license.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 769: By Senator Kenny—An act to amend Sections 7678, 8306 and 8402 of the Revenue and Taxation Code, relating to the filing of reports under the Motor Vehicle Fuel License Tax Law, the revocation of licenses under the Motor Vehicle Fuel License Tax Law, and the conduct of activities without a license.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 770: By Senator Kenny—An act to amend Sections 5 and 10 of the Use Fuel Tax Act of 1937, relating to the issuance of permits and the lien of the tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 771: By Senator Kenny—An act to amend Sections 8703, 8991 and 8993 of the Revenue and Taxation Code, relating to the issuance of use fuel tax permits and the lien of the use fuel tax.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 772: By Senator Kenny—An act to amend Section 10451 of the Revenue and Taxation Code, relating to the deposit of license fees paid under the Motor Vehicle Transportation License Tax Law.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 773: By Senator Kenny—An act to amend Section 20 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and

providing that this act shall take effect immediately." approved May 13, 1933, relating to the deposit of license fees paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 11: By Senator Garrison — A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article I thereof, relating to grand juries.

Referred to Committee on Judiciary.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 227

Senator Quinn moved that Senate Bill No. 227 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill No. 107 An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 107?

Amendment No. 1

On page 1, line 4, of the printed bill, following the word "law", insert "; and all school districts which have been acting and existing for a period of three (3) months prior to the taking effect of this act".

Amendment No. 2

On page 1, line 20, of the printed bill, strike out "school district under any law, or under color of any law," and insert "person or officer".

Amendment No. 3

On page 1, line 24, of the printed bill, following the word "district" insert "; of the electors, election officers,".

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 3 to 7, inclusive, and insert "All of such bonds heretofore issued and delivered shall be, in the form and manner in which issued and delivered, legal, valid and binding obligations of the school district, and all of such bonds heretofore authorized but not yet issued and delivered shall be, when issued and delivered in substantial pursuance of the proceedings of authorization, legal, valid and binding obligations."

Amendment No. 5

On page 2 of the printed bill, strike out all of line 11 following the figure "6", strike out all of lines 12, 13, 14 and 15, and in line 16, strike out "do"; and in line 18, following the word "Constitutions", insert "; and it is the intent of this Legislature herein to validate the organization and existence of all school districts and all bonds issued by any school district and all proceedings to authorize bonds of school districts in so far as the Legislature has power to correct the defects, irregularities, or errors in the organization or creation of such school districts or in the issuance of bonds of such school districts."

Amendment No. 6

On page 2, line 19, of the printed bill, strike out "(c)".

Amendment No. 7

On page 2 of the printed bill, strike out all of lines 32 to 46, inclusive, and insert: "Bonds have been voted by school districts for the construction of needed school buildings. In some districts the schools are overcrowded, in some the buildings now used have been condemned as unsafe for public use, and in some districts children now travel long distances, with the attendant hazards of traffic, to attend school in the present buildings, and the public health and safety require that adequate, safe and convenient school buildings be provided immediately. Bonds have been voted by certain districts to correct the conditions above mentioned but in

some instances the bonds are not salable because of failure to comply with the School Code in the proceedings for the creation of the school district or in the proceedings for the issuance of bonds. The defects in such proceedings will be cured by this act and if it takes effect immediately such bonds can be issued and sold and construction begin so that the buildings will be ready for use at the beginning of the next school year. Otherwise it will not be possible for the districts to remedy the above mentioned conditions during the next school year."

The roll was called, and the Senate concurred in the Assembly amendments to Senate Bill No. 107 by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered enrolled.

Consideration of Assembly Amendments

Senate Bill No. 252—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending Sections 2, 3, 4, 5, 7, 8, 10, 12 and 27, relating to incorporation, organization, government and management of such districts, the holding of directors' and other elections therein, the establishment of divisions, providing for recalls, setting forth the powers of such districts and the manner and effect of annexing territory thereto, and adding new sections to be known as Sections 6a, 32, 33, 34, 35 and 36, providing for the calling, holding and conducting of elections, the reestablishment of divisions, providing the manner and effect of annexation to such districts, granting additional powers of taxation to such districts when included in metropolitan water districts, designating a short title, repealing conflicting laws, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 252?

Amendment No. 1

On page 2, line 24, of the printed bill, strike out "elections", and insert "election".

Amendment No. 2

On page 5, line 9, of the printed bill, strike out "qualifications", and insert "qualification".

Amendment No. 3

On page 5, line 35, of the printed bill, after "directors," insert "as".

Amendment No. 4

On page 6, line 31, of the printed bill, after "names", insert a comma.

Amendment No. 5

On page 8, line 35, of the printed bill, strike out "to".

Amendment No. 6

On page 8, line 46, of the printed bill, strike out "rights", and insert "right".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 252 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Keating, Kenny, Kuchel,

Luckey, McBride, Metzger, Mixer, Phillips, Powers, Quinn, R. L. Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered enrolled.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO 716

Senator Kenny moved that Senate Bill No. 716 be withdrawn from Committee on Business and Professions, and referred to Committee on Judiciary.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 336—An act to repeal Sections 3519 and 3520 of, and to add Section 3520 to, the Revenue and Taxation Code, relating to property taxation and property deeded to the State for taxes, to take effect immediately.

Bill read second time.

Assembly Bill No. 337—An act to amend Sections 107, 121, 252, 260, 531, 2905, 4337, 4990 and 5138 of, and to repeal Section 261 of the Revenue and Taxation Code, relating to property taxation, including the assessment and collection of taxes, installment payment of taxes, exemptions, cancellation of taxes, suits to recover taxes, and the definitions of real estate, real property, possessory interests, and taxing agency, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bills Nos. 336 and 337, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILLS NOS. 336 AND 337

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bills Nos. 336 and 337 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Collier, Crattenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 336—An act to repeal Sections 3519 and 3520 of, and to add Section 3520 to, the Revenue and Taxation Code, relating to property taxation and property deeded to the State for taxes, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 337—An act to amend Sections 107, 121, 252, 260, 531, 2905, 4337, 4990 and 5138 of, and to repeal Section 261 of the Revenue and Taxation Code, relating to property taxation, including the assessment and collection of taxes, installment payment of taxes, exemptions, cancellation of taxes, suits to recover taxes, and the definitions of real estate, real property, possessory interests, and taxing agency, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 8, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to excess profits tax legislation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 175—An act to repeal Section 33 of, and to add Sections 34 and 35 to, an act entitled "An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9e, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation," approved June 1, 1940, and to repeal an act entitled "An act to amend Section 33 of an act entitled 'An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9e, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation,' approved June 1, 1940, relating to the effective date of the provisions thereof," approved December 7, 1940, relating to property taxation and the effective date of the provisions of Chapter 47 of the First Extraordinary Session of 1940, to take effect immediately.

Bill read second time.

REQUEST FOR UNANIMOUS CONSENT

Senator Tickle asked for, and was granted, unanimous consent to take up Assembly Bill No. 175, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 175**Urgency Clause**

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, McCormack, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Swan, Tickle, and Ward—28.

NOES—None.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Tickle:

Resolved, That Assembly Bill No. 175 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, McCormack, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 175—An act to repeal Section 33 of, and to add Sections 34 and 35 to, an act entitled "An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9c, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation," approved June 1, 1940, and to repeal an act entitled "An act to amend Section 33 of an act entitled 'An act to amend Sections 124, 127, 3591, 3594, 3616, 3651, 3659, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend the title of Chapter 8 of Part 6 of Division 1 of, to repeal Sections 3614, 3707 and 4108 of, to add Sections 3511.5, 3521, 3662 and 3663 to, to add Chapter 4.3, consisting of Sections 3534 to 3562, and Chapter 4.6, consisting of Sections 3571 to 3578, to Part 6 of Division 1 of, the Revenue and Taxation Code, and to amend Sections 3833.3, 3857.2 and 3859.20 of, to repeal Sections 3773.1, 3833 and 3859.18 of, and to add Sections 3773.1, 3773.2, 3785.4, 3785.5 and 3785.6 to, and to add Chapter 9b, consisting of Sections 3860.01 to 3860.32, and Chapter 9c, consisting of Sections 3861.1 to 3861.8, to Title 9 of Part 3 of, the Political Code, relating to property taxation, including the right of redemption and the classification and control of tax-deeded property, and making an appropriation,' approved June 1, 1940, relating to the effective date of the provisions thereof," approved December 7, 1940, relating to property taxation and the effective date

of the provisions of Chapter 47 of the First Extraordinary Session of 1940, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, McBride, McCormack, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

Assembly Bill No. 303—An act to add Section 2457.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on medicine thereof, declaring the urgency thereof to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 303, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 303

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Assembly Bill No. 303 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 303—An act to add Section 2457.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on medicine thereof, declaring the urgency thereof to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, McCormack, Metzger, Minter, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 12.42 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 24, 1941

To the Honorable Members of the Senate, Sacramento, California

GREETING: Will the Senate advise and consent to the following appointment to the State Personnel Board:

Ivan C. Sperbeck, vice Harry B. Riley, term expired

Ivan C. Sperbeck was born in Marysville, California, on May 16, 1908. He attended grammar school in Marysville and graduated from Woodland High School, Yolo County. He graduated from the University of California with a degree of Bachelor of Arts in 1930 and from Boalt Hall, University of California, 1933, with a degree of Bachelor of Law.

Upon graduation from law school, Mr. Sperbeck served for a time as Deputy District Attorney, Yuba County, and then engaged in the private practice of law in Marysville.

On February 4, 1939, he was appointed Secretary of the State Personnel Board and has served in that capacity to date. He therefore is thoroughly familiar with the practices and procedure of the Board.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Message read and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 40—An act to amend Section 152.5 of the State Civil Service Act, relating to the right of reinstatement of State civil service employees entering military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 7—Relative to Reports of the Department Encampment and the Annual Convention of the United Spanish-American War Veterans.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Gordon, Hays, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Seawell, Shelley, Slater, Swing, and Ward—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 390—An act to amend the title and Section 1 of, and to add Section 2 to an act entitled "An act to authorize the legislative bodies of counties, cities and cities and counties, directly or through a duly authorized representative, to attend the sessions of the Legislature of the State of California and to appear before said Legislature and the committees thereof and making the cost incidental thereto a proper charge against the funds of the county, or city, or city and county, and declaring the urgency thereof," approved March 16, 1935, relating to representation of cities, counties and cities and counties, before the Legislature of this State and the Congress of the United States, and declaring the urgency hereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuchel, Luckey, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 11—Relative to the adjournment of the Legislature for the constitutional recess, and to the reassembling of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Resolution read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 970

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
ROBERT J. FINNIE, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 970—An act to amend Sections 763.5, 1641, 1648, 1648.6, 1664, 1670, 1671, 1679 and 1731 of, to add Sections 755.5, 1639, 1645.5, 1648.7, 1679.2 and 12280.2 to, and to repeal Sections 753, 754, 1703.8 and 1703.9 of, the Insurance Code, and to add Article 1.5, comprising Sections 1690 to 1691, inclusive, to Chapter 5, Part 2, Division 1, and Chapter 8, comprising Sections 1831 and 1831.5, to Part 2, Division 1 of the Insurance Code, all relating to insurance; declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Financial Institutions.

REPORTS OF STANDING COMMITTEES**Committee on Financial Institutions**

SENATE CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 970

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Bill No. 970, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 970

Assembly Bill No. 970—An act to amend Sections 763.5, 1641, 1648, 1648.6, 1664, 1670, 1671, 1679 and 1731 of, to add Sections 755.5, 1639, 1645.5, 1648.7, 1679.2 and 12280.2 to, and to repeal Sections 753, 754, 1703.8 and 1703.9 of, the Insurance Code, and to add Article 1.5, comprising Sections 1690 to 1691, inclusive, to Chapter 5, Part 2, Division 1, and Chapter 8, comprising Sections 1831 and 1831.5, to Part 2, Division 1 of the Insurance Code, all relating to insurance; declaring the urgency thereof, and providing that this act shall take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Assembly Bill No. 970 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—Senator Tickle—1.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 970—An act to amend Sections 763.5, 1641, 1648, 1648.6, 1664, 1670, 1671, 1679 and 1731 of, to add Sections 755.5, 1639, 1645.5, 1648.7, 1679.2 and 12280.2 to, and to repeal Sections 753, 754, 1703.8 and 1703.9 of, the Insurance Code, and to add Article 1.5, comprising Sections 1690 to 1691, inclusive, to Chapter 5, Part 2, Division 1, and Chapter 8, comprising Sections 1831 and 1831.5, to Part 2, Division 1 of the Insurance Code, all relating to insurance; declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 970—An act to amend Sections 763.5, 1641, 1648, 1648.6, 1664, 1670, 1671, 1679 and 1731 of, to add Sections 755.5, 1639, 1645.5, 1648.7, 1679.2 and 12280.2 to, and to repeal Sections 753, 754, 1703.8 and 1703.9 of, the Insurance Code, and to add Article 1.5, comprising Sections 1690 to 1691, inclusive, to Chapter 5, Part 2, Division 1, and Chapter 8, comprising Sections 1831 and 1831.5, to Part 2, Division 1 of the Insurance Code, all relating to insurance; declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuechel, Luckey, McCormack, Metzger, Mixer, Myland, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuechel, Luckey, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Bill No. 655, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 655

Assembly Bill No. 655—An act relating to the operation of motor vehicles in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Kenny:

Resolved, That Assembly Bill No. 655 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—32.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 655—An act relating to the operation of motor vehicles in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read second time.

Assembly Bill No. 655—An act relating to the operation of motor vehicles in unemployment cooperative relief work, and declaring the urgency thereof and that this act shall go into immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 2—Memorializing Congress to amend the Social Security Act with reference to the exempt income rights accorded persons receiving old age assistance.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO STRIKE SENATE CONCURRENT RESOLUTION NO. 8 FROM FILE

Senator Quinn moved that Senate Concurrent Resolution No. 8 be stricken from the file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Bill No. 40, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 40

Assembly Bill No. 40—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Phillips:

Resolved, That Assembly Bill No. 40 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 40—An act to amend Section 152.5 of the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, Deuel, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Metzger moved to reconsider the vote whereby Senate Bill No. 390 was passed.

Postponement of Reconsideration

On motion of Senator Metzger, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 390 was passed, was continued until the next legislative day.

RECESS

At 4.20 p.m., on motion of Senator Rich, the Senate recessed for the purpose of meeting with the Assembly in Joint Convention.

Joint Session

ASSEMBLY CHAMBER, SACRAMENTO,
Friday, Jan. 24, 1941

At 4.30 p.m., the Senate and the Assembly met in Joint Convention.

SENATE ROLL CALL

Hon. Ellis E. Patterson, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—32.

ASSEMBLY ROLL CALL

Hon. Gordon H. Garland, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of the Assemblymen.

The roll was called, and the following answered to their names:

Allen, Andreas, Bashore, Bennett, Burkhalter, Burns, Hugh M., Burns, Michael J., Cain, Call, Carlson, Clarke, Collins, George D., Collins, Sam L., Cooke, Cronin, Crowley, Daley, Del Muto, Desmond, Dickey, Dilworth, Donnelly, Doyle, Field, Gaffney, Gallagher, Gunlock, Hastain, Heisinger, Houser, Frederick F., Howser, F. N., Johnson, Kellems, Kepple, Kilpatrick, Knight, T. Fenton, Leonard, Lyon, Maloney, Massion, McCollister, Middough, Miller, Millington, O'Day, Pelletier, Poole, Potter, Poulson, Richie, Robertson, Russell, Salsman, Sawallisch, Stream, Tenney, Thomas, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Welch, Weybret, Wollenberg, and Mr. Speaker—68.

APPOINTMENT OF COMMITTEE OF ESCORT

Hon. Gordon H. Garland appointed Messrs. Tenney, Field and Heisinger to escort His Excellency, Culbert L. Olson, Governor of the State of California, to the bar of the Assembly.

REPORT OF COMMITTEE OF ESCORT

The Assembly Committee of Escort appeared at the platform in company with His Excellency, Culbert L. Olson, Governor.

INTRODUCTION OF GOVERNOR CULBERT L. OLSON

Governor Culbert L. Olson was then presented to the Joint Convention by Hon. Gordon H. Garland, Speaker of the Assembly.

Governor Culbert L. Olson addressed the assembly.

ADJOURNMENT OF JOINT CONVENTION

There being no further business, at 5 p.m., the President of the Senate adjourned the Joint Convention sine die.

In Senate

At 5 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 208—An act to add Section 1203b to the Penal Code, relating to granting probation;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fourth day of January, 1941, at 3:30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, JANUARY 24, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred,

A. C. R. No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to unfinished business file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 515

Assembly Bill No. 637

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 515—An act making an appropriation to pay the claim of Nell E. Whitaker against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 637—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature, including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 637, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 637

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 637 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Foley, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 637—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature, including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 637—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature, including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 147

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 160

Assembly Bill No. 566

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 128

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 922

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 596
Assembly Bill No. 597
Assembly Bill No. 598
Assembly Bill No. 599
Assembly Bill No. 600

Assembly Bill No. 601
Assembly Bill No. 602
Assembly Bill No. 604
Assembly Bill No. 605
Assembly Bill No. 603

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 160 An act to amend Sections 454, 456, 457, 458, 463, 471, 471.5, 472, 478.1, 480, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 490, 493, 585, 586, 587, 491, 458.1, 452, 492, 510, 511, 512, 513, 514, 515, 516, 592, 593, 656, 502, 589, 590, 725, 727, 728, 729, 730, 731, 732, 733, 504, 505, 506, 507, 508, 509, 591, 477, 494, 495, 588, 496, 497, 498, 499, 500, 501, 625, 473, 503, 534, 535, 536, 596, 597, 598, 599, 600, 601, 531, 532, 533, 594, 595, 538, 539, 540, 541, 542, 602, 626, 627, 628, 629, 653, 654, 655, 657, 658, 476, 543, 561, 562, 563, 564, 565, 583, 701, 459, 460, 691, 692, 692.5, 697, 698, 699, 474, 651, 652, 461, 584, 582, 581, 621, 622, 623, 630, 631, 632, 633, 455, 635, 636, 671, 672, 673, 674, 675, 676, 677, 678, 679, 694, 696, 483, 624 and 637 of the Agricultural Code, and to renumber them to be Sections 452, 453, 454, 455, 456, 466, 467, 468, 469, 470, 471, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 497, 498, 499, 501, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 541, 542, 543, 544, 545, 546, 547, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 591, 592, 593, 595, 596, 601, 602, 603, 604, 605, 606, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 631, 632, 633, 634, 635, 636, 637, 641, 642, 643, 644, 645, 646, 647, 648, 656, 661, 662, 663, 664, 665, 666, 671, 672, 673, 676, 677, 681, 682, 683, 686, 687, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 721, 722 and 723 thereof, to amend Section 451, and the headings of Chapter 2, and of Article 1 of Chapter 2, of Division 4 thereof, to add Sections 496, 500 and 724, and the headings of Chapters 1, 3, 4, 5 and 6, and of Articles 2, 3, 4, 5, 6 and 7 of Chapter 2, Articles 1, 2, 3 and 4 of Chapter 3, and Articles 1, 2, 3, 4, 5, 6, 7 and 8 of Chapter 4, of Division 4 thereof, and to repeal Sections 475, 537, 589.5, 726 and 734 and the headings of Chapters 1, 3, 4, 5, 6, 7, 8 and 9 and of Articles 2 and 3 of Chapter 2, of Division 4 of the said code, relating to dairies and dairy products and imitations thereof.

Referred to Committee on Agriculture.

Assembly Bill No. 566—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as pro-

vided for in Section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 128—An act to add Section 96.5 to the State Civil Service Act, relating to State civil service employees and former employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 922—An act increasing the revolving fund of the Los Angeles Industrial Workshop for the Blind from twenty thousand dollars (\$20,000) to forty thousand dollars (\$40,000), making an appropriation therefor, and declaring the urgency thereof.

Referred to Committee on Finance.

Assembly Joint Resolution No. 16—Relative to memorializing Congress to render continued aid to Great Britain.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 596—An act to add Chapter 3, comprising Sections 1200 to 1305, inclusive, to Division 2 and to add Section 30035 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of clinical laboratory technologists and clinical laboratory technicians, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 597—An act to add Chapter 11, comprising Sections 7500 to 7593, inclusive, to Division 3 and to add Section 30039 to Division 30 of the Business and Professions Code, relating to the licensing and regulation of private detectives, investigators, and detective agencies and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 598—An act to add Division 8, comprising Chapter 1, Section 18400 to 18413, inclusive, and to add Section 30032 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of sales of motor vehicles, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 599—An act to add Chapter 2, comprising Sections 18600 to 18782, inclusive, to Division 8, and to add Section 30031 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of boxing contests and sparring and wrestling matches and exhibitions, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 600—An act to add Chapter 3, comprising Sections 19000 to 19221, inclusive, to Division 8, and to add Section 30030 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to the regulation of persons engaged in the business of manufacturing and selling at wholesale and retail,

repairing, renovating and sterilizing upholstered furniture and bedding and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 601—An act to add Chapter 4, comprising Sections 19400 to 19663, inclusive, to Division 8 and to add Section 30034 to the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of horse racing, horse race meetings and wagering on the results thereof, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 602—An act to add Chapter 6, comprising Sections 20500 to 20502, inclusive, to Division 8, and to add Section 30035 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the adulteration of paints, oil, varnishes and pigments, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 604—An act to add Chapter 8, comprising Sections 21200 to 21290, inclusive, to Division 8 and to add Section 30037 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the sale, disposition of, and regulation of prophylactics, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 605—An act to add Chapter 9, comprising Sections 21500 to 21556, to Division 8, and to add Section 30038 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of sale or disposition of secondhand goods, and repealing acts and parts of acts specified herein.

Referred to Committee on Judiciary.

Assembly Bill No. 603—An act to add Chapter 7, comprising Sections 20700 to 20981, inclusive, to Division 8 and to add Section 30036 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of the importation, distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil and repealing acts and parts of acts specified herein.

Referred to Committee on Natural Resources.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 15—Relative to the American Association of School Administrators.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to the American Association of School Administrators.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Hays, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 5

Senator Swan moved that Senate Constitutional Amendment No. 5 be withdrawn from Committee on Education for purpose of amendment. Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to textbooks.

Resolution read.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 3, of the printed measure, strike out "equivalent to", and insert "of not less than".

Amendment No. 2

On page 2, line 6, of the printed measure, strike out "on", and insert "against".

Amendment No. 3

On page 2, line 7, of the printed measure, strike out "to be", and insert "after teachers' pay has been".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 227

Senator Quinn moved that Senate Bill No. 227 be withdrawn from Committee on Military and Veterans Affairs for purpose of amendments.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 227—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National Program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read second time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 23, of the printed bill, strike out "and".

Amendment No. 2

On page 2 of the printed bill, between lines 23 and 24, insert:
"(c) The Director of Public Health; and".

Amendment No. 3

On page 2, line 24, of the printed bill, strike out "(c)", and insert "(cf)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Military and Veterans Affairs.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 114

Senator Garrison moved that Senate Bill No. 114 be withdrawn from Committee on Local Government for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read second time.

• Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

On page 9 of the printed bill, strike out lines 45 to 52, inclusive; on page 10, strike out lines 1 to 52, inclusive; and on page 11, strike out lines 1 to 14, inclusive.

Amendment No. 2

On page 11, line 15, of the printed bill, strike out "15", and insert "14".

Amendment No. 3

On page 12, line 10, of the printed bill, strike out "16", and insert "15".

Amendment No. 4

On page 12, line 39, of the printed bill, strike out "17", and insert "16".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 774: By Senator Swan—An act to amend Section 5.682 of the School Code of the State of California, relating to the dismissal of probationary employees by governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 775: By Senators Crittenden and Mixer—An act approving and adopting the report of the Department of Public Works on the coordinated plan for the development of the water resources of the State.

Referred to Committee on Water Resources.

Senate Bill No. 776: By Senators Crittenden and Mixer—An act to amend Sections 4380, 4381, 4382, 4400, 4101, 4113 of, and to add Section 4101.5 to, the Water Code, or to amend Sections 4, 8 and 12 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Referred to Committee on Water Resources.

Senate Bill No. 777: By Senator Crittenden—An act to amend Sections 6.05, 6.08, 13.02, 13.04, 13.11, 13.12, 13.13, 13.14, 13.16, 13.16a and 13.16b of, and to add Section 13.132 to the Building and Loan Association Act, relating to building and loan associations, the Building and Loan Commissioner and his appointees and employees, including the regulation of building and loan associations and the conservation and liquidation of such associations by the Building and Loan Commissioner, providing a procedure for the obtaining of possession of such associations, the approval of the actions of the Building and

Loan Commissioner, creating a liability of the State for all non-approved actions, and making an appropriation therefor.

Referred to Committee on Financial Institutions.

Senate Bill No. 778: By Senator Metzger—An act to amend Section 1410 of the Fish and Game Code, relating to fines and penalties.

Referred to Committee on Fish and Game.

Senate Bill No. 779: By Senator Swan—An act to add Chapter 8 to Part 1, Division 3, of the School Code which chapter shall consist of Section 3.107, relating to insurance premium deductions from salaries.

Referred to Committee on Education.

Senate Bill No. 780: By Senator Metzger—An act to provide for the purchase by the Fish and Game Commission of the State of California of lands, lands and water or lands and water rights or easements or shooting rights upon lands for a public shooting grounds; to provide for the regulation, operation, maintenance and administration thereof; appropriating funds for the purchase of said lands, easements or shooting rights; and appropriating funds for the regulation, maintenance, operation and control therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 781: By Senator Swing—An act to amend Section 731 of the Welfare and Institutions Code of the State of California, relating to prisoners under the age of 18 years.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 782: By Senator Deuel—An act to amend School Code Section 3.2, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 783: By Senator Luckey—An act to amend Section 4288 of the Political Code, relating to the payment of the salaries of county officers, deputies, clerks and employees.

Referred to Committee on Local Government.

Senate Bill No. 784: By Senator Deuel—An act to amend School Code Section 4.670, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 785: By Senator Deuel—An act to amend School Code Section 5.731, relating to the Public School System.

Referred to Committee on Education.

Senate Bill No. 786: By Senator Deuel—An act to amend School Code Section 3.712, relating to the study of the Constitution of the United States.

Referred to Committee on Education.

Senate Bill No. 787: By Senator Deuel—An act to add Section 5.29 to the School Code, relating to the leasing of property of a State college.

Referred to Committee on Education.

Senate Bill No. 788: By Senator Mixter—An act to amend Section 5.540 of the School Code, relating to physical examinations of teachers for active tuberculosis.

Referred to Committee on Education.

Senate Bill No. 789: By Senator Seawell—An act making an appropriation to pay the claim of the Downieville Flood Rehabilitation Association against the State of California.

Referred to Committee on Finance.

Senate Bill No. 790: By Senators Myhand and McCormack—An act adding Section 3704 to the Political Code, relating to deputies for members of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 791: By Senators Jespersen, Phillips, Crittenden, Myhand and Collier—An act to amend the title of Article 1, Chapter 5, Division 5 and Sections 911, 912, 913, 914, 915, 916, 917, 919 and 920, and to add Sections 911.5, 911.10, 911.14, 911.15, 911.17, 911.20, 911.21, 911.25, 911.30, 911.35, 911.40, 911.45, 911.50, 911.55, 911.60, 911.65, 911.70, 911.71, 911.72, 911.75, 911.80, 911.81, 911.85, 911.90, 911.95, 911.100, 911.105, 911.110, 911.115, 911.120, 912.5, 912.10, 912.30, 912.35, 912.40, 914.5, 914.7, 914.10, 916.5, 916.10, 916.15, 916.20, 916.25, 916.30, 917.5, 917.10, 917.15, 919.1, 919.5 and 921 to the Agricultural Code, relating to seeds.

Referred to Committee on Agriculture.

Senate Bill No. 792: By Senator Jespersen—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons.

Referred to Committee on Agriculture.

Senate Bill No. 793: By Senator Jespersen—An act to amend Section 11738 of the Insurance Code, relating to the writing of insurance on individual and group plans.

Referred to Committee on Financial Institutions.

Senate Bill No. 794: By Senator Jespersen—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance on the group plan.

Referred to Committee on Financial Institutions.

Senate Bill No. 795: By Senator Jespersen—An act to amend Section 11784 of the Insurance Code, relating to the power of the State Compensation Insurance Fund to issue workmen's compensation insurance on the group plan.

Referred to Committee on Financial Institutions.

Senate Bill No. 796: By Senator Jespersen—An act to amend Sections 970 and 971 and to add Sections 970.1 and 971.1 to the Fish and Game Code, relating to crab and lobster traps.

Referred to Committee on Fish and Game.

Senate Bill No. 797: By Senator Jespersen—An act to add Section 463 to the Fish and Game Code, relating to cold storage of fish, game, mollusks and crustaceans.

Referred to Committee on Fish and Game.

Senate Bill No. 798: By Senator Jespersen—An act to amend Section 800 of the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.

Senate Bill No. 799: By Senators Jespersen and Phillips—An act to amend Section 19.1 of the Agricultural Prorate Act, relating to the marketing of agricultural products, to the conservation of agricultural and economic wealth and providing for acreage adjustment payments.

Referred to Committee on Agriculture.

Senate Bill No. 800: By Senator Mixter—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922 declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 801: By Senators Jespersen and Phillips—An act to amend Sections 2, 15, 19.1 and 21 of the Agricultural Prorate Act, relating to definitions, Proration Program Committees, equalization pools and the deposit of moneys.

Referred to Committee on Agriculture.

Senate Bill No. 802: By Senator Jespersen—An act relating to the use of convict labor in the State parks, forests, public lands and fish and game preserves, and National forests or parks in the State of California; and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 803: By Senator Jespersen—An act to amend Section 1457 of the Penal Code, relating to the disposition of fines.

Referred to Committee on Judiciary.

Senate Bill No. 804: By Senator Jespersen—An act amending Section 63 of the Civil Code, relating to marriage of persons of different races.

Referred to Committee on Judiciary.

Senate Bill No. 805: By Senator Shelley—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

Referred to Committee on Agriculture.

Senate Bill No. 806: By Senator Shelley—An act to appropriate the money to be returned to the State from the California Commission

for the Golden Gate International Exposition to No. 1-a District Agricultural Association.

Referred to Committee on Finance.

Senate Bill No. 807: By Senator Shelley—An act to amend Section 36 of the Civil Code, relating to contracts of minors.

Referred to Committee on Judiciary.

Senate Bill No. 808: By Senator Shelley—An act to amend Section 3070 of the Labor Code, relating to compensation of members of the Apprenticeship Council.

Referred to Committee on Labor.

Senate Bill No. 809: By Senator Shelley—An act to license and regulate the business of detective agencies, private detective, private police, and private guards and to classify and specify the difference between employer and employee of a detective agency and to repeal Chapter 885 of the Statutes of 1927 as revised by Chapter 804 of the Statutes of 1933.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 810: By Senator Shelley—An act to amend Sections 2, 3, 4, 7, 10 and 11 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under Section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases where an admission fee is charged to spectators to witness such amateur boxing contests," approved by electors on November 4, 1924, relating to boxing and wrestling.

Referred to Committee on Business and Professions.

Senate Bill No. 811: By Senator Shelley—An act to repeal Section 18713 of the Business and Professions Code, relating to exemptions from the tax levied upon admissions to boxing contests or sparring or wrestling matches or exhibitions.

Referred to Committee on Business and Professions.

Senate Bill No. 812: By Senator Shelley—An act to amend Sections 18636, 18673, 18674, 18676, 18680, 18711, 18731, 18737 and 18746 of the Business and Professions Code, relating to the regulation of boxing and wrestling.

Referred to Committee on Business and Professions.

Senate Bill No. 813: By Senator Shelley—An act to amend Section 7 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests

held; to declare that amateur boxing contests conducted under Section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases where an admission fee is charged spectators to witness such amateur boxing contests," approved by electors on November 4, 1924, relating to boxing and wrestling.

Referred to Committee on Business and Professions.

Senate Bill No. 814: By Senator Shelley—An act to amend Sections 337b, 337c, 337d and 337e of the Penal Code, relating to bribery in connection with sporting events, contests and exhibitions.

Referred to Committee on Judiciary.

Senate Bill No. 815: By Senator Shelley—An act to amend Section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed four rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

Referred to Committee on Judiciary.

Senate Bill No. 816: By Senator Shelley—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the Harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 817: By Senators Carter and Kenny—An act to amend Section 1182 of the Penal Code, relating to new trials.

Referred to Committee on Judiciary.

Senate Bill No. 818: By Senators Carter and Kenny—An act to amend Section 690.11 of the Code of Civil Procedure, relating to exception of the earnings of a defendant or charged debtor from attachment or execution.

Referred to Committee on Judiciary.

Senate Bill No. 819: By Senators Carter and Kenny—An act to amend Section 647 of the Penal Code, relating to vagrancy.

Referred to Committee on Judiciary.

Senate Bill No. 820—By Senators Carter and Kenny—An act to repeal Sections 203, 204, 204a, 204b, 204c, 204d, 204e, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220 and 221 of, and to add Sections 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214 and 215 to, the Code of Civil Procedure, relating to jurors and jury commissioners.

Referred to Committee on Judiciary.

Senate Bill No. 821: By Senators Carter and Kenny—An act to amend Section 11 of the Penal Code, relating to the power of courts of justice to punish for contempts, to amend Sections 1211, 1212, 1217, 1218 and 1222 of the Code of Civil Procedure, all relating to contempt, and to amend Section 1883 of the Code of Civil Procedure, relating to the calling of the judge or a juror as a witness.

Referred to Committee on Judiciary.

Senate Bill No. 822: By Senators Carter and Kenny—An act to repeal Sections 301 to 304, both inclusive, and to amend Section 300 of the Labor Code, all relating to assignment of wages.

Referred to Committee on Labor.

Senate Bill No. 823: By Senator Breed—An act making an appropriation for construction, improvements, and equipment at the Industrial Home for the Adult Blind.

Referred to Committee on Finance.

Senate Bill No. 824: By Senators Crittenden, Cunningham, McBride and Mixer—An act to amend Section 59.5 of the Alcoholic Beverage Control Act, relating to hours during which alcoholic beverages may be sold.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 825: By Senator Parkman—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 826: By Senators Kuchel, Garrison, Swan and Carter—An act to repeal Chapter 14, comprising Sections 8500 to 8578, inclusive, of, and to add Chapter 14, comprising Sections 8500 to 8676, inclusive, to, Division 3 of the Business and Professions Code, relating to the regulation of structural and household pest control operators.

Referred to Committee on Business and Professions.

Senate Bill No. 827: By Senator Carter—An act to amend Section 4155 of the Public Resources Code of the State of California, relating to the operation of stationary engines in any woods operation, located in any forest or brush covered land, and limiting the application of the act to wood-burning steam-operated stationary engines.

Referred to Committee on Natural Resources.

Senate Bill No. 828: By Senator Carter—An act to amend Section 4157 of the Public Resources Code of the State of California, relating to the operation of steam-operated donkey, stationary engine, loco-

tive or loader in any forest or brush covered land and excluding the use and operation of internal combustion engines from the provisions of said section.

Referred to Committee on Natural Resources.

Senate Bill No. 829: By Senators Shelley and Kenny—An act to add Chapter 4, comprising Sections 2620 to 2624, to Part 9 of Division 2 of the Labor Code and to repeal an act entitled "An act to require employers of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, relating to drinking water facilities for employees.

Referred to Committee on Labor.

Senate Bill No. 830: By Senator Powers—An act to repeal Section 981 and to amend Sections 980 and 1029 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto.

Referred to Committee on Transportation.

Senate Bill No. 831: By Senator Powers—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 832: By Senator Carter—An act to amend Sections 135 and 136 of the Streets and Highways Code, relating to contracts of the Department of Public Works.

Referred to Committee on Transportation.

Senate Bill No. 833: By Senator Carter—An act to amend Section 20 of the "Highway Carriers' Act," relating to exemptions from the provisions of said act.

Referred to Committee on Public Utilities.

Senate Bill No. 834: By Senator Carter—An act to amend Section 19 of the "City Carriers' Act," relating to exemptions from the provisions of said act.

Referred to Committee on Public Utilities.

Senate Bill No. 835: By Senator Shelley—An act to add Section 687 to the Vehicle Code, relating to sleeping facilities on motor trucks.

Referred to Committee on Transportation.

Senate Bill No. 836: By Senator Swan—An act to amend Section 5.750 of the School Code, relating to sick leave.

Referred to Committee on Education.

Senate Bill No. 837: By Senator Breed—An act to amend Section 2 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to interest.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 838: By Senator Breed—An act to amend Section 695 of the Political Code, relating to services furnished State agencies other than those supported by the General Fund.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 839: By Senator Kenny—An act to add a new section to the Streets and Highways Code, to be numbered 100.4, for the protection of freeways.

Referred to Committee on Transportation.

Senate Bill No. 840: By Senator Kenny—An act to add Section 717 to the Vehicle Code, to regulate travel on a portion of State Highway Route 205, to take effect immediately.

Referred to Committee on Transportation.

Senate Bill No. 841: By Senator DeLap—An act to add Section 4a to the act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 842: By Senator McCormack—An act to add new sections to be numbered 3493c, 3493d, 3493e and 3493f to Part 3, Title 8, Chapter 1, Article 2 of the Political Code, relating to reclamation districts, authorizing such districts to cooperate and contract with the United States, to purchase, lease and distribute electric energy, to acquire and construct works and rights of way therefor, and to authorize and issue bonds secured in whole or in part by revenues or sources of payment designated by the board of trustees, other than assessments on lands of the district, and providing for certain additional duties of the California Districts Securities Commission in connection therewith.

Referred to Committee on Water Resources.

Senate Bill No. 843: By Senator Jespersen—An act to repeal School Code Section 2.1321, relating to the State Department of Education.

Referred to Committee on Education.

Senate Bill No. 844: By Senator Dillinger—An act appropriating money for the support of the Preston School of Industry.

Referred to Committee on Finance.

Senate Bill No. 845: By Senator Dillinger—An act to amend Section 2313 of the Public Resources Code, relating to mining claims, tunnel locations and mill sites, and the recording of notice of location markings of boundaries, and performance of discovery work.

Referred to Committee on Natural Resources.

Senate Bill No. 846: By Senator Dillinger—An act to amend Sections 92 and 95 of, and to add Sections 94.5 and 118.5 to, the State Civil Service Act, relating to transfers.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 847: By Senator Dillinger—An act to add Section 433.7 to the Political Code, to authorize the State Controller to make rules and regulations governing pay roll deductions for the purpose of paying dues to employee organizations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 848: By Senator Kuchel—An act to amend the Building and Loan Association Act by adding to Article 7 thereof a new section to be numbered Section 7.09, relating to liability and assessments of stockholders.

Referred to Committee on Financial Institutions.

Senate Bill No. 849: By Senator Kuchel—An act to add Section 219.1 to the Penal Code of the State of California, relating to vehicles of common carriers, when wrecked, punishment.

Referred to Committee on Public Utilities.

Senate Bill No. 850: By Senator Shelley—An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods, and things in action and on accounts after demand and on judgment rendered over three hundred dollars (\$300) made by licensed personal property brokers.

Referred to Committee on Financial Institutions.

Senate Bill No. 851: By Senator Shelley—An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand and on judgments rendered over three hundred dollars (\$300) made by persons licensed under the "California Small Loan Acts."

Referred to Committee on Financial Institutions.

Senate Bill No. 852: By Senator Shelley—An act to amend Section 8 of an act entitled "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, relating to security holders protective committees, licensing and regulation thereof and right of review.

Referred to Committee on Financial Institutions.

Senate Bill No. 853: By Senator Shelley—An act to amend Section 21 of the "Personal Property Brokers Act," as revised by Chapter 952 of the Statutes of 1939 and as revised by Chapter 1044 of the

Statutes of 1939, relating to licensing and regulating persons engaged in the business of a personal property broker and persons in the business of acting as brokers in connection with loans to be made by personal property brokers and providing penalties for violation of the Personal Property Brokers Act.

Referred to Committee on Financial Institutions.

Senate Bill No. 854: By Senator Shelley—An act to amend Section 20 of the "California Small Loan Act," as set forth in Chapter 953 of the Statutes of 1939 and as set forth in Chapter 1045 of the Statutes of 1939, relating to licensing and regulating persons engaged in business of making loans in the amount of three hundred dollars (\$300), or less, and brokers engaged in the business of negotiating said loans, and penalties for violation of the "California Small Loan Act."

Referred to Committee on Financial Institutions.

Senate Bill No. 855: By Senator Shelley—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, so as to define industrial loan companies, provide for their incorporation, powers and supervision; and regulate the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies.

Referred to Committee on Financial Institutions.

Senate Bill No. 856: By Senator Shelley—An act to amend Section 4 of an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, relating to industrial loan companies, the regulation and powers thereof and right of review.

Referred to Committee on Financial Institutions.

Senate Bill No. 857: By Senator Shelley—An act to amend Section 3 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to credit unions, the licensing, regulation and powers thereof.

Referred to Committee on Financial Institutions.

Senate Joint Resolution No. 8: By Senator Metzger—Relative to memorializing Congress to provide for a regional authority to administer and control the Central Valley Project, and for greater speed in construction of the project in aid of the National Defense Program.

Referred to Committee on Water Resources.

Senate Constitutional Amendment No. 12: By Senators Slater and Quinn—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX thereof, relating to county superintendents of schools.

Referred to Committee on Education.

Senate Constitutional Amendment No. 13: By Senator Shelley—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 25½ of Article IV, relating to boxing, sparring and wrestling matches or exhibitions.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 14: By Senator Shelley—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 23 of Article XX thereof, relating to usury and the rate of interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand and on judgments rendered over three hundred dollars (\$300) made by licensed personal property brokers and licensed lenders under the "California Small Loan Acts" and on all loans or forbearances of money, goods and things in action and on accounts after demand and on judgments rendered, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California.

Referred to Committee on Financial Institutions.

ADJOURNMENT

At 5.48 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., January 25, 1941, out of respect to the memory of James Wilson Marshall, discoverer of gold in California.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY

TWENTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, January 25, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Cunningham, DeLap, Dillinger, Fletcher, Foley, Hays, Judah, Luckey, McBride, Mixter, Parkman, and Slater—14.

Call of the Senate

Senator Hays moved a call of the Senate.

Motion carried.

Time, 10.02 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

At 10.06 a.m., on motion of Senator Hays, the call of the Senate was dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Swing, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. R. E. Combs of Visalia.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator William E. Harper of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Peggy Clark of San Francisco and William Ayres of Sacramento.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. T. G. Emmons of Salinas.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, January 9, 1941

*Honorable Joseph A. Beek, Secretary of the Senate
State Capitol, Sacramento, California*

Subject: Filing of State Engineer reports pursuant to Chapter 1, Statutes 1940, Second Extra Session, as amended by Chapter 1, Statutes 1940, Fourth Extra Session.

DEAR MR. BEEK: Handed you herewith for filing is the following report of the State Engineer:

A-92 Anderson-Cottonwood Irrigation District. File No. Sha. 40-3. Restoration of Churn Creek flume.

This report is upon work proposed under authority of said Chapter 1, Statutes of 1940, as amended, and is transmitted to you pursuant to the requirements of Section 1 thereof.

Very truly yours,

EDWARD HYATT, State Engineer
By A. D. EDMONSTON, Deputy State Engineer

The following communications were received and referred to Committee on Rules:

From San Mateo Lodge No. 1112, B. P. O. E., commending Legislature for removing the Communist party from the ballot; from the Grand Parlor, Native Sons of the Golden West, a resolution urging passage of laws requiring relief recipients to prove a continuous residence in California of over 10 years; from the Grand Parlor, N. S. G. W., petitioning Legislature to enact a compulsory finger-printing law covering every person 15 years of age and over; from the Grand Parlor, N. S. G. W., urging the Legislature to enact a law requiring five years continuous residence in California as a prerequisite to appointment to any nonelective office of the State and its political subdivisions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 4

Senate Concurrent Resolution No. 7

Senate Concurrent Resolution No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 5

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 285

Assembly Bill No. 683

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 285—An act to add Section 395.4 to the Military and Veterans Code, relating to leaves of absence of public employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 683—An act regulating travel on certain described State highway routes.

Referred to Committee on Public Utilities.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 858: By Senators Judah and Tickle—An act to authorize and empower the heads of the several departments, divisions, institutions and agencies of the State, counties, cities and counties, and cities, and other political subdivisions of the State, to cause the records and papers, documents, or instruments in writing which they are charged with preserving or keeping or maintaining, to be copied or reproduced by any photographic, photostatic or miniature photographic process which correctly and accurately copies or reproduces such forms, papers, documents, instruments; to preserve the photographic, photostatic or miniature photographic reproductions thereof in lieu of the original; and providing that said photograph, photostat or miniature photographic copies shall be admissible as evidence as though they were the originals.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 859: By Senator Fletcher—An act to add Section 3560.1 to the Harbors and Navigation Code, relating to the possession, control and jurisdiction of the Board of State Harbor Commissioners for the Bay of San Diego over lands, including tidelands and submerged lands within the Bay of San Diego.

Referred to Committee on Transportation.

Senate Bill No. 860: By Senator Fletcher—An act to add Section 6366 to the Revenue and Taxation Code, relating to the exemption of property sold or used in the National Defense Program.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 861: By Senator Slater—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

Referred to Committee on Local Government.

Senate Bill No. 862: By Senator Biggar—An act to amend Section 4007 of the Public Resources Code, relating to forestry.

Referred to Committee on Natural Resources.

Senate Bill No. 863: By Senator Dillinger—An act to add Section 4455.5 to the Health and Safety Code, relating to the fouling or pollution of water.

Referred to Committee on Public Health and Safety.

Senate Bill No. 864: By Senator Dillinger—An act to add Section 614 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 865: By Senator Jespersen—An act to add Section 2 to an act entitled "An act providing for the sale or trade of property used by the California Polytechnic School and providing for the purchase of property for the use of said school," approved June 12, 1931.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 866: By Senator Jespersen—An act making an appropriation for the purchase of land for the California Polytechnic School.

Referred to Committee on Finance.

Senate Bill No. 867: By Senator Jespersen—An act to amend Section 1 of "An act to establish the California Polytechnic School in the County of San Luis Obispo, and making an appropriation therefor," approved March 8, 1901, relating to the California Polytechnic School.

Referred to Committee on Education.

Senate Bill No. 868: By Senator Jespersen—An act to amend Section 1 of "An act creating the California Polytechnic School Project Revolving Fund and making an appropriation therefor; providing for the expenditure and replenishment thereof."

Referred to Committee on Education.

Senate Bill No. 869: By Senator Jespersen—An act to amend Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of this act

and to provide that this act shall take effect upon the adoption of the constitutional amendment ratifying these provisions," approved June 5, 1933, as amended, relating to horse racing, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 870: By Senator Jespersen—An act making an appropriation for the support of the California Polytechnic School.

Referred to Committee on Finance.

Senate Bill No. 871: By Senator Jespersen—An act making an appropriation for minor constructions and repairs at the California Polytechnic School.

Referred to Committee on Finance.

Senate Bill No. 872: By Senator Jespersen—An act making an appropriation for construction and improvements at the California Polytechnic School.

Referred to Committee on Finance.

Senate Bill No. 873: By Senator Jespersen—An act to repeal Chapter 433 of the Statutes of 1929, and to add Article 2a to Chapter 3 of Part 1 of Division 1 of the School Code, relating to the board and lodging of pupils of high school districts and junior college districts.

Referred to Committee on Education.

Senate Bill No. 874: By Senator Jespersen—An act to amend School Code Section 2.1428, relating to the courses of study and projects in the Public School System.

Referred to Committee on Education.

Senate Bill No. 875: By Senator Hays—An act to amend Sections 9 and 36 of the California Water Storage District Act, relating to voting in California water storage districts.

Referred to Committee on Water Resources.

Senate Bill No. 876: By Senators Gordon, Rich and Hays—An act to add Section 7.4 to the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 877: By Senators Gordon, Rich and Hays—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134 and 1135 to Part 3, Division 2, of the Labor Code, relating to hot cargo and secondary boycotts.

Referred to Committee on Labor.

RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

Senate Resolution No. 37

WHEREAS, During the closing days of the first part of the Fifty-fourth Session great numbers of bills are being introduced into both houses; and

WHEREAS, This influx of bills places a heavy load on the State Printing Department; and

WHEREAS, The purpose of the constitutional recess is nullified unless the legislation is printed and distributed to the public in order that the people of the State may become familiar with pending legislation before the Legislature reassembles after the constitutional recess; now, therefore, be it

Resolved, That the State Printer be and he is hereby urged to continue his force on a 24-hour basis, Sundays excepted, until such time as all bills introduced shall have been printed.

RICH, Chairman
MYHAND
DEUEL
TICKLE
BREED

Resolution read and adopted.

By Committee on Rules:

Senate Resolution No. 38

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of \$4,319.11 in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses incurred during and prior to the first part of the Fifty-fourth Session and expenses to be incurred during the constitutional recess, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

The Pacific Telephone and Telegraph Co.....	\$125 00
J. H. Hastings, lettering cash boxes.....	10 00
Bancroft-Whitney Co., Deering's Codes.....	1,946 70
Bureau of Purchases, stationery and supplies.....	470 33
Postal Telegraph-Cable Co.....	17 66
Geo. N. Hammond Typewriter Co.....	242 03
H. S. Crocker Co.....	299 02
Carithers Sign Co., lettering safe.....	3 50
Sleeper Stamp & Stationery Co.....	10 97
Railway Express Agency.....	1 23
Sam S. Frieden, lettering doors.....	4 95
Claude G. Putnam, illuminating resolutions.....	50 00
Department of Finance.....	174 32
The Bert McDowell Co., matches.....	3 40
Postage, for mailing department.....	850 00
Incidental expenses (during recess).....	100 00
Cascade Towel Supply Co.....	10 00

RICH, Chairman
MYHAND
DEUEL
TICKLE
BREED

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Hays, Judah, Keating, Kenny, Kuchel, Luckey, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—24.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 680

And reports the same correctly engrossed.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 680—An act validating the formation, existence and boundaries of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Bill read second time.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Senate Bill No. 680, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 680

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator DeLap:

Resolved, That Senate Bill No. 680 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Donel, Dillinger, Fletcher, Garrison, Gordon, Hays, Jepsensen, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 680—An act validating the formation, existence and boundaries of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Donel, Dillinger, Fletcher, Garrison, Gordon, Hays, Jepsensen, Judah, Kenny, Kuebel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 282—An act to amend Section 10203 of the Insurance Code, relating to group life insurance, and declaring the urgency hereof, to take effect immediately.

Bill read second time.

Request for Unanimous Consent

Senator McCormack asked for, and was granted, unanimous consent to take up Assembly Bill No. 282, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 282**Resolution to Suspend Constitutional Provision**

The following resolution was offered:

By Senator McCormack:

Resolved, That Assembly Bill No. 282 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispense with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 282—An act to amend Section 10203 of the Insurance Code, relating to group life insurance, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

RECONSIDERATION WAIVED

Senator Metzger waived his motion to reconsider the vote whereby Senate Bill No. 390 was passed.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 922

Senator Kenny moved that Assembly Bill No. 922 be withdrawn from Committee on Finance for purpose of consideration.

Motion carried.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Bill No. 922, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 922

Assembly Bill No. 922—An act increasing the Revolving Fund of the Los Angeles Industrial Workshop for the Blind from twenty thousand dollars (\$20,000) to forty thousand dollars (\$40,000), making an appropriation therefor, and declaring the urgency thereof.

Bill read second time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 922:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 23, 1941

To the Honorable Members of the Senate, Sacramento, California

GREETINGS:

ASSEMBLY BILL NO. 922

"An act increasing the Revolving Fund of the Los Angeles Industrial Workshop for the Blind from twenty thousand dollars (\$20,000) to forty thousand dollars (\$40,000), making an appropriation therefor and declaring the urgency thereof."

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 922 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Kenny:

Resolved, That Assembly Bill No. 922 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 922—An act increasing the Revolving Fund of the Los Angeles Industrial Workshop for the Blind from twenty thousand dollars (\$20,000) to forty thousand dollars (\$40,000), making an appropriation therefor, and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 555—An act to amend Sections 106, 107, 108 and 109 of the Streets and Highways Code, relating to cooperative agreements as to bridges, to take effect immediately.

Bill read third time.

Motion to Refer Bill

Senator Breed moved that Assembly Bill No. 555 be referred to Committee on Transportation.

Motion carried.

Assembly Concurrent Resolution No. 13—Relative to the creation of a Joint Fact-Finding Committee on Un-American Activities in California to investigate the activities of persons and groups known or suspected to be foreign dominated or controlled and recommend legislation for their regulation.

Resolution read.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 28, of the printed resolution, strike out the period, and insert "provided, however, that the committee in the exercise of its powers will not receive nor act upon hearsay evidence, that counsel for persons or organizations examined by the committee will have the right to be present at all public hearings with the right to cross examine witnesses, and to object to the introduction of hearsay evidence and if any such hearsay evidence is received over such objection the same shall not be privileged under the Libel Laws of this State."

Amendment read.

Motion to Table

Senator Metzger moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Kenny, Swan and Deuel demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Hays, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, and Ward—29.

NOES—Senators Dillinger, Foley, Garrison, Kenny, and Swan—5.

Previous Question

Senator Deuel moved the previous question.

Motion carried.

The question being on the adoption of Assembly Concurrent Resolution No. 13.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kuebel, Luckey, McBride, McCormack, Metzger, Minter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Word—34.

NOES—Senator Kenny—1.

Resolution ordered transmitted to the Assembly.

REMARKS

Senator Swan asked to have recorded in the Journal his statement that, since he has become better acquainted with the members of the Senate, he wishes to retract statements, written or otherwise, to the effect that Senators Metzger and Gordon were "straddlers."

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, JEDNEY 25, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 160

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes, 9; absent, 2.

CRITTENDEN, Chairman

Request for Unanimous Consent

Senator Crittenden asked for and was granted, unanimous consent to take up Assembly Bill No. 160, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 160

Assembly Bill No. 160—An act to amend Sections 454, 456, 457, 458, 693, 471, 471.5, 472, 478.1, 480, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 490, 493, 585, 586, 587, 491, 458.1, 452, 492, 510, 511, 512, 513, 514, 515, 516, 592, 593, 656, 502, 589, 590, 725, 727, 728, 729, 730, 731, 732, 733, 504, 505, 506, 507, 508, 509, 591, 477, 494, 495, 588, 496, 497, 498, 499, 500, 501, 625, 473, 503, 534, 535, 536, 596, 597, 598, 599, 600, 601, 531, 532, 533, 594, 595, 538, 539, 540, 541, 542, 602, 626, 627, 628, 629, 653, 654, 655, 657, 658, 476, 543, 561, 562, 563, 564, 565, 583, 701, 459, 460, 691, 692, 692.5, 697, 698, 699, 474, 651, 652, 461, 584, 582, 581, 621, 622, 623, 630, 631, 632, 633, 455, 635, 636, 671, 672, 673, 674, 675, 676, 677, 678, 679, 694, 696, 453, 624 and 637 of the Agricultural Code, and to renumber them to be Sections 452, 453, 454, 455, 456, 466, 467, 468, 469, 470, 471, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 497, 498, 499, 501, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 541, 542, 543, 544, 545, 546, 547, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 591, 592, 593, 595, 596, 601, 602, 603, 604, 605, 606, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 631, 632, 633, 634, 635, 636, 637, 641, 642, 643, 644, 645, 646, 647, 648, 656, 661, 662, 663, 664, 665, 666, 671, 672, 673, 676, 677, 681, 682, 683, 686, 687, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 721, 722 and 723 thereof, to amend Section 451, and the headings of Chapter 2, and of Article 1 of Chapter 2, of Division 4 thereof, to add Sections 496, 500 and 724,

and the headings of Chapters 1, 3, 4, 5 and 6, and of Articles 2, 3, 4, 5, 6 and 7 of Chapter 2, Articles 1, 2, 3 and 4 of Chapter 3, and Articles 1, 2, 3, 4, 5, 6, 7 and 8 of Chapter 4, of Division 4 thereof, and to repeal Sections 475, 537, 589.5, 726 and 734 and the headings of Chapters 1, 3, 4, 5, 6, 7, 8 and 9 and of Articles 2 and 3 of Chapter 2, of Division 4 of the said code, relating to dairies and dairy products and imitations thereof.

Motion to Refer Bill

Senator Crittenden moved that Assembly Bill No. 160 be referred to Committee on Judiciary.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 373—An act to amend Section 1202a of the Penal Code and to repeal Section 2 of an act entitled "An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor," approved July 9, 1935, relating to the execution of a sentence of imprisonment.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Mixer, Phillips, Powers, Rich, Seawell, and Swan—27.

NOES—Senators Deuel, Judah, Metzger, Myhand, Parkman, Quinn, Slater, Tickle, and Ward—9.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 12.25 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Parkman, on motion of Senator Myhand.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 390

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 40

Assembly Joint Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 11

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 17

Assembly Joint Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Concurrent Resolution No. 17—Relative to the creation of a Joint Legislative Committee on State Buildings at Sacramento, to study and report to the Legislature thereon and to recommend an orderly program of State building.

Referred to Committee on Rules.

Assembly Joint Resolution No. 11—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens against want or poverty by means of a system of Federal old-age pensions.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 17—Relative to Sacramento River Flood Control Project.

Referred to Committee on Rules.

Assembly Joint Resolution No. 19—Relative to memorializing and petitioning Congress to enact legislation giving to draftees and others entering the military and naval service of the United States adequate insurance protection for themselves in the form of permanent total disability insurance as well as life insurance protection.

Referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 373

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 224

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 224—An act to add Sections 518 and 519 to the Military and Veterans Code, relating to junior college cadets, to take effect immediately.

Referred to Committee on Military and Veterans Affairs.

RESOLUTIONS

The following resolutions were offered:

By Senator Swan:

Senate Resolution No. 39

Relating to creating the Folsom Prison Investigating Committee, to investigate conditions at Folsom Prison

WHEREAS, By the adoption of an amendment to the Constitution the people of this State have placed the charge and superintendence of the prisons in the care of the Legislature; and

WHEREAS, The State Prison at Folsom, maintained for the confinement of hardened criminals is difficult to administer and requires the serious attention of the Legislature; now, therefore, be it

Resolved by the Senate of the State of California, That there is hereby created a Folsom Prison Investigating Committee, which committee shall investigate, ascertain, collate and appraise all facts pertinent to administrative problems in connection with the operation of the Folsom Prison, and shall recommend such legislation as may in its opinion be necessary to solve problems connected with such administration; and be it further

Resolved, That the committee shall consist of five members of the Senate appointed by the President pro tempore of the Senate. Vacancies in the membership of the committee occurring at any time shall be filled by the President pro tempore of the Senate.

The committee in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon the Senate committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly, as they are enacted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such Rules may be exer-

cised by the committee after the final adjournment of this session; (m) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such Rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any wise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To meet during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty fifth Legislature;

(9) To file a report with the Senate during any session of the Fifty fourth Legislature and with the Senate during the Regular Session of the Fifty fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procedure testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths and the Sergeant-at-Arms of the Senate or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be disbursed, after certification by the chairman of the committee upon warrants drawn by the Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

By Senator Tickle: •

Senate Resolution No. 40

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work January 26th, 1941:

	<i>Per day</i>
John Lea, Chief Assistant Secretary	\$9 00
Howard McIntire, History Clerk	7 00
N. L. Levering, Journal Clerk	7 00
Nancy Lyon, Assistant Journal Clerk	5 00
Carl Phillips, Assistant at Desk	5 00
Norman Miller, Assistant at Desk	5 00
Laura Prentice, Assistant Engrossing and Enrolling Clerk	5 00
Harris Messner, Assistant Sergeant-at-Arms	5 00
Charles Brandt, Assistant Sergeant-at-Arms	5 00
James Copland, Assistant Sergeant-at-Arms	5 00
Thomas W. Wright, Assistant Sergeant-at-Arms	5 00
Mayme Riddle Poe, Stenographer	5 00
Betty Rourke, Stenographer	5 00
Tony Beard, Stenographer	5 00
Ardyne Hughes, Stenographer	5 00
Gerry Nider, Stenographer	5 00
Catherine McBride, Stenographer	5 00
Shirley Naccari, Stenographer	5 00
Flora Gilliam, Stenographer	5 00
Wanda Durkee, Stenographer	5 00
Marie Hollingsworth, Stenographer	5 00
Emma Cox, Stenographer	5 00
Marguerite Bridges, Stenographer	5 00
Anne Kelly French, Stenographer	5 00
Noma Browning, Stenographer	5 00
Gertrude Clausen, Stenographer	5 00
John H. Dunbar, Assistant Sergeant-at-Arms	5 00
Imogene Watson, Stenographer	5 00
Mary King, Stenographer	5 00
Shirley Hamer, Stenographer	5 00
Hazel M. Blackwell, Chief Stenographer	6 00
Mary Cadwallader, Stenographer	5 00
Isabelle Robbins, Stenographer	5 00
W. M. Randall, Stenographer	5 00
Laura Mast, Stenographer	5 00
Julian Lindsay, Mailing Clerk	4 00
Rose Signorotti, Stenographer	5 00
Janet Weinheimer, Stenographer	5 00
Hortense May, Stenographer	5 00
Nathelle B. Ray, Stenographer	5 00
Nellie Crisp, Stenographer	5 00
Iva Ross, Stenographer	5 00
June Phelan, Stenographer	5 00

Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 41

WHEREAS, The Legislature of the State of California assembled in the Fifty-fourth Session will be at recess from January 25, 1941, to March 3, 1941; and

WHEREAS, It will be necessary for the Secretary of the Senate during such period of recess to conduct the business of the Senate and perform the duties provided by law, the Standing Rules of the Senate and resolutions adopted by the Senate and to employ certain necessary assistance incident thereto; therefore be it

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES. Senators Brown, Carter, Collier, Crittenden, Cunningham, Delap, Dillinger, Fletcher, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Lucke, McCormack, Metzger, Mixer, Myland, Quinn, Rich, Shelley, Slater, Swan, and Tickle—25.
 NOES. None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 96—An act to amend the County Water District Act approved June 10, 1913, as amended, by amending Sections 31, relating to assessments, 34, relating to tax levies, 37.1, relating to segregation of assessments, 38, relating to cancellation of assessments, 39, relating to tax payments, 41, relating to costs, 44, relating to tax sales, 45, relating to redemption and 46, relating to partial redemption and adding new Sections 29.1, relating to optional tax system, 45.1, relating to disposal of tax deeded land, 45.2, relating to resale plans, 45.3, relating to quoting title, 45.4, relating to acquisition of claims, 45.5, relating to actions and defenses as to tax deeds, 45.6, relating to actions and defenses as to sales of tax deeded land and 47.1, relating to correction of certificates of sale and deeds, and declaring the urgency of this act and providing that it take effect immediately;

Senate Bill No. 147—An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately;
 And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1941, at 2.30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 290—An act to validate the organization and boundaries of fire protection districts, the acts and proceedings of the governing bodies thereof, and taxes and assessments levied in connection therewith, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 291—An act to add Section 4004.5 to the Political Code, relating to loans by counties to fire districts, validating loans heretofore made, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 300—An act to amend the Coachella District Merger Act, approved June 21, 1937, by adding thereto a new section, to be numbered 13.1, relating to taxation for repair, operation and maintenance of improvements and declaring the urgency of this act and providing that it shall take effect immediately;
 And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1941, at 2.30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 445—An act to add Section 7.1 to the Personal Income Tax Act, relating to the tax on compensation received for services rendered for a period of five years or more, to take effect immediately;

Senate Joint Resolution No. 6—Relative to the construction of necessary roads required by the Army and Navy;

Senate Joint Resolution No. 7—Relative to memorializing Congress to provide funds for greater speed in completion of the Central Valley Project in aid of the National defense;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1941, at 2.30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Senate Bill No. 113

Senate Constitutional Amendment No. 7

Has had the same under consideration, and reports the same back with the recommendation: That they be re-referred to Committee on Governmental Efficiency.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported bills re-referred to Committee on Government Efficiency.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 224

Senator Seawell moved that Assembly Bill No. 224 be withdrawn from Committee on Military and Veterans Affairs for purpose of consideration.

Motion carried.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 224, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 224

Assembly Bill No. 224—An act to add Sections 518 and 519 to the Military and Veterans Code, relating to Junior College Cadets, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 224 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 224—An act to add Sections 518 and 519 to the Military and Veterans Code, relating to Junior College Cadets, to take effect immediately.

Bill read second time.

Assembly Bill No. 224—An act to add Sections 518 and 519 to the Military and Veterans Code, relating to Junior College Cadets, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keat-

ing, Kenny, Luckey, McCormack, Mixter, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—29.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixter, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; noes 3.

QUINN, Chairman

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 16, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 16

Assembly Joint Resolution No. 16—Relative to memorializing Congress to render continued aid to Great Britain.

Resolution read.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 26, of the printed bill, after "aid", insert "short of war".

Amendment No. 2

On page 1, line 27, of the printed bill, after "supplies", insert "and to refrain from any acts which will involve the United States in a declared or undeclared war"

Amendments read.

Division of Question Demanded

Senator Seawell demanded a division of the question, and asked for a separate vote on the amendments.

Motion to Table

Senator Myhand moved that the above amendments be laid on the table.

Roll Call Demanded

Senators Seawell, Foley and Shelley demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Fletcher, Gordon, Keating, Luckey, McBride, McCormack, Myhand, Phillips, Quinn, Shelley, Slater, and Tickle—17.

NOES—Senators Carter, Deuel, Dillinger, Foley, Garrison, Hays, Jespersen, Judah, Kenny, Metzger, Mixter, Rich, Seawell, Swan, and Ward—15.

Motion to Take Amendment From Table

Senator Jespersen moved that Amendment No. 1 be taken from the table.

Motion carried.

Motion to Take Amendment From Table

Senator Kenny moved that Amendment No. 2 be taken from the table.

Roll Call Demanded

Senators Phillips, Myhand and Gordon demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Deuel, Dillinger, Foley, Hays, Judah, Kenny, Metzger, Mixer, Rich, Seawell, Shelley, Swan, and Ward—14.

NOES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Fletcher, Garrison, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Myhand, Phillips, Quinn, Slater, and Tickle—18.

Previous Question

Senator Myhand moved the previous question.

Motion carried.

Consideration of Motion to Amend**Amendment No. 1**

On page 1, line 26, of the printed bill after "aid", insert "short of war".

The question being on the adoption of Amendment No. 1.

Roll Call Demanded

Senators Myhand, Quinn and Biggar demanded a roll call.

The roll was called, and Amendment No. 1 was adopted by the following vote:

AYES—Senators Brown, Carter, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Kenny, Metzger, Mixer, Powers, Rich, Seawell, Shelley, Swan, and Ward—20.

NOES—Senators Biggar, Collier, Crittenden, Cunningham, Gordon, Keating, Luckey, McBride, McCormack, Myhand, Phillips, Quinn, Slater, and Tickle—14.

Motion to Re-Refer Bill

Senator Kenny moved that Assembly Joint Resolution No. 16 be re-referred to Committee on Military and Veterans Affairs.

Roll Call Demanded

Senators Myhand, Phillips and Kenny demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Crittenden, Foley, Hays, Judah, Keating, Kenny, Powers, Rich, Seawell, Shelley, Swan, and Ward—13.

NOES—Senators Biggar, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Luckey, McBride, McCormack, Metzger, Myhand, Phillips, Quinn, Slater, and Tickle—20.

Resolution read.

The roll was called, and Assembly Joint Resolution No. 16 adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Ward—32.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

Explanation of Vote

Senator Swan asked for, and was granted, permission to have the following statement of his vote on Assembly Joint Resolution No. 16 printed in the Journal:

"I greatly desire to see the totalitarian powers defeated, but I am unalterably opposed to any act which will involve this country in a European or Asiatic war not of our making. We must not repeat the mistake of 1917. For these reasons I voted 'No' on final adoption of Assembly Joint Resolution No. 16."

JOHN HAROLD SWAN

Senator Hays Presiding

Hon. Ray W. Hays, of the Thirtieth District, presiding.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 878: By Senator Myhand—An act to amend Section 3208 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 879: By Senator Kenny—An act to add Article 2a, comprising Sections 1928.5 to 1928.9, both inclusive, to Chapter 3 of Title 2 of Part 4 of the Code of Civil Procedure, relating to official reports as evidence.

Referred to Committee on Judiciary.

Senate Bill No. 880: By Senator Kenny—An act to add Section 42 to the Insurance Code, relating to loans or advancements of credit by persons transacting insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 881: By Senators Metzger, Luckey and Brown—An act to amend Sections 3, 4, 5, 6, 6.6, 6.9, 7, 8, 10, 11, 12, 14, 17, 20, 22, 22b, 22c, 22d, 23b 24, 24.3, 24.5, 24.7, 30, 31f, 32, 33, 34, 39, 45, 46, 47, 49, 51, 51a, 51c, 51g, 52, 54.3, 55, 66, 67, 67.1, and to repeal Sections 6.4 and 54.1 of the Alcohol Beverage Control Act, and to add thereto Sections 53.4 and 53.7, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 882: By Senator Kuchel—An act to amend Section 974 of the Political Code, relating to discharge of sureties.

Referred to Committee on Judiciary.

Senate Bill No. 883: By Senator Kuchel—An act to add Section 1483.3 to the Probate Code, relating to order of court substituting sureties.

Referred to Committee on Judiciary.

Senate Bill No. 884: By Senator Kenny—An act to amend Section 740 of the Vehicle Code, relating to arrest and complaint on charge of violating speed laws.

Referred to Committee on Transportation.

Senate Bill No. 885: By Senator Kenny—An act to amend Section 1203 of the Penal Code, relating to probation.

Referred to Committee on Judiciary.

Senate Bill No. 886: By Senator Kenny—An act to amend Sections 2819 and 2845 of the Civil Code, relating to suretyship and guaranty.

Referred to Committee on Judiciary.

Senate Bill No. 887: By Senator Kenny—An act to add Article 4, comprising Sections 1953 to 1953d, inclusive, to Chapter 3, Title 2, Part 4 of the Code of Civil Procedure, relating to composite reports as evidence.

Referred to Committee on Judiciary.

Senate Bill No. 888: By Senator Kenny—An act to add Article 5, comprising Sections 1953e to 1953h, inclusive, to Chapter 3, Title 2, Part 4, of the Code of Civil Procedure, relating to business records as evidence.

Referred to Committee on Judiciary.

Senate Bill No. 889: By Senator Kenny—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14, and 1060.15 to the Code of Civil Procedure, relating to declaratory relief.

Referred to Committee on Judiciary.

Senate Bill No. 890: By Senator Kenny—An act to amend Section 1350 of the Labor Code to permit the employment of female accounting, stenographic and office clerical employees for overtime periods in excess of eight hours but not more than 12 hours during any one day of 24 hours and in excess of 48 hours but not more than 60 hours in one week; provided, any such employee receives compensation for such overtime at a rate of not less than one and one-half times the regular rate at which she is employed.

Referred to Committee on Labor.

Senate Bill No. 891: By Senator Kenny—An act making unlawful certain solicitations for funds for police organizations.

Referred to Committee on Judiciary.

Senate Bill No. 892: By Senator Kenny—An act to add Section 690.26 to the Code of Civil Procedure, relating to property exempt from execution or attachment.

Referred to Committee on Judiciary.

Senate Bill No. 893: By Senators Kenny, Jespersen and Phillips—An act to add a new article to Chapter 8, Division 5 of the Agricultural Code to be numbered Article 2, establishing poultry meat standards for live and dressed poultry; to establish grades and classes of poultry and defining certain terms; to establish requirements for dressing, packing, marking, transporting, selling and handling; to provide for enforcement.

Referred to Committee on Agriculture.

Senate Bill No. 894: By Senator Swan (By request).—An act to add Article 7, consisting of Sections 3.750, 3.751, 3.752, 3.753, 3.754, 3.755, 3.756 and 3.757, to Chapter 1 of Part 5 of Division 3 of the School Code, providing for courses of Bible study in secondary schools.

Referred to Committee on Education.

Senate Bill No. 895: By Senator McBride.—An act to add Section 738a to the Code of Civil Procedure, relating to making the State of California a party to quiet title actions.

Referred to Committee on Judiciary.

Senate Bill No. 896: By Senator Quinn.—An act to add Section 1.5 to act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of Prisoners Recreation and Educational Fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, providing for a payment from the appropriation made available for State prisons of a portion of the cost of employment of convicts on State highways.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 897: By Senator Crittenden.—An act to amend Section 1300.1 of the Agricultural Code, relating to persons handling and dealing in agricultural products.

Referred to Committee on Agriculture.

Senate Bill No. 898: By Senator Crittenden.—An act to amend Section 632 of the Agricultural Code, relating to the testing of milk.

Referred to Committee on Agriculture.

Senate Bill No. 899: By Senator Crittenden.—An act to amend Section 607 of the Code of Civil Procedure, relating to trial procedure.

Referred to Committee on Judiciary.

Senate Bill No. 900: By Senator Swan.—An act to add Section 599 to the Penal Code, relating to the failure to care for dogs or other domestic animals injured on public highways.

Referred to Committee on Judiciary.

Senate Bill No. 901: By Senator Crittenden.—An act to amend Section 13.16a of the Building and Loan Association Act, relating to building and loan associations, the Building and Loan Commissioner, the powers of the commissioner upon liquidation, the exchange of approved claims against an association in liquidation for property, loans, the rate of interest thereon and the terms of payment thereof.

Referred to Committee on Financial Institutions.

Senate Bill No. 902: By Senator Ward—An act to amend Section 141 of the State Civil Service Act, relating to performance reports.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 903: By Senator Deuel—An act to add Section 583 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Senate Bill No. 904: By Senator Hays—An act to amend Section 415 of the Code of Civil Procedure, relating to proof of service of summons and complaint.

Referred to Committee on Judiciary.

Senate Bill No. 905: By Senator Rich—An act to add Section 450.1 to the Fish and Game Code, making the taking, mutilating, or destruction of any wild fish, bird, mammal or other game lawfully in the possession of another a misdemeanor and providing the penalty therefor.

Referred to Committee on Fish and Game.

Senate Bill No. 906: By Senator Cunningham—An act to add Article 4a to Chapter 2, Article 1b to Chapter 3, and Article 1a to Chapter 4, all of Part 4 of Division 4 of the School Code, all relating to the support of the Public School System, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Senate Bill No. 907: By Senator McCormack—An act relating to the payment of interest on and principal of bonds, and the holding of funds for such payment.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 908: By Senator McCormack—An act to amend Section 1 of the California Nautical School Act, relating to the State Nautical School.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 909: By Senator Biggar—An act to add Section 798.8 to the Fish and Game Code, relating to the possession and sale of abalones in Districts 2 and 2½.

Referred to Committee on Fish and Game.

Senate Bill No. 910: By Senator DeLap—An act to amend Section 10605 of the Health and Safety Code, relating to court order establishing fact of birth, marriage or death.

Referred to Committee on Public Health and Safety.

Senate Bill No. 911: By Senator DeLap—An act to amend Section 4140 of the Political Code, authorizing notations of revenue stamps by county recorder and the affixing of said stamps by registrar of land titles.

Referred to Committee on Judiciary.

Senate Bill No. 912: By Senator DeLap—An act to amend Section 10607 of the Health and Safety Code, relating to filing copies or orders establishing record of birth, death, or marriage.

Referred to Committee on Public Health and Safety.

Senate Bill No. 913: By Senator DeLap—An act to amend Section 5708 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 914: By Senator DeLap—An act to amend Section 5406 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 915: By Senator Collier—An act to amend Section 5.667 of the School Code, relating to certificated employees of school districts which are formed by the uniting of two or more school districts.

Referred to Committee on Education.

Senate Bill No. 916: By Senator Metzger—An act directing an allocation of money from the funds appropriated for the support of various State institutions to defray the cost of meat to be delivered by the Napa State Farm to such institutions after processing for use.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 917: By Senator Metzger—An act to amend Section 144 of and to add Sections 144.5 and 172.5 to the State Civil Service Act, relating to the State civil service and the rights and duties of employees in the State civil service.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 918: By Senator Metzger—An act to amend Section 40 of the State Civil Service Act, relating to hearings and subpenas.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 919: By Senator Garrison—An act to repeal Section 41b of the California Irrigation District Act, relating to the segregation of land on irrigation district assessment rolls.

Referred to Committee on Water Resources.

Senate Bill No. 920: By Senator McBride—An act to amend Section 23 of the District Investigation Act of 1933, relating to preliminary investigation report upon the organization districts.

Referred to Committee on Judiciary.

Senate Bill No. 921: By Senator Quinn—An act making an appropriation to pay the claim of Arthur Davison and others against the State of California.

Referred to Committee on Finance.

Senate Bill No. 922: By Senator Luckey—An act to amend Section 6.476 of the School Code, relating to supplies and equipment.

Referred to Committee on Education.

Senate Bill No. 923: By Senator Luckey—An act to amend Section 5 of the Retail Sales Tax Act of 1933, relating to the exemption of sales to nonresidents.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 924: By Senator Swan—An act to add Section 4001.5 to the Public Resources Code, relating to the powers and duties of the State Forester.

Referred to Committee on Natural Resources.

Senate Bill No. 925: By Senator Swan—An act making an appropriation for an aviation base for the National Guard at or near Sacramento Airport.

Referred to Committee on Finance.

Senate Bill No. 926: By Senator Swan—An act to amend Sections 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011 of the Public Resources Code, relating to forestry and prescribing the powers and duties of the State Board of Forestry, the Division of Forestry, and its officers and employees.

Referred to Committee on Natural Resources.

Senate Bill No. 927: By Senator Collier—An act to amend Section 12400 of Article 5 of the Insurance Code.

Referred to Committee on Financial Institutions.

Senate Bill No. 928: By Senator Collier—An act to add Section 12396 of Article 4 of the Insurance Code.

Referred to Committee on Financial Institutions.

Senate Bill No. 929: By Senator Crittenden—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Referred to Committee on Transportation.

Senate Bill No. 930: By Senator Collier—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Referred to Committee on Transportation.

Senate Bill No. 931: By Senator Kuehel—An act to add Chapter 8.5, comprising Sections 10615 to 10618 inclusive, to Division 9 of the Health and Safety Code, relating to the establishment of the fact of birth, death or marriage.

Referred to Committee on Public Health and Safety.

Senate Bill No. 932: By Senator Breed—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation.

Senate Bill No. 933: By Senator Swan—An act to amend Section 502 of the Vehicle Code, relating to driving while under the influence of intoxicating liquor.

Referred to Committee on Transportation.

Senate Bill No. 934: By Senator Swan—An act to establish a Division of Youth Placement and Employment Research in the Department of Employment to conduct research and employment placement with reference to youth, making an appropriation, and to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 935: By Senator Swan—An act to add Section 113.5 to the Vehicle Code, relating to membership of California Highway Patrol, and making an appropriation therefor.

Referred to Committee on Transportation.

Senate Bill No. 936: By Senator Swan—An act to add Section 89.5 to the State Civil Service Act, relating to civil service examinations and oral interviews.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 937: By Senator Swan—An act to add Sections 619.5 and 675.7 to the Vehicle Code, relating to glass in headlamps and windshields of motor vehicles.

Referred to Committee on Transportation.

Senate Bill No. 938: By Senator Swan—An act to add a new article to Chapter 1 of Part 1 of Division 5 of the School Code to be known as Article 4a, relating to the tenure of employment of members of the faculties of the State colleges.

Referred to Committee on Education.

Senate Bill No. 939: By Senator Swan—An act making an appropriation for the printing of free textbooks.

Referred to Committee on Finance.

Senate Bill No. 940: By Senator Swan—An act to provide for a minimum wage for men.

Referred to Committee on Labor.

Senate Bill No. 941: By Senator Swan—An act to add Section 2.810 to the School Code, relating to employment of relatives.

Referred to Committee on Education.

Senate Bill No. 942: By Senator Swan—An act regulating the interest, discount, brokerage, difference between cash sale price and installment sale price and all other charges of the seller of personal property and of the person financing the seller of personal property on the installment basis at a price in excess of the cash sale price of such personal property; and regulating the licensing and supervision of motor vehicle dealers, salesmen and sales finance companies; providing

for licenses, fees and regulations; and providing for penalties for violations thereof.

Referred to Committee on Judiciary.

Senate Bill No. 943: By Senator Mixer—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes and other moneys, the amount of which does not justify the cost of their collection.

Referred to Committee on Finance.

Senate Bill No. 944: By Senator Mixer—An act making an appropriation to the Department of Finance for the purpose of paying refunds of taxes, licenses, and fees.

Referred to Committee on Finance.

Senate Bill No. 945: By Senator Tickle—An act to amend Section 689 of and to add Section 689.5 to the Political Code, relating to collections by the State Department of Finance from other State agencies.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 946: By Senator Tickle—An act to amend Sections 20 and 23 of the Corporation Income Tax Act of 1937, relating to refunds of, and actions to recover, taxes, penalties and interest paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 947: By Senator Tickle—An act to amend Section 28 of the Private Car Tax Act of 1937, relating to actions for the recovery of taxes paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 948: By Senator Tickle—An act to amend Sections 20 and 21 of The Personal Income Tax Act of 1935, relating to refunds of, and actions to recover, taxes, penalties and interest paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 949: By Senator Tickle—An act to amend Sections 17 and 25 of the Use Tax Act of 1935, relating to refunds of, and actions to recover, taxes paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 950: By Senator Tickle—An act to amend Sections 27 and 30 of the Bank and Corporation Franchise Tax Act, relating to refunds of, and actions to recover, taxes, penalties and interest paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 951: By Senator Tickle—An act to amend Sections 23 and 31 of the Retail Sales Tax Act of 1933, as amended, relating to refunds of, and actions to recover, taxes paid under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 952: By Senator Tickle—An act to amend Section 32 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 953: By Senator Tickle—An act to amend Section 16 of the Motor Vehicle Fuel License Tax Act, relating to actions to recover license taxes paid under protest under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 954: By Senator Tickle—An act to amend Section 13 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to actions for the recovery of taxes paid under protest under said act.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 955: By Senator Kuchel—An act to amend Section 1 of an act entitled "An act creating an Advisory Pardon Board; defining and prescribing the powers and duties thereof; and making an appropriation therefor," approved May 17, 1915, as amended, to provide that chief deputies of the Attorney General shall act in his place when authorized so to do by the Attorney General.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 956: By Senator Garrison—An act making an additional appropriation for construction, improvements, and equipment of additional wings to the State Capitol.

Referred to Committee on Finance.

Senate Bill No. 957: By Senator Keating—An act to amend Sections 5217, 5229, 5271, 5286, 5287 and 5312 of the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 958: By Senator Keating—An act to amend Section 5 of an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof."

Referred to Committee on Governmental Efficiency.

Senate Bill No. 959: By Senator Keating—An act to add Sections 1.1 and 4.1 to an act entitled "An act to provide for the establishment of master and official plans in cities, cities and counties, and counties and for the adoption of ordinances pursuant thereto; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and the composition and effects thereof; providing for the appointment of planning commissions by cities, cities and counties, and counties, and for the creation of regional planning districts and the establishment of regional planning commissions; prescribing the powers and duties of such commissions; providing for the levy of a special tax

for the support of a planning commission and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; making certain acts misdemeanors; and repealing other acts in conflict herewith," relating to State, regional, county and city planning.

Referred to Committee on Local Government.

Senate Bill No. 960: By Senator Keating—An act to amend Section 11840 of the Insurance Code, relating to periods for which State Compensation Insurance Fund may write workmen's compensation insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 961: By Senator Hays—An act to amend Section 5951 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 962: By Senator Tickle—An act to amend Section 5705 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 963: By Senator Ward—An act to amend Section 5502 of, and to add Sections 5500.1 and 5502.5 to the Welfare and Institutions Code, relating to sexual psychopaths.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 964: By Senator Kenny—An act to amend Section 688 of the Political Code and to add two new sections, to be numbered 688.1 and 688.2, to the Political Code, relating to claims and actions against the State of California.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 965: By Senator Jespersen—An act to add Section 2.6 to the Retail Sales Tax Act of 1933 and Section 2.6 to the Use Tax Act of 1935, relating to definition of "sale" and "purchase" respectively.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 966: By Senator Jespersen—An act to add Section 14.7 to the Alcoholic Beverage Control Act, relating to off-sale and on-sale distilled spirits licenses.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 967: By Senator Jespersen—An act making an appropriation for the control of disease-harboring rodents on and near areas established for defense purposes.

Referred to Committee on Finance.

Senate Bill No. 968: By Senator Jespersen—An act to create the office of Waste Utilization Commissioner to succeed to the powers and duties of the Waste Utilization Commission and to abolish the commission and making an appropriation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 969: By Senators Collier and Jespersen—An act relating to and providing for the completion of the preparation of a Water Code, and making an appropriation therefor.

Referred to Committee on Finance.

Senate Bill No. 970: By Senator Jespersen—An act to amend Sections 911 and 916 of, and to add two new sections, to be numbered 911.5 and 916.5, to Article 1 of Chapter 5 of Division 5 of the Agricultural Code, relating to agricultural seeds.

Referred to Committee on Agriculture.

Senate Bill No. 971: By Senator Jespersen—An act relating to the education of persons in connection with programs of National defense, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Senate Bill No. 972: By Senator Jespersen—An act to amend Section 5262 of the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Business and Professions.

Senate Bill No. 973: By Senator Jespersen—An act to amend Section 363.3 of the Agricultural Code, relating to the inspection of cattle.

Referred to Committee on Agriculture.

Senate Bill No. 974: By Senators Hays, Brown, Rich and Gordon—An act to add Chapter 7 comprising Sections 1120, 1121, 1122, 1123, 1124 and 1125 to Part 3, Division 2 of the Labor Code, relating to employee discharges and labor agreements.

Referred to Committee on Labor.

Senate Bill No. 975: By Senators Hays, Brown, Rich and Gordon—An act to add Chapter 7 comprising Sections 1126, 1127, 1128, 1129 and 1130 to Part 3, Division 2 of the Labor Code, relating to enforceability of collective bargaining contracts and prohibiting attempts to cause or induce violations thereof.

Referred to Committee on Labor.

Senate Bill No. 976: By Senators Hays, Brown, Rich and Gordon—An act to amend Section 923 of the Labor Code, relating to public policy in connection with collective bargaining and to add Section 924 to the Labor Code, defining labor organizations.

Referred to Committee on Labor.

Senate Bill No. 977: By Senator Swan—An act to regulate the practice of naturopathy, defines naturopathy. Creates Board of Naturopathic Examiners, prescribing its qualifications, powers, duties and compensation. Board empowered to examine applicants, issue, deny, suspend and revoke licenses to practice naturopathy; investigate and inspect institutions teaching naturopathy and issue or deny certificates of approval thereto. Prescribes educational and other qualifications of licentiates, grounds for denial, suspension and revocation of

licenses. Accords licentiates, within scope of license, same rights granted physicians under public health laws. Specifies unlawful acts, prescribing penalties and disposition of moneys received. Prescribes rights and duties of naturopathic colleges. Defines terms used in act. Repeals conflicting laws.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 978: By Senator Swan—An act to add Section 10.5 to the Political Code of the State of California, relating to public holidays.

Referred to Committee on Judiciary.

Senate Bill No. 979: By Senator Swan—An act to add Section 88 to "An act relating to the State civil service including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to the exercise of the voting franchise by prospective State employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 980: By Senator Ward—An act to amend Section 1871 of the Code of Civil Procedure, relating to appointment of experts by court.

Referred to Committee on Judiciary.

Senate Bill No. 981: By Senator Gordon—An act to amend Section 11 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs, to provide for the issuance of dog license tags by counties and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor and providing for the collection of damages by owners of live stock injured by dogs," approved June 3, 1921, relating to the disposition of funds.

Referred to Committee on Agriculture.

Senate Bill No. 982: By Senator Swan—An act to amend Section 1576 of the Penal Code, relating to State prisons and the powers and duties of the State Board of Prison Directors in connection therewith.

Referred to Committee on Judiciary.

Senate Bill No. 983: By Senator DeLap—An act to amend Section 5304 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 984: By Senator DeLap—An act to amend Section 5003 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 985: By Senator Crittenden—An act to amend the Building and Loan Association Act of the State of California, as amended by amending Section 13.20 of said act, relating to the rehabilitation, readjustment, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such section or of all or of any part of the business, property and assets of such association or associations or the readjustment, modification or

reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said section, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 and Statutes of 1937.

Referred to Committee on Financial Institutions.

Senate Bill No. 986: By Senator Shelley—An act to amend Section 54 of the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 987: By Senator Shelley—An act to amend Section 52.2 of, and to add Section 57.7 to, the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 988: By Senator Shelley—An act to amend Section 13 of the Unemployment Insurance Act, relating to suitable employment.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 989: By Senator Shelley—An act to repeal Sections 44 and 44.2, and amend Section 45 of the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 990: By Senator Shelley—An act to amend Section 9 of the Unemployment Insurance Act, relating to employers subject to the act.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 991: By Senator Shelley—An act to repeal Sections 39 and 42 of the Unemployment Insurance Act, relating to contribution rates.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 992: By Senator Shelley—An act to amend Section 7 of the Unemployment Insurance Act, relating to the exclusions from employment.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 993: By Senator Shelley—An act to amend Sections 52.1 and 53 of the Unemployment Insurance Act, relating to benefits.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 994: By Senator Shelley—An act to amend Section 9 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 995: By Senator Shelley (By request)—An act to repeal Section 16½ and to amend Section 54 of the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 996: By Senator Shelley (By request)—An act to add a new subdivision to Section 542 of the Code of Civil Procedure to be known as Subdivision 8, relating to licenses issued under the Alcoholic Beverage Control Act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 997: By Senator Shelley (By request)—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 998: By Senator Garrison—An act to amend Section 356 of the Agricultural Code, relating to the slaughter of live stock.

Referred to Committee on Agriculture.

Senate Bill No. 999: By Senator Mixer—An act to add Sections 802.6 and 828.53 to, and to amend Sections 828.1, 828.45 and 829.15 of the Agricultural Code, relating to containers for grapes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 1000: By Senator Jespersen—An act to add Chapter 5, comprising Sections 17800 to 17801, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair trade practice.

Referred to Committee on Business and Professions.

Senate Bill No. 1001: By Senator DeLap—An act to amend Section 4534 of the Elections Code, relating to campaign statements.

Referred to Committee on Elections.

Senate Bill No. 1002: By Senator Judah—An act to add a new section to the Streets and Highways Code, to be numbered 662, relating to the care and protection of State highways.

Referred to Committee on Transportation.

Senate Bill No. 1003: By Senator Crittenden—An act to amend Sections 195 and 203 of, and to add Sections 205 and 206 to, the

Streets and Highways Code, relating to the expenditure of moneys from the State Highway Fund within cities.

Referred to Committee on Transportation.

Senate Bill No. 1004: By Senator Kuchel—An act to amend Sections 6 and 9 of, and to add Section 18 to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Judiciary.

Senate Bill No. 1005: By Senator Kuchel—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of, and to add a new section to be numbered 19 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Referred to Committee on Judiciary.

Senate Bill No. 1006: By Senator Garrison—An act to amend Section 1265 of the Agricultural Code, relating to persons handling and dealing in agricultural products.

Referred to Committee on Agriculture.

Senate Bill No. 1007: By Senators Kenny, Rich and DeLap—An act relating to review of decisions of administrative boards, commissions and officers, providing for a thorough study and report thereon and the formulation of a comprehensive and detailed plan in respect thereto, defining the powers and duties of the Judicial Council in relation thereto, and making an appropriation therefor.

Referred to Committee on Judiciary.

Senate Bill No. 1008: By Senator Mixter—An act to amend Section 4453 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 1009: By Senator Carter—An act to validate the organization and existence of municipal utility districts organized pursuant to an act of the Legislature approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon."

Referred to Committee on Judiciary. .

Senate Bill No. 1010: By Senator Carter—An act to amend the title and Sections 2, 9, 14, 18, 20, 21, 23 and 24 of, and to add Section 28a to, the Central Valley Project Act of 1933, relating to the

Central Valley Project, including the making of contracts and the issuance, sale and validation of bonds in connection with the acquisition, construction, extension, control or use of such project and of transmission and distribution works connected therewith.

Referred to Committee on Water Resources.

Senate Bill No. 1011: By Senator Carter—An act to amend Section 14441 of the Health and Safety Code, relating to county fire protection districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1012: By Senator Carter—An act to amend Section 14355 of the Health and Safety Code, relating to metropolitan fire protection districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1013: By Senator Carter—An act to amend Section 14055 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1014: By Senator Carter—An act to amend Section 14709 of the Health and Safety Code, relating to fire protection districts.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1015: By Senator Seawell—An act creating the office of State Manager, and prescribing his powers and duties.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1016: By Senator Gordon—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry.

Referred to Committee on Transportation.

Senate Bill No. 1017: By Senator Carter—An act to amend the title and to add four new sections to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, as amended, by adding thereto a new Section 81, relating to cooperative contracts with the United States, and by adding thereto a new Section 82, relating to the purchase or lease of electric energy and the construction, acquisition, operation, leasing and control of plants for the generation, distribution, sale and lease of electric energy, and by adding thereto a new Section 83, relating to rights of way for electric light and power lines, and by adding thereto a new Section 84, relating to the authorization and issuance of

bonds secured in whole or in part by revenues or sources of payment designated by the board of directors other than taxes or assessments.

Referred to Committee on Water Resources.

Senate Bill No. 1018: By Senator Kenny—An act to amend School Code Sections 2.981 and 6.190, relating to the powers of governing boards of school districts.

Referred to Committee on Education.

Senate Bill No. 1019: By Senator Shelley—An act accepting a retrocession of jurisdiction from the United States of America over certain right of ways granted to the State of California over a certain road in the Presidio of San Francisco Military Reservation.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1020: By Senator Shelley—An act to amend Section 5505 of the Labor Code, relating to proceedings before the Industrial Accident Commission.

Referred to Committee on Labor.

Senate Bill No. 1021: By Senator Shelley—An act to amend Section 4702 of the Labor Code, relating to workmen's compensation benefits.

Referred to Committee on Labor.

Senate Bill No. 1022: By Senator Quinn—An act making an appropriation for construction, improvements and equipment for the Humboldt State College.

Referred to Committee on Finance.

Senate Bill No. 1023: By Senator Quinn—An act to amend Section 482 of the Fish and Game Code, relating to pollution of waters.

Referred to Committee on Fish and Game.

Senate Bill No. 1024: By Senator Kenny—An act to promote the general welfare by encouraging employers to provide for the health and security of their employees, both during their working years and after their retirement, by protecting those who make such provision against those who do not, and providing additional revenue to the State for the aid of those persons dependent upon it, and making an appropriation.

Referred to Committee on Labor.

Senate Bill No. 1025: By Senator Kuchel—An act making an appropriation to pay the claim of the Vicaroo Oil Company Ltd. against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1026: By Senator Kuchel—An act making an appropriation to pay the claim of the Richrow Corporation against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1027: By Senator Kuchel—An act making an appropriation to pay the claim of the Hammil Oil Corporation against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1028: By Senator Judah—An act to add Section 820.5 to the Streets and Highways Code, relating to cooperation with the United States in connection with rights of way.

Referred to Committee on Transportation.

Senate Bill No. 1029: By Senator Swan—An act to add Chapter 1a, comprising Section 15, to "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to days of work of employees of municipalities.

Referred to Committee on Local Government.

Senate Bill No. 1030: By Senator Swan—An act to add Section 415.1 to the Penal Code, relating to disturbing the peace.

Referred to Committee on Judiciary.

Senate Bill No. 1031: By Senator Swan—An act to add Article 8 to Chapter 2 of Part 4 of Division 2 of the School Code and to add Section 4.375-1 to said code, relating to visual education.

Referred to Committee on Education.

Senate Bill No. 1032: By Senator Swan—An act providing for a Medical Research Board, prescribing the powers and duties thereof, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1033: By Senator Foley—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Senate Bill No. 1034: By Senators Foley and Shelley—An act to amend Sections 4453, 4605, 4653, 4654, 5405 and 5801 of, and to add Sections 4909.5 and 5400.5 to the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 1035: By Senator Foley—An act to add Section 158.5 to the Welfare and Institutions Code, relating to officers and employees at State institutions.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1036: By Senator Foley—An act to amend Section 2 of an act entitled "An act limiting the liability of supervisors, city trustees, city councils, boards of education and school trustees, and making counties, municipalities and school districts liable for the negligence of their respective officers in certain instances and providing for the payment of costs of actions in certain instances," approved June 13, 1923, relating to the liability of counties, municipalities, and school districts.

Referred to Committee on Judiciary.

Senate Bill No. 1037: By Senator Foley—An act to establish a Vocational Education, Rehabilitation and Training Board, providing for the vocational education, rehabilitation and reemployment of unemployed persons, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1038: By Senator Foley—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor.

Referred to Committee on Local Government.

Senate Bill No. 1039: By Senators Phillips and Carter—An act to establish a Water Code, thereby consolidating and revising the law relating to water, including the use of water, the acquisition and regulation of water rights, the control and utilization of water, the distribution of water, the supervision of dams, the use of and rights in streams and conduits, the establishment and operation of public districts relating to water, and to repeal certain acts and parts of acts specified herein.

Referred to Committee on Water Resources.

Senate Bill No. 1040: By Senators Phillips and Carter—An act to add Division 5 and Section 150001 to the Water Code, relating to flood control by cities, counties and the State, including provisions relating to the Reclamation Board, the Sacramento and San Joaquin Drainage District, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

Senate Bill No. 1041: By Senators Phillips and Carter—An act to add Division 6 and Section 150002 to the Water Code, relating to water, including the utilization and control of water, water powers, water resources, the powers and duties of water boards and authorities, the initiation and development of water projects, relations between this State, other States, and the United States in connection with any of the foregoing matters, and to repeal certain acts specified herein.

Referred to Committee on Water Resources.

Senate Bill No. 1042: By Senators Phillips and Carter—An act to add Part 3 to Division 3, and Section 150003, to the Water Code, relating to a dam in Napa County, and repealing certain acts specified herein.

Referred to Committee on Water Resources.

Senate Bill No. 1043: By Senators Phillips and Carter—An act to amend Sections 126, 1067, 1234, 1255, 1650, 2011, 2042, 2043, 2044, 2527, 2577, 2655, 2658, 2659, 2754, 2815, 2816 and 3281 of, to add Section 2041.5 to, and to repeal Sections 1652 and 2865 of, the Water Code, relating to water and the determination and administration of water rights.

Referred to Committee on Water Resources.

Senate Bill No. 1044: By Senators Phillips and Carter—An act to add Chapter 1.5 to Part 2, Division 5, of the Water Code, declaring

the public policy of the State relating to flood waters and the control, conservation and utilization thereof, and the prevention of soil erosion; flood damage and washing away of river and stream banks by floods; prescribing the powers and duties of State departments and agencies relating thereto; authorizing cooperation with the United States, its instrumentalities and agencies in relation thereto.

Referred to Committee on Water Resources.

Senate Bill No. 1045: By Senators Phillips and Carter—An act to amend Section 4251 of, and to add Sections 4200.5, 4300.5 and 4351.5 to, the Water Code, or to amend Sections 4, 5 and 9 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Referred to Committee on Water Resources.

Senate Bill No. 1046: By Senator Phillips—An act to amend Section 3695 of the Revenue and Taxation Code, relating to objections of taxing agencies to sales of tax-deeded land.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1047: By Senator Phillips—An act to amend Section 5.546 of the School Code, relating to teachers reports.

Referred to Committee on Education.

Senate Bill No. 1048: By Senator Phillips—An act to amend School Code Section 5.820, relating to the Teachers Retirement Board.

Referred to Committee on Education.

Senate Bill No. 1049: By Senators Phillips and Ward—An act making an appropriation to the Department of Agriculture for the construction and maintenance of highway inspection stations for the purpose of enforcing the provisions of the Agricultural Code, relating to fruit, nut and vegetable standards.

Motion to Refer Bill

Senator Phillips moved that Senate Bill No. 1049 be referred to the Committee on Agriculture.

Motion carried.

Senate Bill No. 1050: By Senator Phillips—An act to add Section 4041.13a to the Political Code, relating to powers of the board of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 1051: By Senator Phillips—An act to add Section 862.5a to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, relating to powers of sixth class cities to acquire and

develop park and recreational facilities, and to issue revenue bonds therefor, to take effect immediately.

Referred to Committee on Local Government.

Senate Bill No. 1052: By Senator Phillips—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein; declaring this act to be an urgency measure and providing that it shall take effect immediately.

Motion to Refer Bill

Senator Phillips moved that Senate Bill No. 1052 be referred to Committee on Local Government.

Motion carried.

Senate Bill No. 1053: By Senator Phillips—An act to amend Sections 16902, 16904 and 16905 of the Business and Professions Code, or to amend Sections 1 and 1½ of an act entitled "An act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," approved May 8, 1931, as amended, also known as the "Fair Trade Act," relating to the protection of trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles under a distinguishing trade-mark, brand or name.

Referred to Committee on Business and Professions.

Senate Bill No. 1054: By Senator Phillips—An act to amend Sections 17001, 17002, 17023, 17026, 17029 and 17043 of the Business and Professions Code, or to amend Sections 3, 5, 10 and 11 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended, relating to unfair practices.

Referred to Committee on Business and Professions.

Senate Bill No. 1055: By Senators Powers and Luckey—An act to amend Sections 346.1 and 354 of the Agricultural Code, relating to the sale of slaughtered calves.

Referred to Committee on Agriculture.

Senate Bill No. 1056: By Senators Powers and Luckey—An act to amend Sections 347 and 363.2 of the Agricultural Code, relating to live stock sold or slaughtered without consent of the owner.

Referred to Committee on Agriculture.

Senate Bill No. 1057: By Senator Swan—An act to add Section 154.3 to the State Civil Service Act, relating to work performed by civil service employees on holidays, and compensating time allowed therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1058: By Senator Metzger—An act to amend Section 4271 of the Political Code, relating to compensation for public services in counties of the forty-second class.

Referred to Committee on Local Government.

Senate Bill No. 1059: By Senator Collier—An act to add Sections 750.1 and 750.2 to the Insurance Code and to amend Section 12400 of the Insurance Code, relating to the payment of rebates and commissions by title insurers.

Referred to Committee on Financial Institutions.

Senate Bill No. 1060: By Senator Luckey—An act making an appropriation for the repair and reconstruction of public buildings damaged or destroyed by earthquakes in the City of Brawley.

Referred to Committee on Finance.

Senate Bill No. 1061: By Senator McBride—An act to amend Section 4041.13 of the Political Code, relating to purchasing agents.

Referred to Committee on Local Government.

Senate Bill No. 1062: By Senator McBride—An act authorizing the conveyance to the County of Ventura, State of California, of easements and rights of way for road and highway purposes along, in, through, or across property of the State known as the Camarillo State Hospital grounds.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1063: By Senator Swan—An act to add Section 690.1 to the Political Code, relating to the transfer to the State Lands Commission of the powers, duties, and jurisdiction of the State Controller in connection with the sale and deed and control of tax-delinquent properties.

Referred to Committee on Governmental Efficiency.

Senate Concurrent Resolution No. 10: By Senator Swan—Relative to a Joint Civil Service Investigating Committee, to ascertain and report on needed legislation.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 11: By Senator Crittenden—Relative to providing for the appointment of a joint committee to study and to report upon the water problems of the State.

Referred to Committee on Rules.

Senate Joint Resolution No. 9: By Senator Swan—Relative to memorializing Congress to enact legislation to establish an Army school comparable to West Point Military Academy and a naval school comparable to Annapolis Naval Academy, in California, one thereof to be located in northern California and one thereof to be located in southern California.

Referred to Committee on Military and Veterans Affairs.

Senate Constitutional Amendment No. 15: By Senator Slater—A resolution to propose to the people of the State of California an amendment to the Constitution by adding Section 29 to Article IV of the Constitution, relating to State money.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 16: By Senator Seawell—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 37, relating to the power of the Legislature over administrative offices of the State Government.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 17: By Senator Swan—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding Section 1b to Article I thereof, relating to the conditions of work, and standard of living, of the citizens of the State of California.

Referred to Committee on Labor.

Senate Constitutional Amendment No. 18: By Senators Swing and Phillips—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

Referred to Committee on Welfare and Institutions.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, January 20, 1941; Tuesday, January 21, 1941; Wednesday, January 22, 1941; Thursday, January 23, 1941; Friday, January 24, 1941, were, on motion of Senator Mixer, approved as corrected by the Journal Clerk and the Minute Clerk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 352

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JANUARY 25, 1941

The Committee on Rules announces the appointment of Senators DeLap, Ward and Jespersen as the committee created under Assembly Concurrent Resolution No. 13, in re Un-American activities in California.

The Committee on Rules also announces the appointment of Senators Phillips, Wagy, Deuel, Mixter, Mayo, Brown, Seawell together with Rich, ex officio member, as the committee created by Senate Concurrent Resolution No. 4.

The Committee on Rules further announces the appointment of Senators Swan and Gordon as the committee created by Assembly Concurrent Resolution No. 17.

RICH, Chairman

MOTION TO PRINT EXTRA COPIES OF SENATE BILL NO. 729

Senator Crittenden moved that 400 additional copies of Senate Bill No. 729 be printed.

Motion carried.

RECESS

At 4.30 p.m., on motion of Senator Rich, the Senate recessed until 4.45 p.m.

REASSEMBLED

At 4.45 p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, presiding.

COMMUNICATIONS

The following communications were received and read and ordered printed in the Journal:

CALIFORNIA HIGHWAY COMMISSION
SACRAMENTO, CALIFORNIA, January 13, 1941

*To the Honorable Members of the Senate of the State of California
State Capitol, Sacramento, California*

GENTLEMEN: Pursuant to the provisions of Assembly Concurrent Resolution No. 8, 1940 Session, there is transmitted herewith the report of an investigation and study of the advisability of making a secondary highway of that county road known as the "Jenny Lind Road" now existing between Clovis and Friant, California.

It is our recommendation that the "Jenny Lind Road" or other existing road between Clovis and Friant be not included in the State Highway System.

Very sincerely yours,

CALIFORNIA HIGHWAY COMMISSION
By LARRY BARRETT, Chairman.

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, January 24, 1941

*Honorable Joseph A. Beek, Secretary of the Senate
State Capitol, Sacramento, California*

Subject: Filing of State Engineer reports pursuant to Chapter 1, Statutes 1940, Second Extra Session, as amended by Chapter 1, Statutes 1940, Fourth Extra Session.

DEAR MR. BEEK: I handed you herewith for filing is the following Report of the State Engineer:

A-36 Edna M. Finck Jensen, et al., and Island Reclamation District No. 2062.
File S. J. 40-4. Restoration of levees.

This report is upon work proposed under authority of said Chapter 1, Statutes of 1940, as amended, and is transmitted to you pursuant to the requirements of Section 1 thereof.

Very truly yours,

EDWARD HYATT, State Engineer
By A. D. EDMONSTON, Deputy State Engineer

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 107—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of school districts, to take effect immediately;

Senate Bill No. 251—An act to amend the Metropolitan Water District Act, as amended, by amending Sections 2, 9 and 10, and by adding new sections numbered 9.1 and 9.2, all relating to the definitions of certain terms as used in said Metropolitan Water District Act and in other acts applicable to metropolitan water districts, providing for the addition of area to such districts and for the exclusion of area therefrom and providing the effects of such addition or exclusion, providing for the inclusion within metropolitan water districts of the corporate areas of municipal water districts, municipal utility districts, public utility districts and county water districts, and providing for the addition of area to any such municipal water district, municipal utility district, public utility district or county water district, so included within any such metropolitan water district and providing the effects thereof, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 252—An act to amend an act entitled "An act to provide for the incorporation and organization and management of municipal water districts, and to provide for the acquisition and construction by said districts of waterworks, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved May 1, 1911, as amended, by amending Sections 2, 3, 4, 5, 7, 8, 10, 12 and 27, relating to incorporation, organization, government and management of such districts, the holding of directors' and other elections therein, the establishment of divisions, providing for recalls, setting forth the powers of such districts and the manner and effect of annexing territory thereto, and adding new sections to be known as Sections 6a, 32, 33, 34, 35 and 36, providing for the calling, holding and conducting of elections, the reestablishment of divisions, providing the manner and effect of annexation to such districts, granting additional powers of taxation to such districts when included in metropolitan water districts, designating a short title, repealing conflicting laws, declaring the severability of the provisions of this act, declaring the urgency of this act, and providing that it shall take effect immediately; And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1941, at 4 p.m.

RICH, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Joint Resolution No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Request for Unanimous Consent

Senator Quinn asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 19, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 19

Assembly Joint Resolution No. 19—Relative to memorializing and petitioning Congress to enact legislation giving to draftees and others entering the military and naval service of the United States

adequate insurance protection for themselves in the form of permanent total disability insurance as well as life insurance protection.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, Metzger, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 4—Relative to violations of the Hatch Act.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 4, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 4

Assembly Joint Resolution No. 4—Relative to violations of the Hatch Act.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Kenny, Kuchel, Metzger, Mixter, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1064: By Senator Judah—An act to amend Section 4254g of the Political Code, relating to compensation of the district attorney in counties of the twenty-fifth class.

Referred to Committee on Local Government.

Senate Bill No. 1065: By Senator Ward—An act to amend Section 13.20 of the Building and Loan Association Act, relating to reorganizations of building and loan associations.

Referred to Committee on Financial Institutions.

Senate Bill No. 1066: By Senator Garrison—An act providing for the establishment and organization in the Executive Department of the State Government of a California State Council of Defense, in accordance with the recommendations of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National Program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; and providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of this act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1067: By Senator Garrison—An act to add Section 6 to an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, relating to duties of the State Planning Board, and making an appropriation therefor, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1068: By Senator Garrison—An act to add Section 135.8 to the Vehicle Code, requiring reports of damaged fences.

Referred to Committee on Transportation.

Senate Bill No. 1069: By Senator Garrison—An act to amend Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provision of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation of horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1070: By Senator Swan—An act to provide for the planting of shade trees along new State highways and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1071: By Senator Rich—An act to add Section 38.1 to the Public Utility District Act of 1921 (Stats. 1921, page 906 and amendments) providing for the addition of a section thereto

whereby delinquent service charges may be made a lien against the land for which such service was furnished, and be collectable as an assessment against such land.

Referred to Committee on Public Utilities.

Senate Bill No. 1072: By Senator Ward—An act to amend Section 710 of the Code of Civil Procedure, relating to execution on moneys due from a governmental agency to a judgment debtor.

Referred to Committee on Judiciary.

Senate Bill No. 1073: By Senator Rich—An act to amend Section 3480 of the Political Code, relating to reclamation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1074: By Senator Dillinger—An act to establish a California Work Relief Authority, define its powers and duties, establish a Work Relief Program and make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1075: By Senator Crittenden—An act to add Article 17, comprising Sections 17.01 to 17.09, inclusive, to the Building and Loan Association Act, relating to the rehabilitation, readjustment, consolidation, merger or reorganization of one or more building and loan associations of the classes specified in such Article 17, or of all or any part of the business, properties and assets of such association or associations, or the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of and other persons interested in such association or associations, providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Article 17, to exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received.

Referred to Committee on Financial Institutions.

Senate Bill No. 1076: By Senator Crittenden—An act to amend Section 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the sixth class.

Referred to Committee on Local Government.

Senate Bill No. 1077: By Senator Crittenden—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Referred to Committee on Transportation.

Senate Bill No. 1078: By Senator Crittenden—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16b, relating to Building and Loan Associations;

the powers of the Building and Loan Commissioner, an association or associations, and the court when the commissioner shall be in possession and whether or not he shall be liquidating its affairs; and the power of trustees appointed by the court.

Referred to Committee on Financial Institutions.

Senate Bill No. 1079: By Senator Crittenden—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.12a, relating to Building and Loan Associations, the payment of court costs, attorneys' fees in connection with the trial of a proceeding commenced by an association pursuant to Section 13.12.

Referred to Committee on Financial Institutions.

Senate Bill No. 1080: By Senator Biggar—An act to add Section 5318 to the Labor Code, relating to Workmen's Compensation Insurance, including the availability of records of the Industrial Accident Commission.

Referred to Committee on Labor.

Senate Bill No. 1081: By Senator Biggar—An act to add Section 58.5 and 97.7 to the Unemployment Insurance Act, relating to unemployment insurance benefits, eligibility for benefits, and availability of the State's records.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1082: By Senator Foley—An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, and to add Section 1.5 thereto, relating to vacations and hours on duty of members of fire departments.

Referred to Committee on Local Government.

Senate Bill No. 1083: By Senator Kenny—An act to amend Sections 376 and 377 of the Code of Civil Procedure, all relating to actions for wrongful injury and death.

Referred to Committee on Judiciary.

Senate Bill No. 1084: By Senators Hays, Metzger, DeLap, Phillips and Tickle—An act to amend Section 689 of the Political Code, relating to collections from "self-supporting" departments.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1085: By Senators Tickle, DeLap, Hays and Myhand—An act to abolish the State Division of Water Resources.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1086: By Senators Tickle, Phillips, DeLap, Hays, Breed and Myhand—An act to amend Section 501 of the Public Resources Code, relating to the Director of Natural Resources.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1087: By Senators Phillips, Breed, Biggar, Tickle, Myhand, Judah and Collier—An act to add Section 658a to the Political Code, relating to the powers and duties of the Department of Finance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1088: By Senators Phillips, DeLap, Tickle, Myhand and Collier—An act to abolish the State Division of Narcotic Enforcement in the Department of Penology.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1089: By Senators Tickle, Metzger, Biggar, Judah and Collier—An act to repeal Section 690 of the Political Code, relating to the Division of Lands.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1090: By Senators Phillips, Biggar, Hays, DeLap and Collier—An act to amend Section 5.21 of the School Code, relating to fees collected by State colleges.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1091: By Senators Metzger, Phillips, Tickle, Myhand, Judah and Collier—An act to repeal Sections 4351, 4352 and 4353 of the Public Resources Code, relating to the State Nursery.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1092: By Senators Tickle, Biggar, Phillips, DeLap, Rich and Judah—An act to repeal Section 511 of the Public Resources Code, relating to publications issued by the Department of Natural Resources.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1093: By Senators DeLap, Hays, Tickle, Myhand, Judah and Collier—An act to abolish the California Historical Association.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1094: By Senators Tickle, Biggar, Phillips, Myhand, and Collier—An act to repeal Sections 500, 501, 502, 503, 504, 505, 506, 507, 508 and 509 of the Institutions and Welfare Code, relating to the California Bureau of Juvenile Research.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1095: By Senators Metzger, Biggar, Phillips, Judah, Breed, Myhand and Collier—An act to prohibit the employment of publicists by State departments and agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1096: By Senators Tickle, Phillips, DeLap, Hays, Myhand, Judah and Collier—An act to abolish the Division of Immigration and Housing and the Immigration and Housing Commission

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1097: By Senators Myhand, Biggar and Tickle—An act to abolish the Division of Industrial Welfare in the Department of Industrial Relations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1098: By Senators Phillips, Kuchel, Myhand, Collier and Tickle—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1099: By Senators Hays, Tickle and Myhand—An act to amend Section 363 of the Political Code, relating to the Director of Public Works.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1100: By Senators Tickle, Phillips, Collier, Hays and DeLap—An act to amend Section 661 of the Political Code, relating to the creation of deficiencies in special fund appropriations.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1101: By Senators Metzger, Biggar, Gordon, Myhand, Phillips, DeLap and Collier—An act to abolish the State Division of Architecture.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1102: By Senators Metzger, Phillips, Tickle, Gordon, Myhand, Collier and Kenny—An act to abolish the State Planning Board.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1103: By Senators Metzger, Biggar, Phillips, Breed, Tickle, Myhand, Collier and Kenny—An act to amend Section 663 of the Political Code, relating to the State Board of Control.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1104: By Senators Tickle, Metzger, Phillips, Gordon, Myhand and Collier—An act to repeal Sections 2.1460, 2.1461, 2.1462, 2.1463, 2.1464, 2.1465, 2.1466, 2.1467, 2.1468 and 2.1469 of the School Code, relating to the Division of Schoolhouse Planning.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1105: By Senators Tickle, Jespersen, Biggar, Myhand, Phillips, Fletcher and Ward—An act to repeal Section 13.01 of the Building and Loan Act, relating to the Building and Loan Commissioner.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1106: By Senators Tickle, Biggar, Phillips, Myhand and Powers—An act to repeal Sections 2.1370 to 2.1401 inclusive, of the School Code, relating to the State Board of Education.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1107: By Senators Tickle, Breed, Collier, Myhand, DeLap, Biggar, Phillips, Powers and Brown—An act to add Section 67 to the State Civil Service Act, relating to the creation of new positions.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1108: By Senators Quinn, Hays, Deuel, Fletcher, Foley, Ward and Shelley—An act to provide a unified and coordinated program of construction, repair, and improvement of State colleges, including buildings, and purchase of land equipment and making an appropriation for the purposes of this act.

Referred to Committee on Governmental Efficiency.

Senate Concurrent Resolution No. 12: By Senators Quinn, Hays, Deuel, Fletcher, Foley, Ward and Shelley—Relative to a coordinated State College Building Plan.

Referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 19: By Senator Kenny—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 34b to Article IV and amending Section 17 of Article V, relating to State moneys and property and the collection, acquisition, administration, supervision, management, control, use and disposition thereof and reports, accounting and auditing with respect thereto.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 20: By Senator Swan—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by adding Section 1a to Article I thereof, relating to the rights of persons.

Referred to Committee on Labor.

REMARKS

Senator Biggar directed the members' attention to the fact that today is the birthday of the Capitol's popular newspaper vendor, "Billie" Burke.

Senator Shelley requested the Secretary of the Senate to present "Billie" Burke with a suitably engrossed memento of the occasion.

Senator Hays Presiding

At 4.46 p.m., Hon. Ray W. Hays, of the Thirtieth District, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1109: By Senator Carter—An act to add Section 4407 to the Public Resources Code, relating to brush burning experiments and providing for a report thereon.

Referred to Committee on Natural Resources.

Senate Bill No. 1110: By Senator Carter—An act to amend Section 13 of the Motor Vehicle Fuel License Tax Act, relating to apportionment of the tax fund.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1111: By Senator Carter—An act to amend Section 14855 of the Health and Safety Code, relating to fire companies in unincorporated counties.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1112: By Senators Gordon and Powers—An act appropriating money to pay the claim of California Wool Growers Association against the State of California.

Referred to Committee on Finance.

Senate Bill No. 1113: By Senator DeLap—An act to amend Section 10600 of the Health and Safety Code, relating to proceedings to establish record of birth, marriage or death.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1114: By Senator Swan—An act to add Section 4005e to the Political Code, relating to days of work of county employees.

Referred to Committee on Local Government.

Senate Bill No. 1115: By Senator Swan—An act to add Section 1324 to the Penal Code, relating to confessions.

Referred to Committee on Judiciary.

Senate Bill No. 1116: By Senator Swan—An act to amend Sections 2020 and 2021 and to repeal Section 2025 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1117: By Senator Swan—An act creating a Department of Aviation, and making an appropriation for its support.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1118: By Senator Swan—An act to amend Sections 45, 46 of and to add Section 3349 to, the Civil Code, relating to libel and slander.

Referred to Committee on Judiciary.

Senate Bill No. 1119: By Senator Swan—An act to add Section 171 to the Vehicle Code, relating to the registration and operation of vehicles owned by aliens.

Referred to Committee on Transportation.

Senate Bill No. 1120: By Senator Swan—An act creating a Business Counsel Bureau, defining its powers and duties, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1121: By Senator Quinn—An act to amend Section 1270 of the Fish and Game Code, relating to deer.

Referred to Committee on Fish and Game.

Senate Bill No. 1122: By Senator Carter—An act to add Chapter 7 to Part 3 of Division 13 of the Health and Safety Code including the addition of Section 19800 to said code, relating to refrigerants and refrigerating plants and regulations governing the same.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1123: By Senator Dillinger—An act to add Section 427.5 to the Fish and Game Code, relating to the refusal or revocation of hunting licenses.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 17

Assembly Concurrent Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to the creation of a Joint Legislative Committee on State Buildings at Sacramento, to study and report to the Legislature thereon and to recommend an orderly Program of State Building.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Kenny, Luckey, Metzger, Mixter, Phillips, Quinn, Rich, Slater, Swan, and Tickle—21.

NOES—Senators Collier, Judah, Seawell, and Ward—4.

Resolution ordered transmitted to the Assembly.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 17, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 17

Assembly Joint Resolution No. 17—Relative to Sacramento River Flood Control Project.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jepsen, Judah, Keating, Kenny, Luckey, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

Senate Resolution No. 42

Resolved, That the Secretary of the Senate be and he is hereby ordered and directed to prepare immediately, during the constitutional recess, for the use of the members of the Legislature, a complete and comprehensive Legislative Manual or Handbook of the size and style uniform with similar publications of previous sessions, same to contain list of State officers, members and officers of both houses of the Legislature, seniority of members of the Senate, list of committees and Rules of both houses and Joint Rules, together with indexes to the same, also to prepare for the use of members of the Legislature a Seminal Calendar containing a history of all bills introduced to date, together with a complete index and cross-index to the same to be printed and distributed during the constitutional recess, pursuant to the provisions of the Joint Rules of the Legislature.

Resolution read and adopted.

By Committee on Rules:

Senate Resolution No. 43

Resolved, That the Secretary of the Senate be and he is hereby instructed to order for the members of the Senate not to exceed five copies each of the Budget and to forward same to the members or to such individuals as the members may designate in writing, upon receipt of such Budgets by the Secretary from the State Printer.

Resolution read and adopted.

By Senator Phillips:

Senate Resolution No. 44

Resolved by the Senate of the State of California, That the Legislative Counsel is hereby directed to prepare a Legislative Digest of all bills, constitutional amendments, and resolutions introduced in the January portion of the Fifty-fourth Session of the Legislature, and also, as a separate and distinct publication, a Subject List or index of all such bills, constitutional amendments, and resolutions; and be it further

Resolved, That the Legislative Counsel is hereby further directed to prepare a Subject List of all bills, constitutional amendments, and resolutions introduced at the First, Second, Third, Fourth, and Fifth Extraordinary Sessions of the Fifty-third Legislature; and be it further

Resolved, That copies of said publications be mailed to the members of the Legislature as soon as possible after the printing thereof; and be it further

Resolved, That the Secretary of the Senate is hereby instructed to cause to be printed not to exceed 2,000 copies each of the Legislative Digest and the Subject List for the Fifty-fourth Session, and not exceeding 1,000 copies of the Subject List for the extraordinary sessions of the Fifty-third Legislature, the cost thereof to be payable from the legislative printing appropriation.

Resolution read and adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1124: By Senators Jespersen and McBride—An act to amend Sections 1205, 1212 and 1214 of the Health and Safety Code, relating to clinics and dispensaries.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1125: By Senators Jespersen and McBride—An act to add Chapter 3.5, comprising Sections 750 to 753, inclusive, to Part 2 of Division 1 of the Health and Safety Code, relating to the employment of optometrists by cities and counties.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1126: By Senator Jespersen—An act to amend Sections 799 and 800, and to add Section 802.8 to the Fish and Game Code, relating to abalone.

Referred to Committee on Fish and Game.

Senate Bill No. 1127: By Senator Jespersen—An act to amend Section 50 $\frac{1}{2}$ of the Public Utilities Act, relating to the granting of certificates of public convenience and necessity, the establishment of joint rates and routes, providing for establishing divisions of joint rates, and for the coordination of transportation service.

Referred to Committee on Public Utilities.

Senate Bill No. 1128: By Senator Swan—An act to add a new Section to be numbered 6132 of the Business and Professions Code, relating to employment of attorneys.

Referred to Committee on Business and Professions.

Senate Bill No. 1129: By Senator Swan—An act to amend the Medical Practice Act by adding two new sections to be numbered 2436 and 2399.5 to the Business and Professions Code, relating to the employment of physicians and surgeons or osteopaths.

Referred to Committee on Business and Professions.

Senate Bill No. 1130: By Senator Swan—An act to amend the Dental Practice Act by adding to the Business and Professions Code Sections 1706 and 1681, relating to the employment of licensed dentists.

Referred to Committee on Business and Professions.

Senate Bill No. 1131: By Senators Keating, Shelley and Collier—An act to add Sections 205, 206 and 207 to, and to amend Sections 251 and 301 of, the Streets and Highways Code, relating to State highways, including an addition to the primary State highway on Route 1, and providing for the maintenance thereof and for the cost of such maintenance.

Referred to Committee on Transportation.

Senate Bill No. 1132: By Senator Swan (By request)—An act to add Sections 552.1, 1296.1 to the Labor Code, and to amend Section

1298 of said code, relating to the sale or distribution of newspapers and other publications by minors.

Referred to Committee on Labor.

Senate Bill No. 1133: By Senator Swan—An act relating to salary standardization for persons in the State service, including the giving of consideration to prevailing rates for comparable service in private enterprise, creating a State Board of Professional Salary Standardization and defining its powers and duties.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1134: By Senator Breed—An act to amend Section 2.5 of the Retail Sales Tax Act of 1933, to add Section 5.3 to said act, and to amend Section 2.5 of the Use Tax Act of 1935, relating to the definition of "sale" and "purchase" respectively, and to the exemption from the sales tax of newsprint.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1135: By Senator Hays—An act to amend Section 631 of the Code of Civil Procedure, relating to waiver of jury trial.

Referred to Committee on Judiciary.

Senate Bill No. 1136: By Senator Hays—An act authorizing any county in the State of California to aid any city operating under a freeholder's charter, or otherwise, in the State of California, in the acquisition of real or personal property for the purpose of constructing and completing improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of same.

Referred to Committee on Local Government.

Senate Bill No. 1137: By Senators Keating, Shelley and Collier—An act to amend Sections 7, 8, 10, 12 and 19 of, and to add Sections 7.1 and 20.1 to, an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to the construction, operation and maintenance of the highways, bridges and approaches thereto and other works of such districts and the acquisition of all property necessary therefor and the collection of tolls.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1138: By Senators Jespersen and Gordon—An act to amend Section 172 of the State Civil Service Act, relating to lay-offs.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1139: By Senator Jespersen—An act to amend Sections 1 to 18, both inclusive, of the Farm Finance Act of 1939, relating to the financing and refinancing of obligations of farmers.

Referred to Committee on Financial Institutions.

Senate Bill No. 1140: By Senator Kenny—An act to add Section 8733.5 to the Health and Safety Code, relating to perpetual care funds of cemeteries.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1141: By Senator Fletcher—An act to add Section 555 to Chapter 1, Part 2, Division 2 of the Labor Code, relating to work performed upon days of rest and compensation paid therefor.

Referred to Committee on Labor.

Senate Bill No. 1142: By Senator Swan—An act relating to the examination and certification as to the proficiency of shorthand secretaries, phonographic transcribers, stenotypists, legal stenographers, and court reporters, creating the California Reporter Certification Board and defining its powers and duties.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1143: By Senator Keating—An act to amend Section 1 of an act entitled "An act making an appropriation for the establishment of a Permanent Fund for the Purchase of Jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to the Revolving Fund from the Manufacture and Sale of Jute.

Referred to Committee on Finance.

Senate Bill No. 1144: By Senator Keating—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 680

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By FRANK REED, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 680—An act validating the formation, existence and boundaries of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 680?

Amendment No. 1

In line 6 of the title of the printed bill, strike out the period, and insert " , declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 2 of the printed bill, after line 22, insert

"SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and shall therefore go into immediate effect. The facts constituting the necessity are as follows:

Many people in this State are now either without an adequate supply of water for their domestic, fire protection and irrigation needs, or, having such supply, lack utility facilities for the distribution of such water. This act, if it becomes effective immediately, will enable county waterworks districts to rectify this situation by removing all doubt as to the validity of annexation proceedings previously taken by such districts to embrace territory the inhabitants of which are in dire need of water and water utilities that can be supplied by such districts, and as to the validity of bonds issued to enable such districts to obtain additional necessary funds for these purposes."

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jepsen, Judah, Keating, Kenny, Luckey, McBride, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Tickle—32.
 NOES—None.

The roll was called, and the Senate concurred in the Assembly amendments to Senate Bill No. 680 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jepsen, Judah, Keating, Kenny, Luckey, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Tickle, and Ward—31.
 NOES—Senator Seawell—1.

Bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS
(RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 16—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 6, 1940.

Resolution read.

Request for Unanimous Consent

Senator Foley asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 16, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 16

Assembly Concurrent Resolution No. 16—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 6, 1940.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Hays, Judah, Kenny, Luckey, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—27.
NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 102

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 20—Relative to pension and compensation payments to veterans suffering total permanent disability.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 102—An act to add Section 844 to the Political Code, relating to qualifications for public office, to take effect immediately.

Referred to Committee on Judiciary.

Senator Kenny Presiding

At 4.48 p.m., Hon. Robert W. Kenny, of the Thirty-eighth District, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1145: By Senator Myhand—An act to repeal Section 2.1370 of the School Code, and to abolish the State Board of Education.

Referred to Committee on Education.

Senate Bill No. 1146: By Senator Foley—An act to add Section 856 to the Political Code, relating to residence qualifications for State and local officers and employees.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1147: By Senator Swan—An act to appropriate money for the dredging of a deep water channel from Sacramento, California, to San Francisco Bay, or waters draining into such bay, for the construction of a harbor to be known as Sacramento Harbor, creating the Sacramento Board of Harbor Commissioners, prescribing their powers and duties, and the jurisdiction of such board.

Referred to Committee on Finance.

Senate Bill No. 1148: By Senators Keating, Shelley, Biggar, Gordon, Slater and Collier—An act directing the State Department of Public Works to maintain the toll bridge across the Bay of San Francisco from the City and County of San Francisco to the County of Marin and to maintain the approaches to such bridge, declaring such bridge and the approaches thereto to be a State highway, and providing for the payment of such maintenance.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1149: By Senator Jespersen—An act to prohibit retail monopoly and to be known as "The Anti-Retail Monopoly Law."

Referred to Committee on Judiciary.

Senate Bill No. 1150: By Senator Fletcher—An act to extend the benefits of the Soldiers and Sailors Civil Relief Act of 1940 to persons engaged in industries or occupations essential for the National defense.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1151: By Senator Keating—An act to amend the title and Sections 1 and 7 of an act entitled "An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquisitions of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct, management thereof; and to make an appropriation therefor," approved July 9, 1935, relating to renaming the Southern California Prison.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1152: By Senator Keating—An act to amend Section 7560 of the Business and Professions Code or Section 5a of an act entitled "An act to license and regulate the business of private detectives and detective agencies and to repeal the act entitled 'An act to license and regulate the business of private detectives and detective agencies,' approved June 7, 1915," approved June 3, 1927, relating to the regulation of detectives, investigators and detective agencies.

Referred to Committee on Business and Professions.

Senate Bill No. 1153: By Senator Keating—An act to amend Sections 1333 and 1567 of, and to add Section 1567a to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Referred to Committee on Judiciary.

Senate Bill No. 1154: By Senator Keating—An act to amend Sections 673 and 674 of the Penal Code, relating to civil rights of persons sentenced to State prisons.

Referred to Committee on Judiciary.

Senate Bill No. 1155: By Senator Keating—An act to amend Section 1192a of the Penal Code, relating to the inquiry as to the causes of criminal conduct.

Referred to Committee on Judiciary.

Senate Bill No. 1156: By Senator Keating—An act to amend Section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1157: By Senator Keating—An act to add Section 1381.5 to the Penal Code, relating to prisoners in the State prisons.

Referred to Committee on Judiciary.

Senate Bill No. 1158: By Senator Rich—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts.

Referred to Committee on Water Resources.

Senate Bill No. 1159: By Senator McBride—An act to add Section 738a to the Code of Civil Procedure, relating to actions to quiet title to property.

Referred to Committee on Judiciary.

Senate Bill No. 1160: By Senator Swan—An act to amend Section 117 of the Political Code, relating to the Congressional districts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1161: By Senator Swan (By request)—An act to amend Section 117 of the Political Code, relating to the Congressional districts.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1162: By Senator DeLap—An act to amend Sections 4 and 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to loans by and between credit unions.

Referred to Committee on Financial Institutions.

Senate Bill No. 1163: By Senator Shelley—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and the administration thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 1164: By Senator Shelley—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and the administration thereof, declaring the

urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Senate Bill No. 1165: By Senator Shelley.—An act to add Section 2.5 to the California Unemployment Relief Act of 1935, establishing a revolving fund for use in the operation of the Federal Stamp Plan, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1166: By Senator Shelley.—An act to amend Section 8 of the Unemployment Relief Appropriation Act of 1940, relating to relief allowances and extraordinary cases, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1167: By Senator Shelley.—An act to amend Section 11 of, and to add Section 11.1 to, the California Unemployment Relief Act of 1935, relating to the application of civil service to the State Relief Administration.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1168: By Senator Shelley.—An act to amend Section 19622 of the Business and Professions Code, and Section 44 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5 1933, relating to the allocation of money in the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1941.

MR. PRESIDENT: I am directed to inform your Honor, by leave of the Assembly on this day adopted:

Assembly Concurrent Resolution No. 18.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.
By FRANK REED, Assistant Clerk.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 18—Relative to inviting the 1943 convention of the American Legion to be held in San Francisco.

Resolution read, and referred to Committee on Military and Veterans Affairs.

President Pro Tempore Presiding

At 4.50 p. m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

MOTION TO PRINT REPORT IN JOURNAL

Senator Hays moved that the report of the Governmental Efficiency Interim Committee be printed in the Journal.

Motion carried.

Report of Interim Committee on Governmental Efficiency

SACRAMENTO, CALIFORNIA, January 25, 1941

Senate of the State of California

Your Committee on Governmental Efficiency has had referred to it for investigation and report the matter of the Silver Bardett language textbooks for the fourth to eighth grades, inclusive, and the matter as to whether the Senate should advise and consent to the appointments to the Board of Education of

Lois E. Souter, Los Angeles, vice Eleanor Lloyd Smith, appointment not confirmed, for the term ending January 15, 1943

Alice H. Dougherty, Oakland, vice self, term expired, for the term ending January 15, 1944

James M. Tadlock, vice Henry S. Grossman, appointment not confirmed, for the term ending January 15, 1944

and hereby submits its report as follows:

Your committee held several meetings and listened to testimony, both documentary and oral, from both sides of the controversy.

At a meeting held October 29, 1936, the State Board of Education authorized the Superintendent of Public Instruction to issue a call for bids for language textbooks, these bids to be submitted not later than December 1, 1936.

It should be borne in mind that in addition to the Board of Education, we also have a State Curriculum Commission whose apparent duty it is to formulate a set of criteria or standards of evaluating language textbooks. When this commission was created, it was the apparent purpose of the Legislature to set up a commission of professional educators for the purpose of evaluating textbooks.

Apparently, prior to the present controversy, it had been the practice to submit all textbooks to the Curriculum Commission who in turn made a survey and reported the findings and recommendations to the Board of Education. The Board of Education, being a lay-body, were concerned only with the price.

In the instant case, this practice was departed from as will more fully appear as this report progresses.

On December 30, 1936, the commission reported a set of criteria which was adopted by the board. Some time early in December of 1936, a full supply of books from various publishing companies was submitted to the commission. Apparently the commission was of the unanimous opinion that a period of at least two months would be required to make an adequate study of the textbooks submitted.

On January 8, 1937, the board scheduled a special meeting to be held on January 30, 1937, for the purpose of adopting language textbooks. The Superintendent of Public Instruction called a meeting of the State Curriculum Commission for January 22d and 23d. Although in the December meeting the superintendent had been instructed to have the Department of Education make an objective study of the textbooks submitted for adoption, he had taken no action. At its meeting on January 22d and 23d, 1937, the commission formulated a statement directed to the State Board of Education stating its reasons for being unable to make recommendations by January 30th and, in brief, asked for additional time. The State Board of Education, at its meeting on January 30th, postponed the adoption of language textbooks to February 27, 1937. Thereafter, the commission, on the basis of preliminary study on the books submitted, reported that only four of the series of 13 submitted were sufficiently in conformity with the criteria to warrant further study. The commission made its recommendation to the board at its meeting on February 27th to the effect that the series entitled "Speaking and Writing English," published by Sanborn & Co., Inc., be adopted as the California State series of textbooks for the use of grades four to eight, inclusive. Apparently they departed from the prior practice of making a recommendation on a point rating of books, but according to their report, "on a comparison of the extent to which each language textbook series submitted presents a language program the purpose and methods of which are in closest conformity with the criteria. The commission found such basic differences in the type of program and educational method embodied in the various series that the comparison point rating did not appear feasible."

In the face of this recommendation, the board, at its meeting on February 27, 1937, adopted the series entitled "Thinking, Speaking and Writing," published by the Silver-Burdett Company. As heretofore stated, this was not one of the books recommended by the Curriculum Commission and cost \$181,772, while the Sanborn book, recommended by the commission, cost approximately \$48,000 less, or \$133,321. It should be understood that this price is not the purchase of books, but was a

purchase by the State of California of the right to use the copyrighted plates, and the bid price was based upon the assumption of the royalty based on a million copies.

It should have been noted that on January 30, 1937, Dr. Lewis P. Crutcher, President of the board, recommended that the Textbook Subcommittee of the board make an investigation of the merits of the proposed text. When the board met on February 27, 1937, and immediately after they had received the report of the Curriculum Commission recommending the Sanborn book, they referred the matter to their own Textbook Subcommittee. The sub-committee ignored the report of the Curriculum Commission and with very short study, recommended that the Silver-Burdett book be adopted.

The resignation of Vierling Kersey, then Superintendent of Public Instruction, took effect on February 1, 1937, and on that date Walter F. Dexter assumed office. He apparently took steps immediately to have the Division of Textbooks and Publications make an objective study of the language textbooks submitted. Following this study and on the advice of his department, he refused to sign a contract giving as his reasons that the series of books adopted was not satisfactory in terms of the standards established by the State Curriculum Commission and that the royalty on the books published by the Silver-Burdett Company was considerably higher than the royalty asked by the Sanborn Company.

Your committee was convinced, from the testimony, that both facts were true. There can be no question about the royalty and that the books were unsatisfactory as submitted is borne out not only by testimony adduced at the hearing, but also by the fact that a committee of three educators who are being paid at the rate of \$50 a month have not as yet succeeded in rewriting the book so as to make it satisfactory.

Dr. Crutcher signed the contract and delivered it to the Silver-Burdett Company. However, it still required the signature of Dr. Walter Dexter, secretary of the board.

On October 30, 1937, the board passed a resolution requesting the Superintendent of Public Instruction to withhold any further action on accepting and printing the language textbooks. On August 12, 1938, the Silver-Burdett Company commenced proceedings which ultimately resulted in the issuance of a writ of mandamus by the State Supreme Court to compel the secretary of the board to sign the contract. This was done on April 6, 1940. On the same day the board passed a resolution rescinding their action of October 30, 1937, wherein the Superintendent of Public Instruction had been ordered to withhold any further action on the accepting or printing of the Silver-Burdett book.

Prior to this time, the publisher had employed Robert Hill Lane, assistant superintendent of schools of the City of Los Angeles, and Miss Bertha E. Roberts, deputy superintendent in charge of elementary schools at San Francisco, to revise this book. This revised material was not evaluated by the Superintendent of Public Instruction and his department until after the rescinding of the board's resolution. Immediately thereafter, however, the revised material was examined and the Department of Education came to the conclusion that the revised material was satisfactory in terms of the standards formulated by the Curriculum Commission and that no amount of revision short of actual rewriting could make the book satisfactory.

At its meeting in Del Monte on July 29, 1940, the State Board of Education, pursuant to a report of its textbook committee, resolved as follows:

"Resolved, That the president of this board be and he is hereby authorized and empowered to appoint a committee of three educators to be nominated by the Textbook Committee of this board, and that when said language textbook materials shall have been revised by the Silver-Burdett Company to the satisfaction of said committee appointed as aforesaid, said committee shall notify the president and secretary of this board, and the secretary of this board upon receipt of said secretary of notice of such approval of the material for each of said books, shall thereupon and without further delay order the printing and distribution of said books as so revised."

The following committee was appointed:

Bryon O. Wilson, county superintendent of schools, Contra Costa County.
Miss Helen Rogers, member of curriculum department of the Los Angeles schools.

Mrs. Emily Leonard, teacher at Henry E. Huntington Elementary School in San Marino School District of Los Angeles County.

As heretofore stated, that committee is still laboring in an effort to revise the books to meet the standard set by the Curriculum Commission.

There has been a great deal of comment, both verbally and through the press, intimating that there was some corruption in connection with the adoption of a bid that would cost the State \$48,000 more than one recommended by the commission. Your committee, however, did not find any evidence which would substantiate any such charge. Most of your committee is of the opinion that the book adopted by the board was a book not adapted to educational needs of the State of California and can be made so only after a complete revision. Its adoption would appear to have been more the result of professional jealousy between the members of the Board of

Education and particularly the professional members of that board, and the members of the Curriculum Commission composed entirely of professional members. We believe that the apparent theory behind the act by which the Curriculum Commission was created was that only qualified educators should pass upon the sufficiency and adequacy of the proposed textbooks purchased from an education standpoint.

Prior to the present controversy, it was not the practice to advise the Curriculum Commission as to the price of the books prior to its evaluation. Their function *was* and *is* purely to determine the educational quality of the proposal. While the Board of Education is not by law bound to accept the recommendation of the Curriculum Commission, it would seem to be good practice to have such a body on which they could rely and to apply their business ability to the ultimate adoption of one of the proposed books.

It is the thought of your committee that it is not good practice to put professional educators on the State Board of Education. For more than four years, according to testimony, children of the State of California have been deprived of necessary language books because of the apparent unnecessary bickerings between two State agencies. If only noneducators were on the Board of Education, this unfortunate disagreement might be avoided in the future. If it is not possible to create one purely professional body to pass upon the efficiency of books and another purely lay body to pass upon other matters, then it is felt that the Curriculum Commission should either be abolished or the law be amended compelling the board to follow the recommendations of the Curriculum Commission. In the event that any series of bids were not acceptable to the board, then new bids could be called for.

With this in mind, your committee considered the names recommended for appointment. It is thought, while the board should be censured for delegating the final acceptance of the revised draft of the Burdett book to a committee composed of nonmembers of the board, there is some question in the minds of this committee as to whether or not that is a nondelegable duty. Having these things in mind, your committee of 11, with 9 members present, voted 6 to 3 to recommend that the Senate advise and consent to the appointment of James M. Tadlock as a member of the board, and by a vote of 6 to 3, recommend that the Senate do not advise and consent to the appointment of Lois E. Souter and Alice H. Dougherty as members of the board.

Respectfully submitted.

HAYS, Chairman
DEUEL
JENSEN
MYLAND
BROWN

GARRISON
POWERS
GORDON
SLATER
FLETCHER

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 683

Senator Kenny moved that Assembly Bill No. 683 be withdrawn from Committee on Public Utilities for consideration.

Motion lost.

RECESS

At 4:51 p.m., on motion of Senator Phillips, the Senate recessed until 4:53 p.m.

REASSEMBLED

At 4:53 p.m., the Senate reconvened. Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

RESOLUTIONS

The following resolution was offered:
By Senator Swan:

Senate Resolution No. 45

Relative to the creation of a Fact-Finding Committee on the State Employees Retirement System.

WHEREAS, It would appear to be to the best interests of the people of the State of California and of the employees of the State of California for an investigation to be conducted into the operation of the State Employees Retirement System, to determine whether the benefits of membership therein can be extended to employees of the State of California who are not now permitted to be members thereof; to

determine whether the said Retirement System is being expeditiously and efficiently administered; now, therefore, be it

Resolved, by the Senate of the State of California, That there be and there is hereby created a Senate Fact Finding Committee on the State Employees Retirement System which shall investigate the scope of membership in the said retirement system and the administration of the said retirement system; and be it further

Resolved, That the committee shall consist of seven members of the Senate appointed by the President pro tempore thereof; and be it further

Resolved, That the Institute of Government shall assist the committee in an advisory capacity only; and be it further

Resolved, That the committee hereby created in accordance with the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 2, Part 3 of the Political Code; (ii) except where inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Senate as then enacted and amended from time to time and such rules shall be so interpreted hereon and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in this resolution shall be continued by the committee after the final adjournment of this session; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and transient assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, matter, investigation or hearing which the subcommittee shall give authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the Senate defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its committees and the number of those necessary) to take action on any matters as may be deemed appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, witness and material to the committee as will best assist it to attain the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the members, rules, administration, enforcement, and needed revision, of law and all laws or acts now being upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State in public or executive session;

(8) To meet during this session of the Legislature, including any recess period, and after final adjournment hereof, until the commencement of the Forty-fifth Legislature;

(9) To file a report with the Legislature during and session of the Forty-fourth Legislature and with the Legislature during the regular session of the Forty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records at every time and place necessary to issue subpoenas and to take all necessary means to secure the attendance of witnesses and procure testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths, and be it further

Resolved, That the Sergeant at Arms of the Assembly, the Sergeant at Arms of the Senate, or other officers designated by either of them are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city or township district or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1169: By Senator Swan—An act to add Section 1410.6 to the Fish and Game Code, relating to punishment for violations of provisions as to sale of fish and birds.

Referred to Committee on Fish and Game.

Senate Bill No. 1170: By Senator Swan—An act to add Chapter 2.5, consisting of Sections 4900 to 4904, inclusive, to Division 7 of the Elections Code, relating to expenditures by legislative advocates.

Referred to Committee on Elections.

Senate Bill No. 1171: By Senator Swan—An act to amend Sections 3025 and 3084 of the Welfare and Institutions Code, relating to aid to the needy blind.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1172: By Senator Swan—An act to amend Section 3.172 of the School Code, relating to admission of pupils.

Referred to Committee on Education.

Senate Bill No. 1173: By Senator Swan—An act to add Section 1.102.1 to the School Code, relating to pupils' lunches.

Referred to Committee on Education.

Senate Bill No. 1174: By Senator Swan—An act to add Section 1773.1 to the Labor Code, relating to wages to be paid on public works.

Referred to Committee on Labor.

Senate Bill No. 1175: By Senator Swan—An act providing for the equality of persons, firms, associations, corporations and other parties having relations with the State, the political subdivisions of the State, or the officers and employees of the State and political subdivisions thereof.

Referred to Committee on Judiciary.

Senate Bill No. 1176: By Senator Swan (By request)—An act to add Section 1.182 to the School Code, relating to the issuance of permits to minors engaged in street trades.

Referred to Committee on Education.

Senate Bill No. 1177: By Senator Swan—An act to add Section 679.5 to the Political Code, relating to the auditing of the books of account of the several State departments, boards, commissions, offices, and agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1178: By Senator Swan—An act to add Section 2302 to the Political Code, relating to the compensation of officers and employees in the State Library.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1179: By Senator Swan—An act to add Section 78a to the State Employees Retirement Act, relating to Retirement System for State employees, on the date of retirement.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1180: By Senator Powers—An act to amend Section 4278 of the Political Code, relating to compensation for public services in counties of the forty-ninth class.

Referred to Committee on Local Government.

Senate Bill No. 1181: By Senator Powers—An act to add Section 372.5 to the Agricultural Code, relating to reports by railroad corporations as to animals killed by trains.

Referred to Committee on Agriculture.

Senate Bill No. 1182: By Senators Gordon and Rich—An act to provide for the organization and government of water storage and conservation districts; to provide for the acquisition, construction, maintenance and operation of works for the purposes of such districts, including the drainage, reclamation and irrigation of land; and to prescribe and define the powers, duties, purposes and responsibilities of such districts.

Referred to Committee on Water Resources.

RECESS

At 4.53 p.m., on motion of Senator Hays, the Senate recessed until 4.55 p.m.

REASSEMBLED

At 4.55 p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Swan, ordered printed in the Journal:

Resolution adopted by Senators Swan, Carter, Ward, Judah, Dillinger, Kuehel and Luckey.

WHEREAS, The problems which confront a new member of the Senate are complex and intricate; and

WHEREAS, The members of the Senate with experience in past sessions of the Legislature and the officers and attaches of the Senate have all been most courteous, cooperative, and thoughtful; and

WHEREAS, The President pro tempore and the Committee on Rules have given their consideration to the bill introduced at the State Senate; now, therefore, be it

Resolved by the said Senate: That the Senate Journal show, by the printing of this resolution, that every new member of the State Senate is tremendously grateful for the many kindnesses and courtesies extended and that every new member of the Senate is proud of the opportunity of serving with the distinguished Californians who comprise the Fifty-fourth Session of the California State Senate.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 22

Assembly Joint Resolution No. 23

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 22—Relative to construction of a dam on the Stanislaus River.

Referred to Committee on Water Resources.

Assembly Joint Resolution No. 23—Relative to memorializing the President and Congress to increase the import excise on foreign eggs and egg products.

Referred to Committee on Agriculture.

Assembly Joint Resolution No. 21—Relating to conversion of fruit surpluses into alcohol.

Referred to Committee on Agriculture.

RESOLUTIONS

The following resolution was offered:

By Senators Swan, Kenny, Rich, Phillips, Garrison, Dillinger, Jespersen, Tickle, Carter, and Luckey:

Senate Resolution No. 46

WHEREAS, The Legislative Counsel Bureau has, during the first part of the Fifty-fourth Session of the Legislature, rendered invaluable service to the members of the Senate; now, therefore, be it

Resolved by the Senate of the State of California: That it hereby expresses its most sincere thanks and appreciation to the Honorable Fred B. Wood, Legislative Counsel, and to each member of his staff for the constant courtesy, unfailing industry and meticulous care with which they have met every request of the members of this body.

Resolution read and adopted.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 1183: By Senators Garrison and Jepsen.—An act to add Section 45.5 to the Vehicle Code, relating to definition of impediment of husbandry.

Referred to Committee on Transportation.

Senate Bill No. 1184: By Senator Kenny.—An act to add Section 1.5 to the State Civil Service Act, relating to intermittent employment by the State and the rights of persons so employed.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1185: By Senator Kenny.—An act to amend Section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the regulation of horse racing and wagering on the results thereof.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1186: By Senator Phillips.—An act to create a Department of Public Safety to administer the laws regulating the prescription, sale, giving away and use of narcotic or other dangerous drugs in this State, to transfer the Division of Narcotic Enforcement to such department and to transfer to it the Division of Criminal Identification and Investigation and the administration and enforcement of the laws relating to private detectives and detective agencies.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1187: By Senator Carter.—An act to add Section 1689.5 to the Code of Civil Procedure, relating to inadmissible evidence and presumptions.

Referred to Committee on Judiciary.

Senate Bill No. 1188: By Senator Keating.—An act to add Section 2722 to the Penal Code and to repeal Section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute goods.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1189: By Senator Keating.—An act to add Sections 2745 and 2746 to the Penal Code and to repeal Sections 6 and 7 of an act entitled "An act providing for the erection and operation of rock-crushing plants at the State prisons, for the preparation of highway material for the benefit of the people of the State, and providing for the necessary advances and appropriation of money to carry out said

work," approved March 28, 1895, making an appropriation for the operation by prison labor of rock-crushing plants.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1190: By Senator Keating—An act to add Section 2056 to the Penal Code and to repeal Section 1595 of the Penal Code as added in 1907, relating to the rebuilding of buildings destroyed by fire.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1191: By Senator Keating—An act to add Section 2765 to the Penal Code and to repeal Section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational funds; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to forfeiture by prisoners of moneys earned by them.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1192: By Senator Keating—An act to add Sections 2004 and 2006 to the Penal Code and to repeal an act entitled "An act relating to the first unit of the Southern California Prison and making an appropriation therefor," approved May 28, 1937, relating to an appropriation for the Southern California Prison.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1193: By Senator Keating—An act to amend Section 1 of an act entitled "An act providing for the use of the labor of inmates of any State prison or of the Preston School of Industry upon public roads and defining the powers and duties of public officials in relation thereto," approved May 14, 1927, relating to highways leading to State prisons or the Preston School of Industry.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1194: By Senator Keating—An act to amend Section 1 of an act entitled "An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use," approved July 1, 1937, relating to the purchase of meat from the Napa State Farm.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1195: By Senator Keating—An act to add Section 2710 to the Penal Code and to repeal an act entitled "An act to create a Revolving Fund for the Manufacturing Departments at the State Prison at San Quentin and to appropriate money therefor," approved

June 12, 1915, appropriating a Revolving Fund for the maintenance of the Manufacturing Departments of the State Prison at San Quentin.

Referred to Committee on Finance.

Senate Bill No. 1196: By Senator Keating—An act to add Section 2720 to the Penal Code and to repeal an act entitled "An act making an appropriation for the establishment of a Permanent Fund for the Purchase of Jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to a Revolving Fund for the Purchase of Jute.

Referred to Committee on Finance.

Senate Bill No. 1197: By Senator Keating—An act to amend Section 4174a of the Political Code, relating to the duties of sheriff.

Referred to Committee on Local Government.

Senate Bill No. 1198: By Senator Keating—An act to add Section 2522 to the Penal Code, relating to employees of State prisons.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1199: By Senator Keating—An act to amend Sections 1995 and 1997 of the Code of Civil Procedure, relating to imprisoned witnesses.

Referred to Committee on Judiciary.

Senate Bill No. 1200: By Senator Keating—An act to add Section 1582.5 to the Penal Code, relating to employees of State prisons.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1201: By Senator Keating—An act to amend Section 1168 of the Penal Code, relating to sentences, imprisonment and parole of prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1202: By Senator Keating—An act to make an appropriation for the purpose of providing additional residences for employees at the State prisons.

Referred to Committee on Finance.

Senate Bill No. 1203: By Senator Keating—An act to establish State rehabilitation and vocational farms and to provide for the employment of prisoner labor thereon.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1204: By Senator Keating—An act providing employment for inmates of State prisons and reformatories and to establish a prison farm under the management and control of the State Board of Prison Directors; to provide for the purchase of land therefor, and the construction of buildings and other improvements in connection therewith; for the transfer of prisoners thereto and therefrom; and for the employment of prisoners therein; and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1205: By Senator Keating—An act to facilitate and aid National defense by exempting motor vehicles essential thereto from the application of certain laws of this State.

Referred to Committee on Transportation.

Senate Bill No. 1206: By Senator Keating—An act to add Article 6.5 to Chapter 7 of Part 2 of Division 6 of the Health and Safety Code, relating to use of county assessment rolls for sanitary district taxes.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1207: By Senator Foley—An act to add Section 1149.2 to the Agricultural Code, relating to the liability of sellers of nursery stock improperly labeled as to grade, variety, and grade size.

Referred to Committee on Agriculture.

Senate Bill No. 1208: By Senator Phillips—An act to amend Section 1520 of the Welfare and Institutions Code, relating to aid to needy children.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1209: By Senators Hays and Phillips—An act to amend Section 4375 of the School Code, relating to school district taxes.

Referred to Committee on Education.

Senate Bill No. 1210: By Senator Phillips—An act to amend Section 673 of the Penal Code, relating to civil rights of persons sentenced to the State prisons.

Referred to Committee on Judiciary.

Senate Bill No. 1211: By Senators Foley, Jespersen and Phillips—An act making an appropriation for the support, activities and functions of the California Farm Debt Adjustment Commission, disposing of unexpended money of a previous appropriation for such purposes, and providing that this act shall take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 1212: By Senators Foley, Jespersen and Phillips—An act to amend Sections 1, 2 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to farm debt adjustment, including extension of the period of existence of the California Farm Debt Adjustment Commission, membership upon and appointment to the commission, and further definition of the powers and duties of the commission, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 1213: By Senators Phillips, Foley and Jespersen—An act to amend Sections 1, 2 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to farm debt adjustment, including extension

of the period of existence of the California Farm Debt Adjustment Commission, and further definition of the powers and duties of the commission, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 1214: By Senator McBride—An act to amend Section 4041.18 of the Political Code, relating to powers of boards of supervisors.

Referred to Committee on Local Government.

Senate Bill No. 1215: By Senator McBride—An act to add Section 1290.5 to the Labor Code, relating to minors engaged in agricultural pursuits.

Referred to Committee on Labor.

Senate Bill No. 1216: By Senator McBride—An act to amend Section 5400 of the Welfare and Institutions Code, relating to dipsonannas, inebriates, and stimulant addicts.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1217: By Senator McBride—An act to amend Sections 5050 and 5050.2 of the Welfare and Institutions Code, relating to mentally ill persons.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1218: By Senator Swan—An act providing for the construction of a Men's Dormitory on the Campus of the University of California at Los Angeles and making an appropriation therefor.

Referred to Committee on Finance.

Senate Bill No. 1219: By Senator Swan—An act to add Section 99 to the State Civil Service Act, relating to credits of persons physically handicapped who take civil service examination.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1220: By Senator Keating—An act to amend Sections 2248, 2270 and 2312 of the Health and Safety Code, relating to mosquito abatement districts, including the expenses and powers of the district boards, and the withdrawal of district funds.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1221: By Senator Swan—An act to add Section 14205 to the Business and Professions Code, relating to trade-marks.

Referred to Committee on Business and Professions.

Senate Bill No. 1222: By Senator Powers—An act to amend Section 3933 of the Political Code, relating to the boundary of Modoc County.

Referred to Committee on Local Government.

Senate Bill No. 1223: By Senator Swan—An act to add Sections 210.5 and 259.5 to, and to amend Sections 251 and 254 of the Revenue and Taxation Code, relating to property taxation and widows' exemptions.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1224: By Senator Swan—An act to provide for the levy and collection of a tax upon income received from bonds and securities, to provide for the administration of this act, and to provide for the disposition of proceeds therefrom, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1225: By Senator Swan—An act to amend Section 737hh of the Political Code, relating to compensation of the judges of the Superior Court in and for the County of Sacramento.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1226: By Senator Jespersen—An act to amend Section 7332 of the Business and Professions Code, relating to cosmetology, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Business and Professions.

Senate Bill No. 1227: By Senator Phillips—An act to provide for the administration and supervision of cooperative organizations and associations.

Referred to Committee on Finance.

Senate Bill No. 1228: By Senator Carter—An act to amend an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved on March 13, 1883, as amended, by amending Sections 813 and 862.8 thereof, relating to fire departments of cities of the fifth and sixth classes.

Referred to Committee on Local Government.

Senate Bill No. 1229: By Senator Swan—An act to amend Sections 141, 142 and 173 of the State Civil Service Act, relating to efficiency, retirement and performance of employees, performance reports and methods of computing and evaluating the same.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1230: By Senator Swan—An act to repeal Sections 1680 and 1681 of the Labor Code, and to add new Sections 1680, 1681, 1682 and 1683 thereto, relating to the State Employment Service, creating a State Employment Commission to administer such service, abolishing the existing Division of State Employment Agencies in the Department of Employment, and making an appropriation for the purposes of this act.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1231: By Senator Shelley—An act amending Section 1030 of the Political Code, relating to State office hours and days and hours and conditions of work of State officers and employees; to declare an emergency and to take effect immediately.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1232: By Senator Shelley—An act to amend Section 5 of an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies

and brokers or third party negotiators in connection with loans made by such companies," approved May 17, 1917, relating to terms of loans of industrial loan companies.

Referred to Committee on Financial Institutions.

Senate Bill No. 1233: By Senator Shelley—An act to amend Section 4 of an act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision, and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 17, 1917, relating to powers of industrial loan company to act as insurance agent or broker.

Referred to Committee on Financial Institutions.

Senate Bill No. 1234: By Senator Shelley. (By request.)—An act to amend Sections 2, 3, 12, 12a, 19, 21a, 28, 46, 49 and 127 of the Bank Act, and to add Section 5.5 and Division 4.5, comprising Sections 110.05 to 110.13, inclusive, to the Bank Act, relating to industrial banks.

Referred to Committee on Financial Institutions.

Senate Bill No. 1235: By Senator Shelley—An act to amend Section 4 of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, relating to boards of directors of bridge and highway districts.

Referred to Committee on Transportation.

Senate Bill No. 1236: By Senators Swan and Carter—An act relating to and providing for additional compensation to persons in the State service who perfect improved methods for the conduct of the business of the State.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1237: By Senator Crittenden—An act to amend Section 4300e of the Political Code, relating to fees of justice of the peace.

Referred to Committee on Local Government.

Senate Bill No. 1238: By Senator Crittenden—An act to amend Section 4300a of the Political Code, relating to fees of county clerks.

Referred to Committee on Local Government.

Senate Bill No. 1239: By Senator Crittenden—An act to amend Section 4190 of the Political Code, relating to establishment and government and the creation of a fund for a law library.

Referred to Committee on Judiciary.

Senate Bill No. 1240: By Senator Crittenden—An act to amend Section 1134 of the Code of Civil Procedure, relating to judgment by confession in courts other than justices' courts.

Referred to Committee on Judiciary.

Senate Bill No. 1241: By Senator Crittenden—An act to amend Section 1135 of the Code of Civil Procedure, relating to judgment by confession in justices' courts.

Referred to Committee on Judiciary.

Senate Bill No. 1242: By Senator Crittenden—An act to amend Section 1985 of the Code of Civil Procedure, relating to process for attendance of a witness.

Referred to Committee on Judiciary.

Senate Bill No. 1243: By Senator Swan—An act to amend Section 2.1412 of the School Code, relating to salaries.

Referred to Committee on Education.

Senate Bill No. 1244: By Senator Swan—An act to add Section 211 to the Health and Safety Code, relating to renting animals.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1245: By Senator Swan—An act to add Part 2, comprising Chapter 1, Sections 4001 to 4084, inclusive, to Division 5 of the Welfare and Institutions Code, relating to aid for needy disabled persons.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1246: By Senator Swan—An act to add Section 22 to the California Unemployment Relief Act of 1935, relating to relief commodities bought direct.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1247: By Senator Swan—An act adding Section 3801.5 to the Elections Code, relating to the order of the names of candidates upon the ballot.

Referred to Committee on Elections.

Senate Bill No. 1248: By Senator Keating—An act to amend Section 3057 of the Penal Code as added at the Fifty-third Session of the Legislature, relating to the custody of paroled prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1249: By Senator Brown—An act to amend Sections 16001 and 16102 of the Business and Professions Code, relating to licensing by cities and counties.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1250: By Senator Keating—An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 667, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein.

and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole reprieves, commutations, pardons, and convict-made goods.

Referred to Committee on Judiciary.

Senate Bill No. 1251: By Senator Swan—An act to add a new article to Chapter 3 of Title 1 of Part 3 of the Political Code, to be numbered Article 2.5 embracing Sections 360 to 360i, both inclusive, creating a Department of Revenue and relating to State revenue and taxes.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1252: By Senator DeLap—An act to add Section 10608 to the Health and Safety Code, relating to fraudulent statements in proceedings to establish birth, death or marriage.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1253: By Senator DeLap—An act to amend Section 10551 of the Health and Safety Code, relating to evidentiary effect of copies of birth, marriage or death records.

Referred to Committee on Public Health and Safety.

Senate Bill No. 1254: By Senator Jespersen—An act to add Section 5262a to the Business and Professions Code, relating to advertising displays.

Referred to Committee on Business and Professions.

Senate Bill No. 1255: By Senator Jespersen—An act to amend Sections 2021, 2186 and 2187 of the Welfare and Institutions Code relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1256: By Senator Jespersen—An act to add Section 33.5 to the Public Utilities Act, relating to public utilities.

Referred to Committee on Public Utilities.

Senate Bill No. 1257: By Senator Jespersen—An act to provide for the levy and collection of a tax upon the privilege of declaring and receiving corporate dividends, to provide for the administration of this act, and to provide for the disposition of revenues therefrom, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1258: By Senator Foley—An act to amend Sections 3501, 4452, 4453, 4458, 4553, 4554, 4652, 4657, 4661, 4701, 4702, 5405, 5410, 5705, 5800, 5801, 5902, 5903, 5905 and 5950 of, and to add Sections 3760, 3762, 3763, 4910, 5701.1 and 5701.2 to the Labor Code, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

Senate Bill No. 1259: By Senator Judah—An act to amend Section 1192 of the Labor Code, relating to compensation of apprentices and learners.

Referred to Committee on Labor.

Senate Bill No. 1260: By Senator Keating—An act to amend Section 107 of the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1261: By Senator Keating—An act to amend Section 109 of the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1262: By Senator Keating—An act to amend Section 110 of the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1263: By Senator Keating—An act to amend Section 171 of the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Senate Bill No. 1264: By Senators Keating and Phillips—An act to make an appropriation for the construction of an additional building at San Quentin Prison.

Referred to Committee on Finance.

Senate Bill No. 1265: By Senator Keating—An act relating to the duties of the State Board of Prison Directors, the Board of Prison Terms and Paroles, and the officers and wardens of the State prisons.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1266: By Senator Luckey—An act to amend Section 131.5 of the Code of Civil Procedure, relating to probation, and including probation committees and probation officers and deputies.

Referred to Committee on Judiciary.

Senate Bill No. 1267: By Senator Mixter—An act to add Sections 802.6 and 828.53 to, and to amend Sections 828.1, 828.45 and 829.15 of the Agricultural Code, relating to containers for grapes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 1268: By Senator Mixter—An act to add Sections 802.3 and 802.4 to the Agricultural Code, relating to grapes, declaring the urgency thereof, and that this act take effect immediately.

Referred to Committee on Agriculture.

Senate Bill No. 1269: By Senator Parkman—An act to amend Sections 4660, 4662 and 4663 of the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Senate Bill No. 1270: By Senator Quinn—An act to amend Section 2224 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1271: By Senator Quinn—An act to amend Section 58 and to repeal Section 55 of the Unemployment Insurance Act, relating to eligibility for benefits.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1272: By Senators Rich and DeLap—An act to add Section 13.21 to the Building and Loan Association Act, relating to the reorganization of building and loans associations in liquidation.

Referred to Committee on Financial Institutions.

Senate Bill No. 1273: By Senator Rich—An act to amend Section 3840½ of the Political Code, relating to clerks in county treasurers' offices to attend to reclamation district assessments and obligations.

Referred to Committee on Water Resources.

Senate Bill No. 1274: By Senator Foley—An act to amend Section 17025 of the Business and Professions Code and Section 6 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair competition and discrimination.

Referred to Committee on Business and Professions.

Senate Bill No. 1275: By Senator Quinn—An act to add Section 840.5 to the Military and Veterans Code, relating to Veterans' Welfare Board.

Referred to Committee on Military and Veterans Affairs.

Senate Bill No. 1276: By Senator Quinn—An act to amend Section 4251 of the Political Code, relating to the compensation for public services in counties of the twenty-second class.

Referred to Committee on Local Government.

Senate Bill No. 1277: By Senator Phillips—An act to add Sections 408 and 446 to the Revenue and Taxation Code, relating to property taxation, including the assessment of goods, wares and merchandise.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1278: By Senator Seawell—An act to amend Section 3358 of the Revenue and Taxation Code, relating to property taxation, and the sale of property for delinquent taxes.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1279: By Senator Swan—An act to amend Section 35 of the Bank and Corporation Franchise Tax Act, relating to the examination of reports and returns made by banks and corporations.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1280: By Senator Parkman—An act to amend Section 1 of the County Street Opening Act of 1923, relating to acquiring and improving roads and highways in counties.

Referred to Committee on Local Government.

Senate Bill No. 1281: By Senator Parkman—An act to amend Section 5100 of the Streets and Highways Code, relating to proceedings under the Improvement Act of 1911 for the construction, maintenance and financing of public ways, works and improvements.

Referred to Committee on Transportation.

Senate Bill No. 1282: By Senator Parkman—An act to amend Section 4097 of the Streets and Highways Code, relating to proceedings under the Street Opening Act of 1903 for the laying out, opening, extending, widening, straightening, establishment or change of grade, of public ways.

Referred to Committee on Transportation.

Senate Bill No. 1283: By Senator Parkman—An act to amend Section 8620 of the Streets and Highways Code, relating to the issuance of bonds under the Improvement Bond Act of 1915 for public works and improvements.

Referred to Committee on Transportation.

Senate Bill No. 1284: By Senator Carter—An act to amend Section 1542 of the Civil Code, relating to release.

Referred to Committee on Judiciary.

Senate Bill No. 1285: By Senator Keating—An act to amend Section 3358 of the Revenue and Taxation Code, relating to property taxation, tax-delinquent property, and sales of tax-delinquent property.

Referred to Committee on Revenue and Taxation.

Senate Bill No. 1286: By Senator Kenny—An act to amend Section 724 of the Welfare and Institutions Code, relating to wards of the juvenile court.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1287: By Senator Kenny—An act to add Section 65 to the Penal Code, relating to solicitations on behalf of initiative petitions.

Referred to Committee on Judiciary.

Senate Bill No. 1288: By Senator Garrison—An act to add Section 403.5 to the Vehicle Code, relating to trailers.

Referred to Committee on Transportation.

Senate Bill No. 1289: By Senator Garrison—An act to amend Section 116 of the Insurance Code, relating to automobile insurance.

Referred to Committee on Financial Institutions.

Senate Bill No. 1290: By Senator Carter—An act to add Section 1963.6 to the Code of Civil Procedure, relating to presumptions.

Referred to Committee on Judiciary.

Senate Bill No. 1291: By Senator Carter. An act adding Section 1576 to Civil Code, relating to contracts in compromise, requirements therefor, and disaffirmance thereof.

Referred to Committee on Judiciary.

Senate Concurrent Resolution No. 13: By Senator Phillips—Relative to the addition of Rule 55 to the Joint Rules of the Senate and the Assembly, to provide for the form and introduction of joint resolutions.

Referred to Committee on Rules.

Senate Joint Resolution No. 10: By Senator Egan—Relative to memorializing the Senators and Representatives from California to introduce legislation in the National Congress on the Federal tax on gasoline.

Referred to Committee on Revenue and Taxation.

Senate Joint Resolution No. 11: By Senator McIntyre—Relative to the importation of wool.

Referred to Committee on Agriculture.

Senate Constitutional Amendment No. 21: By Senator Sage—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 147 to Article XIII of the Constitution of the State, relating to widows' exemptions.

Referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 22: By Senator McBride—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 11 of Article XIII thereof, relating to veterans' exemption.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, January 25, 1941.

MR. PRESIDENT: Your Committee on Rules has expressed

Senate Bill No. 352—An act to amend the title and Sections 1 and 2 of an act entitled "An act authorizing the investment and reinvestment and disposition of any surplus moneys in the treasury of the county, city and county, incorporated city or town, or municipal utility district, or flood control district," approved April 23, 1913, relating to the investment of surplus moneys in the treasury of any county, city and county, incorporated city or town, municipal utility district, or flood control district, and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 390—An act to amend the title and Section 1 of, and to add Section 2 to an act entitled "An act to authorize the legislative bodies of counties, cities and cities and counties, directly or through a duly authorized representative, to attend the sessions of the Legislature of the State of California and to appoint before said Legislature and the committees thereof and making the case, resolution thereto a proper charge against the funds of the county, county, city and county, and declaring the urgency thereof," approved March 16, 1937, relating to representation of cities, counties and cities and counties, before the Legislature of this State and the Congress of the United States, and declaring the urgency hereof;

Senate Joint Resolution No. 5—Relative to the demand effect of the transportation of live stock and dressed meats from countries where foot and mouth disease exists. And reports that the same have been correctly amended, and presented to the Governor on the twenty-fifth day of January, 1941, at 4:45 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, January 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 680—An act validating the formation, existence and boundaries of county water works districts and all proceedings for the issuance of bonds and all bonds heretofore issued or sold and all proceedings for the issuance of bonds heretofore had and taken by such districts, and providing for the payment of such bonds, declaring the urgency thereof, to take effect immediately;

Senate Concurrent Resolution No. 4—Relative to a Joint Fact Finding Committee, and defining its powers and duties;

Senate Concurrent Resolution No. 7—Relative to Reports of the Departmental Encampment and the Annual Convention of the United Spanish-American War Veterans;

Senate Concurrent Resolution No. 9—Relative to approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at the State election held therein on November 5, 1940; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of January, 1941, at 4.45 p.m.

RICH, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senator Swan:

Senate Resolution No. 47

Resolved, That a Committee of Three be appointed by the President of the Senate to notify the Governor that the Senate is ready to adjourn for the constitutional recess, and to ask if he has any further communications to transmit to the Senate.

Resolution read and adopted.

Appointment by the President

In accordance with the above resolution, Senators Swan, Phillips and Carter were named by the President as such committee to inform the Governor that the Senate was ready to adjourn for the constitutional recess, and to ask if he had any further communications to transmit to the Senate.

By Senator Phillips:

Senate Resolution No. 48

Resolved, That a Committee of Three be appointed to notify the Assembly that the hour of 5 p.m., January 25, 1941, has arrived, and the Senate is ready to adjourn for the constitutional recess pursuant to the provisions of Assembly Concurrent Resolution No. 11, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read and adopted.

Appointment by the President

In accordance with the above resolution, Senators Phillips, Carter and Swan were named by the President as such committee to inform the Assembly that the Senate was ready to adjourn for the constitutional recess, and to ask if the Assembly had any further communications to transmit to the Senate.

MESSAGES FROM THE ASSEMBLY

At 4.55 p.m., a committee from the Assembly, consisting of Messrs. Bashore, Middough and Thomas, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared to adjourn for the constitutional recess.

REPORTS OF SPECIAL COMMITTEES

Senator Swan, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn for the constitutional recess, reported that His Excellency had informed the committee that he had no further communications to transmit to the Senate.

Senator Phillips, as chairman of the Special Committee appointed to inform the Assembly of the readiness of the Senate to adjourn for the constitutional recess, reported that the committee had delivered the message to the Assembly and had been requested to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn for the constitutional recess.

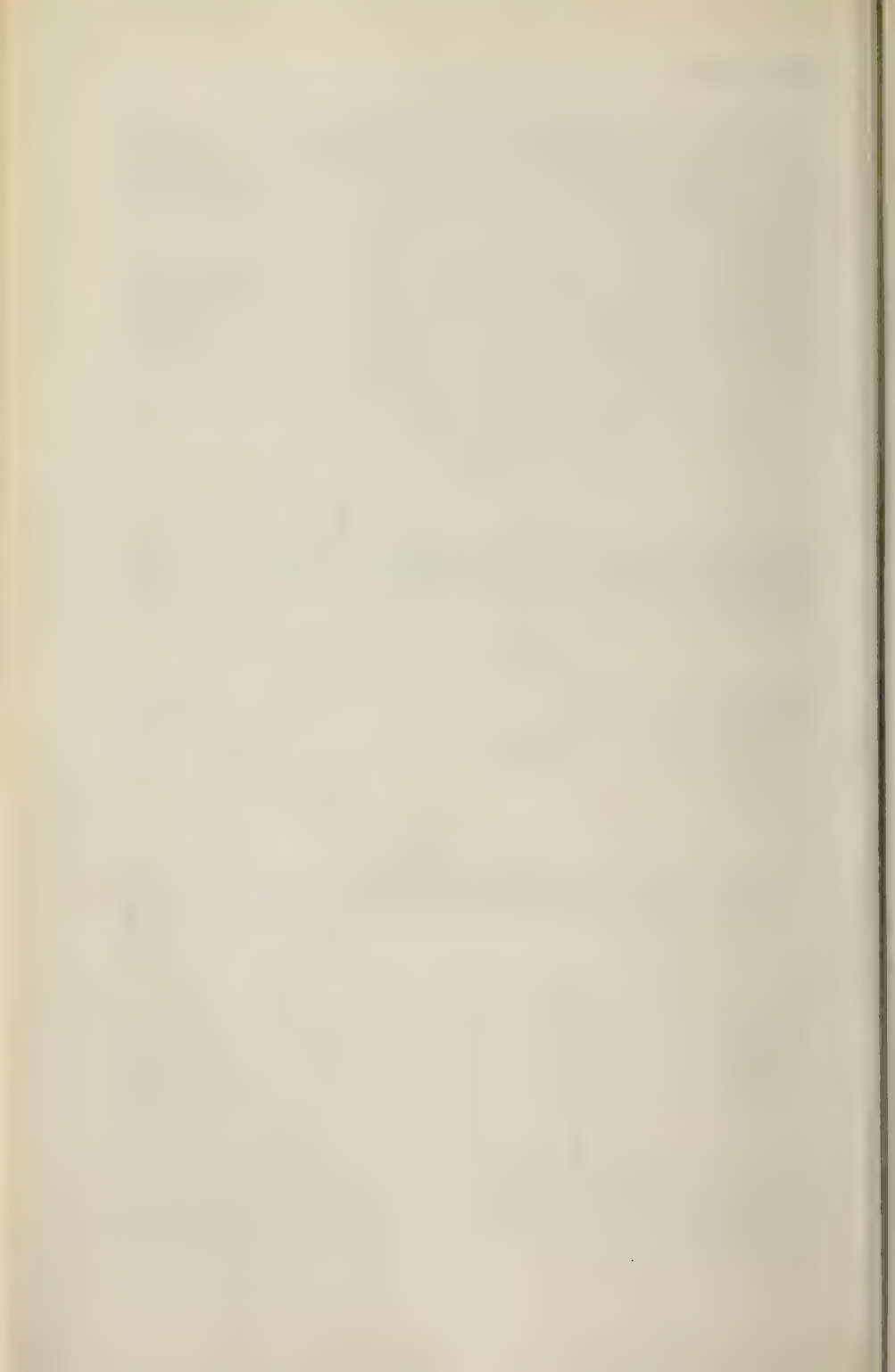
APPROVAL OF THE MINUTES

The minutes of this day, Saturday, January 25, 1941, were read, and on motion of Senator Jespersen, approved as read.

ADJOURNMENT

Thereupon at 5 p.m., on motion of Senator Phillips, in accordance with the provisions of Assembly Concurrent Resolution No. 11, Hon. Wm. P. Rich, President pro tempore of the Senate, declared the Senate adjourned for the constitutional recess, to reconvene at 12 o'clock noon on March 3, 1941.

ROBERT G. ALDERMAN, Minute Clerk



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY
FIFTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 3, 1941

Pursuant to Assembly Concurrent Resolution No. 11, providing for the reconvening of the Legislature after the constitutional recess, the Senate met at 12 m.

Hon. Ellis E. Patterson, President of the Senate presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Chittenden, Cunningham, DeLap, Israel, DeLinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Jordan, Keating, Lusk, Major, McBride, McCormick, Metzger, Minton, Myland, Packard, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tamm, and Ward. 34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Collier, on motion of Senator Seawell.

Senator Wagy, on motion of Senator Rich.

Senator Hays, on motion of Senator Rich.

Senator Carter, on motion of Senator Rich.

Senator Kuchel, on motion of Senator Breed.

Senator Kenny, on motion of Senator Shelley.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

MARICOPA, CALIFORNIA, February 28, 1941

*Hon. William P. Rich, President pro tempore of the Senate,
State Capitol, Sacramento, California*

DEAR BILL: Inasmuch as I will not be able to report for duty at Sacramento, Monday, March 3d, believe that it might be proper to report why I can not report.

In my youthful exuberance while celebrating my seventy-sixth birthday I put on a one-man Wild West performance (however, I assure you that this was unintentional on my part), but the two witnesses said it was fast and furious while it lasted, but

did not last long enough. To this part of their statement I can not agree. The horse won.

Event No. 2—When the birds quit singing their tweet tweet, and the cobwebs cleared away, I got up, shook myself and found that I was still assembled. I concluded that the damage consisted of a shock to my dignity and a portion of my anatomy. I caught the brute and tried it again. This time I won, and gave him a two-hour workout for good measure. This I thought would give me the edge in the two events, and the third is postponed until next Summer.

Seriously speaking, I got a hard fall and was pretty badly bruised up, but I am getting along all right and expect to be with you Monday, March 10th, or at least the doctor said he might turn me loose by that time if I would be real good and stay in bed until he tells me to get up.

Kindest regards and best wishes to all.

Cordially yours,

J. I. WAGY

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 3, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the Board of Trustees of the Napa State Hospital, all for the term ending October 15, 1944:

Edwin R. Hennessey, vice self, term expired.

Samuel J. Grossman, vice George I. Dawson, failed to qualify.

George T. Provine, vice Fred H. Hegeler, failed to qualify.

Harry P. Soloman, vice Julius Goodman, term expired.

Dr. Harry V. Baker, vice H. W. Kerrigan, term expired.

Edwin R. Hennessey

Edwin R. Hennessey was born in Napa, California, in 1894, and graduated from public schools in the City of Napa. He later attended the University of Santa Clara and the University of California.

Since January, 1917, he has been employed by the Bank of Italy and subsequently the Bank of America, and is presently vice president of the Bank of America in charge of the Napa branch.

For the past 11 years he has been a member of the Napa City Council, in charge of revenue and finance. In 1940 he was president of the Napa Chamber of Commerce and is now vice president of the Redwood Empire Association from Napa County. He is a member of the Elks, the Knights of Columbus, and the Druids. He has been a member of the Board of Trustees of the Napa State Hospital since the administration of Governor Rolph.

Mr. Hennessey presently resides at 2107 Stockton Street, Napa.

Samuel J. Grossman

Samuel J. Grossman was born in 1903 in Columbia, South Carolina.

For the past 27 years he has been engaged in retail businesses. From 1920 to 1927 he was located in the City of Oakland, and from 1927 to 1929 in San Francisco. For the past 11 years Mr. Grossman has been manager of a leading department store in the City of Napa, and has had full charge of the financing of the business.

In addition, he has opened and operated a new hotel in that community, is a member of the board of directors of the Merchants Bureau at Napa, and has been active in the Napa Chamber of Commerce and a number of lodges.

His address is First and Brown Streets, Napa, California.

George T. Provine

George T. Provine was born in McKinney, Texas, in 1899. He attended public schools in McKinney and later the Mississippi College at Clinton, Mississippi. He served 26 months in Battery E, 140th Field Artillery, and was overseas for 13 months during the war.

He thereafter spent a year on a plantation in Mississippi, but came to California in 1922, and was graduated from Stanford University.

Subsequently he entered newspaper work and spent three years with the Dallas, Texas, Times Herald, and with the Hearst organization. He resigned and formed his own business, known as Newspaper Representatives and Feature Syndicate, with headquarters in Dallas. In 1932 he moved his headquarters to San Francisco, and since February, 1937, he has owned and published the Napa Daily Journal.

Mr. Provine's present address is 1051 Main Street, Napa.

Harry P. Soloman

Harry P. Soloman was born in 1895 at Spokane, Washington. He attended public schools in Spokane and Oakesdale, Washington.

In 1909 he moved to Grant County, Oregon, and engaged in the cattle business until 1917, when he enlisted in the United States Army, in the 69th Regiment, C.A.C., as a Scout overseas. He was honorably discharged as a Sergeant on March 15, 1919, and a month later came to California.

Mr. Solomon worked in Sacramento as a mechanical engineer in the automobile industry.

Since 1933 he has owned and operated a ranch at Potter Valley, California, and for the past 24 years, until August, 1940, served as president of the Napa Central Labor Council, American Federation of Labor.

He presently is logging his own timber at Potter Valley, which is in Mendocino County, and is shipping piling from Lake County.

Mr. Solomon's present address is Post Office Box 61, Potter Valley, California.

Dr. Harry V. Baker

Dr. Harry V. Baker was born near Grimes, Colusa County, in 1896. He attended public schools in that district and high school at College City, California. He studied in medicine at Stanford, and in 1917 enlisted at the Letterman General Hospital, San Francisco. He later was transferred to Waco, Texas, and received a Lieutenant's commission just before the armistice. He thereafter returned to Stanford and received his degree in 1920, his M.D. in 1924.

Dr. Baker was resident physician at St. Mary's Hospital in San Francisco in 1924 and 1925, and since 1925 has practiced general medicine and surgery in the City of Napa.

Dr. Baker's address is Hennessey Building, Napa.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 24—Memorializing Congress to amend the Social Security Act with reference to the exempt income rights accorded blind recipients of public assistance.

Referred to Committee on Welfare and Institutions.

COMMITTEE FROM THE ASSEMBLY

Messrs. Burns, Michael J., Clarke and Del Mutolo, a Special Committee from the Assembly, appeared at the bar of the Senate, and notified the Senate that the Assembly had reconvened, and was ready to proceed with the business of the State.

CONSIDERATION OF SENATE RESOLUTION NO. 29

Senate Resolution No. 29

Resolved, That Section 12 of the Temporary Standing Rules of the Senate be amended as follows, to wit:

That the membership of the Committees on Business and Professional Codes, Elections, Labor, Local Government, Military and Veterans Affairs and Public Health and Safety be reduced to nine (9) members each; that the membership of the Committee on Education be reduced to ten (10) members; and that the membership of the Committee on Water Resources be reduced to eight (8) members; also that the membership of the Committee on Judiciary be increased to thirteen (13) members.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo,

McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.
NOES—None.

RESOLUTIONS

The following resolutions were offered:

By Senator Keating:

Senate Resolution No. 49

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Assembly that the Senate has reconvened after the constitutional recess, in accordance with Assembly Concurrent Resolution No. 11 and is ready to proceed with the business of the State.

Resolution read, and on motion of Senator Keating, adopted.

Appointment by the President

In accordance with the above resolution, Senators Keating, Powers and Breed were named by the President as a Special Committee to inform the Assembly that the Senate had reconvened, and was prepared to transact the business of the State.

By Senator Shelley:

Senate Resolution No. 50

Resolved, That the President of the Senate appoint a Special Committee of Three to notify the Governor that the Senate has reconvened after the constitutional recess, in accordance with Assembly Concurrent Resolution No. 11, and is now ready to receive any communication he may have to make.

Resolution read, and on motion of Senator Shelley, adopted.

Appointment by the President

In accordance with the above resolution, Senators Shelley, Biggar and Cunningham were named by the President as a Special Committee to inform the Governor that the Senate had reconvened, and was prepared to transact the business of the State.

By Senator Swing:

Senate Resolution No. 51

WHEREAS, The Secretary of the Senate has compiled during the constitutional recess a Legislative Manual or Handbook and the Semi-Final Calendar of all bills introduced to date, together with a complete index thereto, indexing all measures introduced prior to the recess; and

WHEREAS, It will be necessary for the Secretary to incur certain expenses incident to the distribution of said Legislative Handbook and Semi-Final Calendar and to prepare complete and comprehensive indexes to the Senate Journal prior to this date and up to the date of adjournment, and to index such bills as may be introduced between now and adjournment; now, therefore, be it

Resolved, To meet expenses incident to the publication of such Handbook, Semi-Final Calendar and expenses to be incurred in the preparation of indexes above referred to, the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of the Senate in the sum of one thousand dollars (\$1,000) and the Treasurer is hereby ordered and directed to pay the same. The Secretary of the Senate is further directed to furnish the Controller with vouchers of all expenditures made by him in pursuance of this resolution.

Resolution read, and referred to Committee on Rules.

By Senator Rich:

Senate Resolution No. 52

Resolved, That the following be the schedule of committee meetings for the month of March, 1941:

Schedule of Committee Meetings—March

	9.00 a.m.	10.30 a.m.	8.00 p.m.
Mon. 3—			Judiciary
Tue. 4—	Public Health and Safety	Governmental	Agriculture
	Financial Institutions	Efficiency	
Wed. 5—	Finance	Judiciary	Revenue and
		Fish and Game	Taxation
			Welfare and
			Institutions
Thur. 6—	Education	Local Government	Governmental
	Natural Resources		Efficiency
			Business and
			Professions
Fri. 7—	Public Utilities	Water Resources	
Mon. 10—	Labor	Transportation	Judiciary
Tue. 11—	Public Health and Safety	Governmental	Agriculture
	Financial Institutions	Efficiency	
Wed. 12—	Finance	Judiciary	Revenue and
		Fish and Game	Taxation
			Welfare and
			Institutions
Thur. 13—	Education	Local Government	Governmental
		Elections	Efficiency
			Business and
			Professions
Fri. 14—	Military and Veterans	Water Resources	
	Affairs		
Mon. 17—	Labor	Transportation	Judiciary
Tue. 18—	Public Health and Safety	Governmental	Agriculture
	Financial Institutions	Efficiency	
Wed. 19—	Finance	Fish and Game	Revenue and
		Judiciary	Taxation
			Welfare and
			Institutions
Thur. 20—	Education	Local Government	Governmental
	Natural Resources		Efficiency
			Business and
			Professions
Fri. 21—	Public Utilities	Water Resources	
Mon. 24—	Labor	Transportation	Judiciary
Tue. 25—	Public Health and Safety	Governmental	Agriculture
	Financial Institutions	Efficiency	
Wed. 26—	Finance	Judiciary	Revenue and
		Fish and Game	Taxation
			Welfare and
			Institutions
Thur. 27—	Education	Local Government	Governmental
		Elections	Efficiency
			Business and
			Professions
Fri. 28—	Military and Veterans	Water Resources	
	Affairs		
Mon. 31—	Labor	Transportation	Judiciary

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Delap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—33.

NOES—None.

By Senator Rich:

Senate Resolution No. 53

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper funds in favor of the following named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law, for attendance upon the Fifty-fourth Session of the Legislature.

Senators	County	Mileage	Total at ten cents per mile
Biggar, George M.	Mendocino	468	\$46 80
Breed, Arthur H., Jr.	Alameda	178	17 80
Brown, Charles	Inyo	1,292	129 20
Carter, Oliver J.	Shasta	142	14 20
Collier, Randolph	Siskiyou	500	50 00
Crittenden, Bradford S.	San Joaquin	98	9 80
Cunningham, R. R.	King	428	42 80
Delap, T. H.	Contra Costa	160	16 00
Deuel, Charles H.	Butte	228	22 80
Dillinger, H. E.	El Dorado	120	12 00
Fletcher, Ed.	San Diego	1,146	114 60
Foley, John D.	Santa Clara	256	25 60
Garrison, J. C.	Stanislaus	164	16 40
Gordon, Frank L.	Napa	110	11 00
Hays, Ray W.	Fresno	338	33 80
Jespersen, Chris N.	San Luis Obispo	606	60 60
Judah, H. R.	Santa Cruz	396	39 60
Keating, Thomas F.	Marin	210	21 00
Kenny, Robert W.	Los Angeles	894	89 40
Kuchel, Thomas H.	Orange	976	97 60
Luckey, E. George	Imperial	1,292	129 20
Mayo, Jesse M.	Calaveras	170	17 00
McBride, James J.	Ventura	980	98 00
McCormack, Thomas	Solano	124	12 40
Metzger, D. Jack	Tehama	286	28 60
Mixer, Frank M.	Tulare	432	43 20
Myhand, Peter P.	Merced	222	22 20
Parkman, Harry L.	San Mateo	238	23 80
Phillips, John	Riverside	1,094	109 40
Powers, Harold J.	Modoc	832	83 20
Quinn, Irwin T.	Humboldt	624	62 40
Rich, Wm. P.	Yuba	104	10 40
Seawell, Jerrold L.	Placer	108	10 80
Shelley, John F.	San Francisco	180	18 00
Slater, Herbert W.	Sonoma	180	18 00
Swan, John Harold	Sacramento	1	0 10
Swing, Ralph E.	San Bernardino	1,016	101 60
Tickle, Edward H.	Monterey	474	47 40
Wagy, J. I.	Kern	638	63 80
Ward, Clarence C.	Santa Barbara	920	92 00

Officers	County	Mileage	Total at ten cents per mile
Patterson, Ellis E., President	Los Angeles	894	\$89 40
Deek, Joseph A., Secretary	Orange	900	90 00
Nolan, Joseph F., Sergeant-at-Arms	Los Angeles	894	89 40

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Senwell, Shelley, Slater, Swang, Tickle, and Ward—32.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 277

Senator McCormack moved that Senate Bill No. 277 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

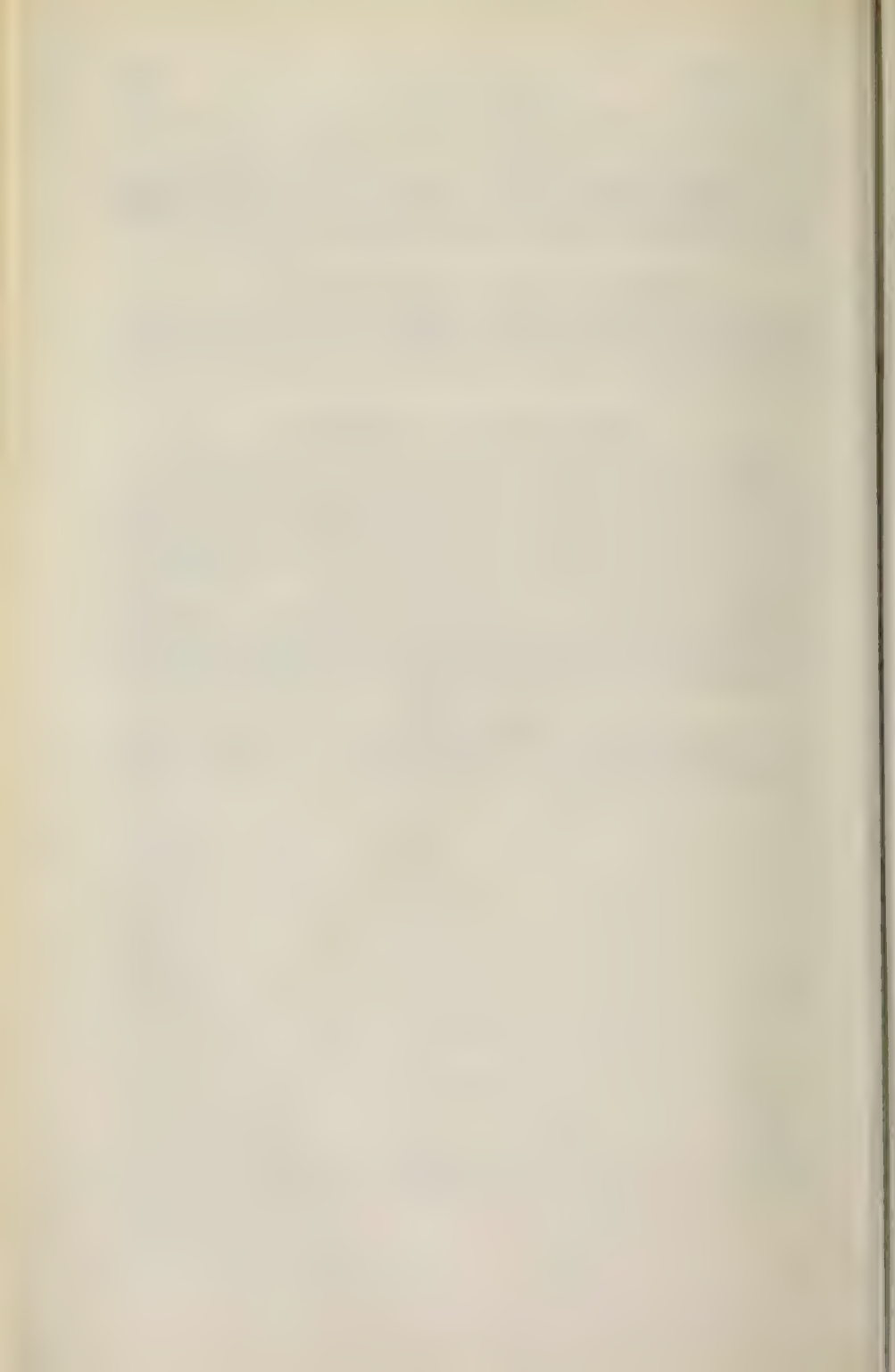
REPORTS OF SPECIAL COMMITTEES

Senators Shelley, Biggar and Cunningham, the Special Committee appointed to notify the Governor that the Senate had reconvened, and was ready to receive any communication he might desire to make, reported that His Excellency, Governor Culbert L. Olson, had advised the committee that he was pleased to note that the Senate had reconvened, and that he had no communication to present to the Senate at this time.

Senators Keating, Powers and Breed, the Special Committee appointed to notify the Assembly that the Senate had reconvened, and was ready to receive any communication the Assembly might make, reported that they had communicated with the Assembly as directed.

ADJOURNMENT

At 1 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 4, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

FIFTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 4, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding

Secretary J. A. Beck at the desk

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Collier, Crittenden, Cunningham, Dalton, Deuel, Doniger, Fletcher, Foley, Garrison, Gordon, Josiah, Keating, Keith, Kester, Lusk, May, McBride, McCormack, Metzger, Mixter, Moore, Peltier, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swann, Foster, and Williams.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Oppenheimer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Wagy, on motion of Senator Mixter.

Senator Hays, on motion of Senator Mixter.

Senator Carter, on motion of Senator Rich.

Senator Brown, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Phillips.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ira M. De Long of Oakdale.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. C. Boedeker of Butte, Montana.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leon Happel, of Stockton, member of the National Defense Committee of the American Legion.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to T. F. Kilmartin of San Jose.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Ivan C. Sperbeck as a member of the State Personnel Board, has had the same under consideration and respectfully recommends that the said appointment be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Ivan C. Sperbeck of Marysville as a member of the State Personnel Board.

The President put the question, "Will the Senate confirm and consent to the appointment of Ivan C. Sperbeck?"

The roll was called, with the following result:

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ivan C. Sperbeck as a member of the State Personnel Board.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Edwin R. Hennessey, Samuel J. Grossman, George T. Provine, Harry P. Soloman, Dr. Harry V. Baker as members of the Board of Trustees of the Napa State Hospital, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Edwin R. Hennessey, Samuel J. Grossman, George T. Provine, Harry P. Soloman and Dr. Harry V. Baker as members of the Board of Trustees of the Napa State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of Edwin R. Hennessey, Samuel J. Grossman, George T. Provine, Harry P. Soloman and Dr. Harry V. Baker?"

The roll was called, with the following result :

AYES—Senators Biggar, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edwin R. Hennessey, Samuel J. Grossman, George T. Provine, Harry P. Solomon and Dr. Harry V. Baker as members of the Board of Trustees of the Napa State Hospital.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Resolution No. 51

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5

RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 51

Senate Resolution No. 51

WHEREAS, The Secretary of the Senate has compiled during the constitutional recess a Legislative Manual or Handbook and the Semi-Final Calendar of all bills introduced to date, together with a complete index thereto, indexing all measures introduced prior to the recess, and

WHEREAS, It will be necessary for the Secretary to incur certain expenses incident to the distribution of said Legislative Handbook and Semi-Final Calendar and to prepare complete and comprehensive indexes to the Senate Journal prior to this date and up to the date of adjournment, and to index such bills as may be introduced between now and adjournment; now, therefore, be it

Resolved, To meet expenses incident to the publication of such Handbook, Semi-Final Calendar and expenses to be incurred in the preparation of indexes above referred to, the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate in favor of the Secretary of the Senate in the sum of one thousand dollars (\$1,000) and the Treasurer is hereby ordered and directed to pay the same. The Secretary of the Senate is further directed to furnish the Controller with vouchers of all expenditures made by him in pursuance of this resolution.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—29.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 297

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

METZGER, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 33

Senate Bill No. 38

Senate Bill No. 39

Senate Bill No. 1250

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 13; committee vote: Ayes 8; absent 5

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 41

Senate Bill No. 49

Senate Bill No. 187

Senate Bill No. 475

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL
AMENDMENT NO. 16**

Senator Seawell moved that Senate Constitutional Amendment No. 16 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 284

Senator Garrison moved that Senate Bill No. 284 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 368

Senator Kenny moved that Senate Bill No. 368 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 915

Senator Collier moved that Senate Bill No. 915 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

**WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL
AMENDMENT NO. 3**

Senator Dillinger moved that Senate Constitutional Amendment No. 3 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1191

Senator Keating moved that Senate Bill No. 1191 be withdrawn from Committee on Governmental Efficiency and referred to Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Concurrent Resolution No. 14: By Senators Rich, Myhrum, Donch, Tinkle and Reed—Relative to annulling Joint Rule No. 11 relative to distribution of legislative publications.

Without reference to committee.

Senate Concurrent Resolution No. 15: By Senator Slater—Relative to Reports of the Department Encampment, Red Oak and the Annual Convention of the Department of California and Nevada Grand Army of the Republic.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15 at this time for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to Reports of the Department Encampment, Red Oak and the Annual Convention of the Department of California and Nevada Grand Army of the Republic.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Boggs, Broad, Cuthbert, Cunningham, Foley, Ford, Jettlinger, Fletcher, Foley, Garrison, Gordon, Jettlinger, Keating, Ketch, Langer, Myers, McBride, McCommer, Menzies, Meyer, Milner, Parnham, Powers, Quinn, Rich, Sewell, Slater, Swan, Swing, Tinkle, and Wicks—41.

NOES: None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 4, 1941.

To the Honorable Members of the Senate and Assembly of the State of California:
State Capitol, Sacramento, California.

GREETINGS. I deem it advisable to address this communication to you regarding the manner in which the State's tax-deeded lands have been handled by the State Controller, who has the sole authority to lease properties owned by the State for delinquent taxes, and to collect part thereof and collect full amounts on such properties under the provisions of Sections 3651 to 3661 of the Revenue and Taxation Code, formerly Section 3773 of the Political Code. Some months ago at my direction the Director of Finance conducted an investigation of the system adopted by the Controller's Office of administering this law. A report of the investigation was made to the Director of Finance by the staff assigned to this investigation, which was presented to me shortly before the first of this year. In this report the question of the legality of the methods followed in handling these properties is raised, as is also the question as to whether under this method the State has been defrauded and deprived of revenues which it should have received from these properties. For instance, this preliminary report shows that tax-deeded lands in Los Angeles County were leased to one Hayden F. Jones at a nominal rental of \$1 per year. Mr. Jones in turn rented these properties with the Controller's approval, making monthly reports of amounts

collected, expended and retained by this nominal rental lessee acting as agent for the Controller. After deducting 25 per cent of collections as "commission" for his services as lessee-agent and making deductions for cost of repairs, purchases, refunds, etc., payments of the residue of his collections were made to the Controller's Office.

Questions as to the legal status of such a lessee or agent who was not hired in accordance with the Civil Service Laws of this State; whether the Controller may refund from the Tax-Deeded Land Rental Fund as unearned rental on redeemed property a larger amount than has been paid into the fund as rental of the redeemed property; whether he may settle accounts with this lessee-agent through offsets that effect the same results; whether the Controller may incur indebtedness for expenses of operating and repairing tax-deeded properties by procedures not subject to the provisions of the applicable sections of the Political Code, or may do so through the lessee-agent; and whether the Controller may pay a claim for damage to tax-deeded property without proceeding pursuant to Sections 688 and 667 of the Political Code through this method of settling accounts with his lessee-agent are raised in this report. Soon after the first of January of this year, I called the Attorney General into conference with the Director of Finance and his accountants and investigators of this subject, for the purpose of acquainting him with the progress of the investigation and to procure his advice upon the legal questions raised by this preliminary report. Following and pursuant to the purpose of this conference, I sent a communication to the Attorney General on February 12, 1941, a copy of which is hereto attached.

The purpose of securing the advice of the Attorney General on the legal questions raised is to assist the Director of Finance and his accountants and investigators in continuing their inquiry and determining its proper scope and the legal directions it should follow in ascertaining facts relevant and material to the right of the State to recover rental values of these tax-deeded lands of which it may have been deprived by this method of the administration of tax-deeded lands. The Department of Finance will continue its investigation in the light of legal advice from the Attorney General and make full and complete report thereof for the information of the Governor and the Legislature, which report will be duly transmitted to you.

I bring this matter to your attention at this time so that you may have it in mind in connection with any legislation which you may be considering affecting the disposition of lands deeded to the State for tax delinquencies. The preliminary report indicates that valuable properties with substantial improvements have thus been leased and subleased with low rentals, and properties thus handled have not been sold or put back on the county tax rolls, operating to the distinct disadvantage of both the State and the counties.

The problem of tax-deeded lands is a serious one which merits the attention of the Legislature, the real estate taxpayers, and the county boards of supervisors. When land is tax-deeded it is taken from the tax rolls, and the remaining real estate in the county must pay a higher rate. It is thus highly important that tax-deeded land valuable for private ownership be returned to the tax rolls at the earliest possible time. A great step in this direction was taken by the enactment of Chapter 47 of the Statutes of 1940, which will enable the State to clear the titles of tax-deeded lands so as to render them more saleable. This chapter has also set up a governmental agency for the utilization of tax-deeded lands for public purposes, and the withdrawing from sale of perennially tax-deeded lands which may be classed as wastelands.

In considering legislation for the future administration of lands deeded to the State for tax delinquencies, with a view of deriving the true rental value thereof for the State and for the counties, I recommend that their administration be placed under the State Lands Commission. I further recommend that provision be made for the leasing of these tax-deeded lands only to actual occupants for beneficial use at their fair rental values, and that subventions be made to the counties of a proper proportion of the net rentals received by the State from these properties equivalent to the amount of county and local taxes properly assessable thereto. It seems to me that such a system of handling tax-deeded lands would do away with tax dodging and speculation in tax-delinquent lands which too often prevents their acquisition by persons desiring to acquire and occupy them for homes or other beneficial uses.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, February 12, 1941

Hon. Earl Warren, Attorney General
State Building, San Francisco, California

DEAR MR. WARREN: When the Director of Finance called my attention to a preliminary report of auditors and investigators of his department, on the manner in which tax-deeded lands have been handled by the office of the State Controller, from which it appeared that the legality of this system is questioned, and that under it the State may have been defrauded and deprived of revenues from these properties which

it should have received, I deemed it advisable and proper to call you in and acquaint you with the matter so that the Department of Finance may have the benefit of your legal advice and opinions in the further course of its investigation and development of facts pertinent to the inquiry.

As you will observe, this preliminary report shows, for instance, that tax-deeded lands in Los Angeles County were leased to one Hayden F. Jones, at a minimum rental of one dollar (\$1) per year. Mr. Jones in turn sublet those properties, securing the Controller's approval of principal terms, and some of the leases of other properties, and in rare instances sending copies thereof to the Controller's Office. Monthly reports of amounts collected, expended and retained by this agent in his dealing with the public, represents himself to be the agent of the Controller; are made, stating the property and rental periods to which collections pertain, deducting 25 per cent "commission" from the collections for the services of this agent, and deductions for cost of repairs, purchases, water bills, refunds, etc.

Questions as to the status of such a sublessee or agent; whether the Controller may refund from the Tax-Deeded Land Rental Fund an increased rental on redeemed property, a larger amount than has been paid into the fund as rental of the redeemed property; whether he may settle accounts with the sublessee or agent through offsets that effect the same results; whether the Controller may incur indebtedness for repairs or expenses of operating tax-deeded property by procedures not subject to the provisions of the applicable sections of the Political Code or may achieve the same result by handling transactions and settling accounts with the lessee or agent effecting the same result; and whether the Controller may pay a claim for damage to tax-deeded property without proceeding pursuant to Section 688 and Section 667 of the Political Code, through this method of settling accounts with lessee or agent are raised in this report.

In seeking to ascertain the effect of this method of handling tax-deeded lands upon their return to the tax rolls, and upon the State's General Fund, and to ascertain whether all revenues from tax-deeded properties to which the State is entitled have reached the fund, these investigators spread their survey over all types of properties and geographical locations in the State. While this preliminary report still purports to cover a portion of the properties of the tax-deeded lands leased by the Controller, it appears to be comprehensive enough to present a factual condition that not only raises the legal questions above mentioned but also the question of whether the State has not been actually defrauded of moneys which should have been derived from the leasing of these lands, considering their true rental value and the manner in which sublessees derived the benefit of their true rental value as shown in such instances as have been called to your attention.

I am writing you now to ask you to please give me your opinion on these legal questions involved in this investigation at your earliest convenience after you have analyzed the matter presented in this preliminary report and the law applicable thereto.

Thanking you for your cooperation, I remain

Very respectfully yours,

CULBERT L. OLSON, Governor of California

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 37, relating to the power of the Legislature over administrative offices of the State Government.

Bill read second time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments

Amendment No. 1

On page 1, line 3, of the title of the printed bill, strike out "37", and insert "38"

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "37", and insert "38".

Amendment No. 3

On page 1, line 9, of the printed bill, strike out "37", and insert "38".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 22 of Article XX, relating to sales of alcoholic beverages.

Bill read second time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendments:

Amendment No. 1

In lines 3 and 4 of the title of the printed measure, strike out "Amending Section 22 of", and insert "Adding Section 22.3 to".

Amendment No. 2

On page 1, line 7, of the printed measure, strike out "Amending Section 22 of", and insert "Adding Section 22.3 to".

Amendment No. 3

On page 1, between lines 8 and 9 of the printed bill, insert

"Sec. 22.3. Notwithstanding the provisions of Section 22 of this article, no operator of a place where intoxicating liquor is sold or served shall be required to sell or serve food therein."

Amendment No. 4

On page 1, strike out lines 9 to 28, inclusive, of the printed measure, and on page 2, strike out lines 1 to 44, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 284—An act to amend Section 5286 of the Business and Professions Code, relating to advertising displays.

Bill read second time.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 25, of the printed bill, after "it.", insert "This subdivision shall not affect advertising displays placed under the provisions of Section 5229".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 915—An act to amend Section 5.667 of the School Code, relating to certificated employees of school districts which are formed by the uniting of two or more school districts.

Bill read second time.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out ": provided," and insert a period.

Amendment No. 2

On page 1 of the printed bill, strike out lines 13 to 27, inclusive, and strike out all of page 2, and insert

"In case of the unionization, unification, uniting or consolidation of two or more school districts, the provisions of this code affecting the classification of certificated employees as to their becoming permanent employees, shall continue to apply upon the basis of the average daily attendance of the particular schools in

which they are employed in the same manner and to the same extent as if no such unionization, unification, uniting or consolidation had taken effect.

Nothing in this section shall be construed so as to nullify or in any manner affect the classification of any employee of a district now or hereafter classified as a permanent employee, thereof by operation of this or any other provision of law."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

RESOLUTIONS

The following resolution was offered.

By Senator Tickle.

Senate Resolution No. 54

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law with the compensation set opposite their names; payable weekly, beginning March 4, 1941, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same.

	<i>Per day</i> <i>per week</i>
John F. Lea, Chief Assistant Secretary.....	\$5 00
Walter J. McLaughlin, History Clerk.....	7 00
Carl Phillips, Assistant Minute Clerk.....	7 00
N. L. Levering, Journal Clerk.....	7 00
Nancy Lyon, Assistant Journal Clerk.....	5 00
Norman Miller, Assistant at Desk.....	5 00
Chas. Brandt, Assistant Secretary.....	7 00
Howard S. McIntire, Assistant Secretary.....	7 00
John D. Todd, Engineering and Enrolling Clerk.....	7 00
Laura Prentice, Assistant Engineering and Enrolling Clerk.....	5 00
Thomas A. Weighl, Assistant Sergeant-at-Arms.....	5 00
James Copland, Assistant Sergeant-at-Arms.....	5 00
Harris Messner, Assistant Sergeant-at-Arms.....	5 00
Everett Dearwater, Assistant Sergeant-at-Arms.....	5 00
H. Perry Smith, Assistant Sergeant-at-Arms.....	5 00
Marguerite Bridges, Clerk of Finance Committee.....	6 00
Laura Mast, Clerk of Judiciary Committee.....	6 00
Flora Gilliam, Stenographer.....	5 00
Mrs. Hazel Blackwell, Chief Stenographer.....	6 00
Betty Rourke, Stenographer.....	5 00
Tony Beard, Stenographer.....	5 00
Nathalie B. Ray, Stenographer.....	5 00
Ray N. Cronkite, Stenographer.....	5 00
Rose Signorini, Stenographer.....	5 00
Ann Kelly French, Stenographer.....	5 00
Catherine McBride, Stenographer.....	5 00
Gertrude Clausen, Stenographer.....	5 00
Mary Strommer, Stenographer.....	5 00
John H. Dunbar, Stenographer.....	5 00
Marie Hollingsworth, Stenographer.....	5 00
Hortense May, Stenographer.....	5 00
Wanda Durkee, Stenographer.....	5 00
Dorothy Pratt, Stenographer.....	5 00
Wesley Randall, Stenographer.....	5 00
Gerry Nider, Stenographer.....	5 00
Shirley Naezen, Stenographer.....	5 00
Mary Cadwallader, Stenographer.....	5 00
Shirley Hamer, Stenographer.....	5 00
Nellie Crisp, Stenographer.....	5 00
Emma Cox, Stenographer.....	5 00
Imogene Watson, Stenographer.....	5 00
Ardyne Hughes, Stenographer.....	5 00
Judith MacKay, Stenographer.....	5 00
Isabelle Robbins, Stenographer.....	5 00
Maude Cottrell, Stenographer.....	5 00
Noma Browning, Stenographer.....	5 00
Julian Lindsay, Mailing Clerk.....	4 00
Mrs. Edith White, Stenographer.....	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhaud, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 22

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT V. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read and unanimously adopted by a rising vote:

Assembly Concurrent Resolution No. 22—Relative to adjournment in respect to the memory of Henry H. Yonkin.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 449

Assembly Bill No. 450

Assembly Bill No. 451

Assembly Bill No. 452

Assembly Bill No. 453

Assembly Bill No. 454

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time.

Assembly Bill No. 449—An act to add Division 2, consisting of Part 1, comprising Sections 6001 to 7176, inclusive, and Section 50006 to the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Retail Sales Tax Act of 1933 and the Use Tax Act of 1935, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 450—An act to add Part 2, comprising Sections 7301 to 8402, inclusive, to Division 2 of, and to add Sections 50007 and 50008 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Motor Vehicle Fuel License Tax Act, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 451—An act to add Part 3, comprising Sections 8601 to 9354, inclusive, to Division 2 of, and to add Section 50009 to, the Revenue and Taxation Code, thereby consolidating and revising the laws relating to taxation and the raising of revenue, including the provisions of the Use Fuel Tax Act of 1937, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 452—An act to add Part 4, comprising Sections 9601 to 10501, inclusive, to Division 2 of, and to add Section 50010 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, as amended, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 453—An act to add Part 5, comprising Sections 10701 to 11005, inclusive, to Division 2 of, and to add Section 50011 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, as amended, and repealing acts and parts of acts specified herein.

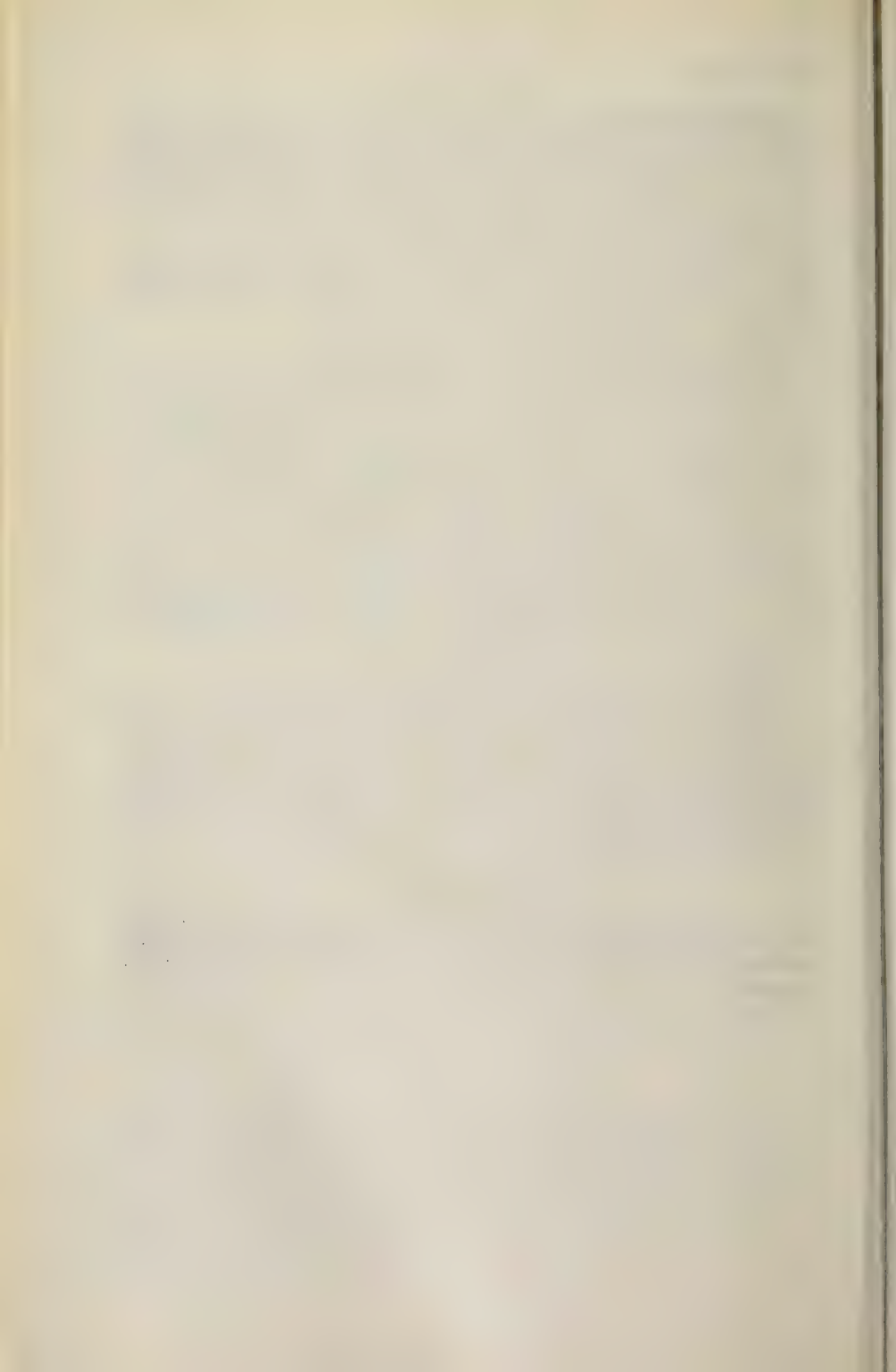
Referred to Committee on Revenue and Taxation.

Assembly Bill No. 454—An act to add Part 6, comprising Sections 11201 to 11752, inclusive, to Division 2 of, and to add Section 50012 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Private Car Tax Act of 1937, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

ADJOURNMENT

At 3:07 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1:45 p.m. March 5, 1941, out of respect to the memory of the late Henry H. Yonkin, former Senator of Los Angeles.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

FIFTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 5, 1941

The Senate met at 1:45 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called.

Call of the Senate

Senator Breed moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, DeLap, Deuel, Doolinger, Foley, Garrison, Gordon, Judah, Luckey, Mixer, Slater, Swing, and Ward—14.

The Secretary announced the absentees.

Time, 1:47 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1:50 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Doolinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Mixter.

Senator Wagy, on motion of Senator Mixter.

Senator Carter, on motion of Senator Rich.

Senator Brown, on motion of Senator Myhand.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Eugene Fletcher of San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Loren Critser, instructor, and the following students of Napa Union High School: Wilma Hammerich, Eudora Gillespie, Don Alexander, Robert Schwarze, June Parsons, Awilda Jean Gillespie, Clara Rall, Louise Lowe, John Burrows, Bill Brockhoff, Milton Emerick, Louise Wright, Warren Lincoln, Connie Jacks, Phyllis King, Arnold Jones, Julie Hullquist, Lillian Lacaze, Ada Jane Lacque, Chester Tennant, Helen Wakeman, Adeline Wallis, Eva Polichni, Gwendolyn Harris, June Mufich, Gino Meneguzzo, Mary Noonan, George Simmons, Melvin Sallee, Dick Hill, Frak Markovich, James Le Bel, La Verne Horsky, Bill Lilienthal, Betty Hampton, Bill Atterbery, Al Carpignano, Bob Atterbery, Lee Jensen, Henry Ferrero, William Abate, Donald Inman, Mildred Wilson, Marie Gasser, George Danforth, Vivian Cannelora, Virginia Wakerley, Robert Bronstad, Myron Karcher, James Latta, Edgar O'Brien, May June Kyle, Jacqueline Wilkinson, and Nat Beland.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 15.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FINNIE, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 14

And reports the same correctly engrossed.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Joint Resolution No. 3

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3

GORDON, Chairman

Above resolution ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred

Senate Bill No. 207

Senate Bill No. 471

Senate Bill No. 446

Senate Bill No. 564

Senate Bill No. 470

Senate Bill No. 605

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3

GORDON, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred

Senate Bill No. 179

Senate Bill No. 1023

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3

GORDON, Chairman

Above reported bills ordered to second reading

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 32

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; absent 5

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 632

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; noes 2; absent 2

KEATING, Vice Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred

Senate Bill No. 353

Assembly Bill No. 596

Senate Bill No. 354

Assembly Bill No. 597

Senate Bill No. 355

Assembly Bill No. 598

Senate Bill No. 356

Assembly Bill No. 599

Senate Bill No. 357

Assembly Bill No. 600

Senate Bill No. 358

Assembly Bill No. 601

Senate Bill No. 359

Assembly Bill No. 602

Senate Bill No. 361

Assembly Bill No. 604

Senate Bill No. 362

Assembly Bill No. 605

Assembly Bill No. 160

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 1226

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 297—An act to amend Section 1 of an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931, relating to boats.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 33—An act to amend Section 685 of the Code of Civil Procedure, relating to execution of judgments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "In", and insert "Except as provided in this section, in".

Amendment No. 2

On page 1 of the printed bill, strike out lines 11 to 19, inclusive, and insert "In all cases of a judgment for money, the plaintiff shall show by a preponderance of evidence that he has not since the expiration of the five-year period assigned all or any of his rights or interest in and to the judgment and also that either

(1) He has made diligent effort during the five-year period to collect the judgment by the use of all legal process allowed for the collection of judgments or the discovery of assets of a judgment debtor, or

(2) The judgment debtor has fraudulently concealed his assets during the five-year period.

Nothing in this section shall be construed".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 38—An act to amend Section 690.22 of the Code of Civil Procedure, relating to exemption from execution or attachment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 9, of the printed bill, after "firm", insert ", association".

Amendment No. 2

On page 1, line 13, of the printed bill, after "firm," insert "association".

Amendment No. 3

On page 1, line 15, of the printed bill, after "innoc," insert "association."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 39—An act to add Section 1107 to Chapter 4 of Title 1 of Part 3 of the Code of Civil Procedure, relating to the issuance of writs of review, mandate and prohibition.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out lines 4 to 10, inclusive, and insert "1107. When an application is filed for the issuance of any prerogative writ, the application shall be accompanied by proof of service of a copy thereof upon the respondent and the real party in interest named in such application. Within five days after such service, the real party in interest or the respondent or both shall serve upon the applicant and file with the court papers and affidavits in opposition to the granting of the writ."

The court in which the application is filed, in its discretion and for good cause, may grant the application ex parte, without notice or service of the application as herein provided.

The provisions of this section shall not be applicable to applications for the writ of habeas corpus, or to applications for writs of review of the Industrial Accident or Railroad Commissions."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1250—An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 667, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 3, line 16, of the printed bill, strike out "forgery."

Amendment No. 2

On page 3, line 31, of the printed bill, strike out "forgery."

Amendment No. 3

On page 3, line 42, of the printed bill, strike out "1937 and 1938", and insert "3047 and 3048".

Amendment No. 4

On page 9, line 39, of the printed bill, strike out the semicolon, and insert a period; and strike out lines 40 to 49, inclusive.

Amendment No. 5

On page 11, line 52, of the printed bill, strike out the period, and insert "; which shall be signed by at least three members of the board."

Amendment No. 6

On page 12, lines 28 and 29, of the printed bill, strike out "in such manner as the board shall determine", and insert "for at least two consecutive weeks in two news

papers printed and published in the City and County of San Francisco, and in one newspaper printed and published in the County of Sacramento, and in the county where the prison to be supplied is situated."

Amendment No. 7

On page 13, line 28, of the printed bill, strike out "any State", and insert "San Quentin".

Amendment No. 8

On page 13, line 42, of the printed bill, strike out "for prisoners within State prisons".

Amendment No. 9

On page 14, line 11, of the printed bill, strike out "for prisoners within the State prisons".

Amendment No. 10

On page 15, line 26, of the printed bill, strike out "for prisoners within the State prisons".

Amendment No. 11

On page 15, line 51, of the printed bill, strike out "2030", and insert "2000".

Amendment No. 12

On page 16, line 3, of the printed bill, after "prisoner", insert ", the cost of all clothing that may be furnished, and one dollar (\$1) per month for the use of the prisoner. No other or further charges shall be made by any officer for or on account of such prisoners."

Amendment No. 13

On page 16, between lines 3 and 4, of the printed bill, insert "2091. The board may give to any warden the title of superintendent, but such superintendent shall have all the rights, powers, duties and liabilities of a warden, except as otherwise specifically provided by law."

2092. The warden or superintendent of the California State Prison at Chino shall hold office at the pleasure of the board."

Amendment No. 14

On page 16 of the printed bill, strike out lines 22 to 25, inclusive.

Amendment No. 15

On page 16, line 34, of the printed bill, strike out "Within State Prisons".

Amendment No. 16

On page 16, line 39, of the printed bill, after "California", insert "The board may consolidate or abolish positions and may fix and change the salaries to be paid."

Amendment No. 17

On page 16, line 47, of the printed bill, after "liquors", insert "A single act of intemperance shall justify the discharge of such officer or employee, and the warden shall discharge him."

Amendment No. 18

On page 17, lines 44 and 45, of the printed bill, strike out "thereafter", and after "dead", insert "during the existence of the death sentence".

Amendment No. 19

On page 17, line 51, and on page 18, line 1, of the printed bill, strike out "subject to the approval of the board, any instrument relating to real or personal property" and insert "a sale or conveyance of property".

Amendment No. 20

On page 18, line 9, of the printed bill, strike out " In criminal cases".

Amendment No. 21

On page 20, between lines 6 and 8, of the printed bill, insert

"Article 2. Asexualization

2670. Whenever in the opinion of the resident physician of any State prison it will be beneficial and conducive to the benefit of the physical, mental or moral condition of any recidivist lawfully confined in such State prison, to be asexualized, then such physician shall call in consultation the General Superintendent of State Hospitals and the Secretary of the State Board of Health, and they shall jointly examine into the particulars of the case with the said resident physician, and if in their opinion or the opinion of any two of them, asexualization will be beneficial to such recidivist, they may perform the same; provided, that such operation shall not be performed unless the said recidivist has been committed to a State prison in this or some other State or country, at least two times for rape, assault with intent

to commit rape, or seduction, or at least three times for any other crime or crimes, and shall have given evidence, while an inmate of a State prison in this State, that he is a moral or sexual degenerate or pervert, and positively, further, that in the case of convicts sentenced to State prisons for life, whose criminal conduct evidences of moral and sexual depravity, the courts in sentencing them, as provided in this section, shall apply whether they shall have been inmates of a State prison in this or any other country or State more than one time or not; provided, further, that nothing in this section shall apply in or refer to any voluntary patient confined or kept in any State hospital of this State.

Amendment No. 22

On page 20 of the printed bill, strike out lines 10 to 25 inclusive, and insert:

"2680. The board of directors shall establish, at a suitable building within the walls of one or more of the State prisons, a fully equipped and adequately staffed psychopathic hospital for the reception, care, and treatment of insane prisoners.

2681. When the warden of any prison at which such a psychopathic hospital is located, and such other officer as may be designated by the board to act with him in such cases, shall be of opinion that any prisoner confined therein is insane, they shall make proper examination, and if they remain of the opinion that the person is insane, the warden shall forthwith send the prisoner to the psychopathic hospital for care and treatment and shall at the same time to the board send a certificate that the prisoner has, on a date specified, been found insane and has been placed in the psychopathic hospital. The warden shall, also, send to the board a copy of the certificate, and thereafter a statement as to his subsequent acts regarding the insane prisoner.

2682. When the warden of a State prison other than that in which a psychopathic hospital is located, and such other officer as may be designated by the board to act with him in such cases, shall be of opinion that any prisoner confined therein is insane, they shall make proper examination, and if they remain of the opinion that the person is insane, the warden shall certify the fact to the warden of any prison in which such a psychopathic hospital is located, and shall forthwith send the prisoner to such psychopathic hospital for care and treatment. The warden shall, also, send to the board a copy of the certificate, and thereafter a statement of his subsequent acts regarding the insane prisoner. The warden of the prison at which the psychopathic hospital is located shall receive the insane prisoner, confine him in the psychopathic hospital, and shall, upon receipt, send a report referred to a State board for the insane as hereinafter provided.

2683. The warden shall, upon receipt of the insane prisoner, notify the board of the fact giving name, date, and where from, and from whose hands received. When, in the opinion of the officer in charge of such psychopathic hospital, the insane prisoner is cured of insanity, the officer shall notify the warden, who shall immediately notify the board thereof, and shall also notify the warden of the prison from whence he was received, who shall receive him and he shall receive the prisoner back into the prison from which he was sent to such psychopathic hospital, the time passed in such psychopathic hospital counting as a part of the prisoner's sentence.

2684. If, in the opinion of the warden of any State prison, any insane person confined therein may receive better treatment at any one of the State hospitals for the insane, the warden shall certify that fact to the superintendent of one of such hospitals, and he shall forthwith send the prisoner to such State hospital for care and treatment. The superintendent of the hospital shall receive the prisoner and keep him until he is cured. The warden shall send the board a copy of the certificate to the superintendent of the State hospital and thereafter a statement of his subsequent action regarding the prisoner therein referred to.

2685. Upon the receipt of a prisoner, as herein provided, the superintendent of the State hospital shall notify the board of that fact, giving his name, the date, the prison from which he was received, and from whose hands he was received. When in the opinion of the superintendent the insane prisoner is cured of insanity, he shall immediately notify the board of that fact and he shall also notify the warden of the prison from which the prisoner was received, who shall receive him and take and receive the prisoner back into the prison. The time passed at the State hospital shall count as part of the prisoner's sentence. If at the expiration of the insane prisoner's sentence he is still in the State hospital, he shall be allowed to remain there until discharged as cured."

Amendment No. 23

On page 20, line 38, of the printed bill, strike out "In and around prisons", and insert "of prisoners".

Amendment No. 24

On page 21, line 1, of the printed bill, after "board", insert ", in conjunction with the State Board of Examiners, and subject to the approval of the Governor."

Amendment No. 25

On page 22, between lines 7 and 9, inclusive, insert
 "2711. The board shall cause to be included in the original plans and specifications of the California State Prison at Chino adequate provision for the employment and useful occupation of the maximum number of men capable of being confined in the institution, as planned. Such employment shall be designed to reduce the cost of maintaining the institution to the lowest figure consistent with good management and with the beneficial training, education and discipline of the prisoners confined therein."

2712. The board may allow to prisoners at California State Prison at Chino such proportion of their earnings above the cost of their maintenance as the board may deem proper."

Amendment No. 26

On page 23, line 14, of the printed bill, after "2740. The", insert "Governor and the".

Amendment No. 27

On page 23, line 25, of the printed bill, strike out "board is", and insert "the Governor and the board are".

Amendment No. 28

On page 25 of the printed bill, strike out line 37, and insert "2760, 2761, 2762, 2763, 2764 and 2765 of this code."

Amendment No. 29

On page 26, line 31, of the printed bill, strike out "1833", and insert "2773".

Amendment No. 30

On page 26, between lines 31 and 33, of the printed bill, insert
 "Chapter 7. Sale of Prison Made Goods".

Amendment No. 31

On page 26, line 33, strike out "5", and insert "1."

Amendment No. 32

On page 26, line 35, of the printed bill, strike out "2800", and insert "2870".

Amendment No. 33

On page 26, line 36, of the printed bill, strike out "1781 and Section 1782", and insert "2701 and Section 2702".

Amendment No. 34

On page 26 of the printed bill, make the following changes:

Page	Line	Strike Out	Insert
26	41	2801	2871
26	45	2802	2872
26	48	2803	2873

Amendment No. 35

On page 26, line 49, of the printed bill, strike out the comma and insert "under Sections 2701 and 2702".

Amendment No. 36

On page 26, line 50, of the printed bill, after "State," insert "by the agencies therein mentioned".

Amendment No. 37

On page 27, line 12, of the printed bill, strike out "2804", and insert "2874".

Amendment No. 38

On page 27, between lines 17 and 19, of the printed bill, insert:
 "2875. Products of the California State Prison at Chino shall so far as possible be supplied for State, county, municipal, school or other public use, and the prison shall collect or be credited with the fair market price therefor. No manufactured product shall be supplied, sold, exchanged or given away for private use or profit."

Amendment No. 39

On page 27, line 19, of the printed bill, strike out "6", and insert "2".

Amendment No. 40

On pages 27 to 29, inclusive, of the printed bill, make the following changes:

Page	Line	Strike Out	Insert
27	21	2820	2880
27	40	2821	2881
28	1	2822	2882
28	13	2823	2883
28	19	2824	2884
28	35	2825	2885
28	49	2826	2886
29	5	2827	2887
29	12	2828	2888
29	18	2829	2889
29	21	2830	2890
29	24	2831	2891

Amendment No. 40.5

On page 33, lines 45 and 46, of the printed bill, strike out "January 15, 1941; one member, January 15, 1942; one member, January 15, 1943; and insert "January 15, 1942; one member January 15, 1943; and one member January 15, 1945."

Amendment No. 41

On page 35, line 39, of the printed bill, strike out "Dead's weapon defined."

Amendment No. 42

On page 35, line 42, of the printed bill, strike out "slug", and insert "slang."

Amendment No. 43

On page 36 of the printed bill, strike out lines 30 to 32, inclusive, and insert:
"3046. No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years."

Amendment No. 44

On page 36 of the printed bill, strike out lines 40 to 41, inclusive.

Amendment No. 45

On page 36, line 42, of the printed bill, strike out "3050", and insert "3049".

Amendment No. 46

On page 36 of the printed bill, between lines 49 and 50, insert:
"3050. Any person imprisoned as an habitual criminal who has not been previously twice or three times convicted of any of the offenses mentioned in Section 644 may be released on parole."

"3051. Any person sentenced to a State prison under Section 667 of this code shall be subject to parole as a first term prisoner."

Amendment No. 47

On pages 36 and 37 of the printed bill, make the following changes:

Page	Line	Strike Out	Insert
36	50	3051	3052
37	3	3052	3053

Amendment No. 48

On page 37, lines 9 and 10, of the printed bill, strike out "or any other State or of the United States,".

Amendment No. 49

On page 37 of the printed bill, make the following changes:

Line	Strike Out	Insert
13	3053	3054
19	3054	3055
24	3055	3056

Amendment No. 50

On page 37 of the printed bill, strike out lines 30 to 37, inclusive.

Amendment No. 51

On page 38, line 7, of the printed bill, strike out "any member", and insert "the chairman".

Amendment No. 52

On page 40, line 20, of the printed bill, strike out "handwork the inmates", and insert "needlework female prisoners".

Amendment No. 53

On page 40, line 22, of the printed bill, strike out "handwork", and insert "needlework".

Amendment No. 54

On page 41, line 45, of the printed bill, strike out "at San"; strike out lines 46 and 47, and insert "within the walls of one of the State prisons designated by the court by which judgment is rendered."

Amendment No. 55

On page 42 of the printed bill, strike out lines 10 to 14, inclusive.

Amendment No. 56

On page 45, line 34, of the printed bill, strike out "Medical Attention."

Amendment No. 57

On page 48 of the printed bill, strike out lines 23 to 42, inclusive, and insert:

"4023. Whenever the daily average of more than 100 persons are confined in any county or city jail there shall be available at all times a duly licensed and practicing physician for the care and treatment of all persons confined therein. Such daily average shall be determined by the number of persons confined in such jails during the last fiscal year. Such physician shall be designated by the sheriff and his salary fixed by the supervisors of the county or city and county for such county or city and county jail of the county or city and county and in cases of county or city and county jails shall be paid out of the same fund of the county or city and county as other claims against the county or city and county for salaries are paid and in cases of city jails, said physician shall be designated and his salary fixed by the council of said city and shall be paid out of the general fund of such city; provided, however, that any prisoner may decline such care or treatment and provide other care or treatment for himself at his own expense."

Amendment No. 58

On pages 49 to 51 of the printed bill, make the following changes:

Page	Line	Strike Out	Insert
49	14	4502	4530
49	20	4503	4531
49	29	4504	4532
49	42	4505	4533
49	48	4506	4534
50	3	4507	4535
50	11	4520	4550
50	33	4521	4570
50	41	4522	4571
50	48	4523	4572
51	3	4524	4573

Amendment No. 59

On page 51, line 7, of the printed bill, after "Act," insert "or any alcoholic beverage."

Amendment No. 60

On page 51, line 9, of the printed bill, strike out "4525", and insert "4574".

Amendment No. 61

On page 56, between lines 7 and 8, insert:

"TITLE 10. GENERAL PROVISIONS"

10000. The provisions of Part III of this code, in so far as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

10001. All persons who, at the time this act goes into effect, hold office under any of the acts repealed by this act, which offices are continued by this act, continue to hold the same according to the former tenure thereof.

10002. No action or proceeding commenced before this act takes effect, and no right accrued, is affected by the provisions of this act, but all procedure thereafter taken therein shall conform to the provisions of this act so far as possible.

10003. If any portion of Part III is held unconstitutional, such decision shall not affect the validity of any other portion of Part III.

10004. Division, chapter, article, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division, chapter, article or section hereof.

10005. Whenever, by the provisions of this act, a power is granted to a public officer or a duty imposed upon such an officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 41—An act to add to the Code of Civil Procedure new Section 1110b, relating to stay of execution.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 49—An act to add to the Code of Civil Procedure Section 117H, relating to the deposit of cash in lieu of bond on appeal in small claims courts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 187—An act to amend Section 162 of the Probate Code, relating to interest on deferred legacies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 475—An act to amend Section 507 of the Code of Civil Procedure, relating to the closing argument on a trial.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 368—An act to add Sections 273.5 and 274.2 to the Vehicle Code, relating to an oath or affirmation as a prerequisite to the issuance of an operator's or chauffeur's license or to the use of the highways.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

Strike out line 2 of the title of the printed bill, and insert "relating to the recognition of obligations and licenses in driving and in so much as affirmation is a prerequisite to the".

Amendment No. 2

In line 4 of the title of the printed bill after "licenses", insert "and penalties for the surrender and renewal of licenses by traffic violators".

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert:

"273.5. Cognizance of Obligations and Hearings on Driving Oaths or Affirmations. Etc. No operator's or chauffeur's license shall be issued to any person, nor shall any such license issued to any person be renewed, unless and until such person satisfies the department that he is cognizant of the fact that a motor vehicle is a lethal machine, that his own danger in driving is not limited, that the danger to others in the community is not remote, and that he recognizes the responsibility of driving and does not consider it a right.

No operator's or chauffeur's license shall be issued to any person, nor shall any such license issued to any person be renewed, unless and until such person reads aloud, repeats aloud, or recites aloud, individually, personally or jointly, and not as one of a group, before a person duly authorized by the department, the following oath or affirmation:".

Amendment No. 4

On page 2, lines 10 and 11, of the printed bill, strike out "to hear oaths or affirmations," and insert "by the department to hear oaths or affirmations."

Any person arrested for violating any other law shall surrender his operator's or chauffeur's license to the arresting officer, if the officer is one who, while the person arrested may be and is given a notice to appear before a magistrate, or to the magistrate, if the person arrested is taken immediately before a magistrate. Upon such surrender, the arresting officer or the magistrate, as the case may be, shall give the person arrested a temporary license, which shall entitle the licensee to operate a motor vehicle upon the highways for a period of seven days from and after the date of the issuance of such license. The licensee shall not operate a vehicle in this State after the expiration of such period unless, prior to such expiration, and subject to the provisions of this section and this code, he makes application to the

department for a renewal of the license surrendered by him to the arresting officer, and the department renews such license."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

REPORT OF JOINT LEGISLATIVE FACT-FINDING COMMITTEE ON THE SOUTHERN CALIFORNIA PRISON AT CHINO

The report of the Joint Legislative Fact-Finding Committee on the Southern California Prison at Chino was presented by Senator Swing and ordered held at the desk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2510

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 2510—An act to add Section 7401 to the Business and Professions Code, relating to persons receiving training in cosmetology through the public school system.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Bill No. 2510, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 2510

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Phillips:

Resolved, That Assembly Bill No. 2510 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time, and placed on third reading file.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Rich, Shelley, Slater, Swing, Tickle, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2510—An act to add Section 7401 to the Business and Professions Code, relating to persons receiving training in cosmetology through the public school system.

Bill read second time, and ordered to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 82

Senator Kenny moved that Senate Bill No. 82 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 82—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, relating to retirement of judges.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1 of" and insert "Sections 1 and 2 of and to add Section 8 to".

Amendment No. 2

In line 5 of the title of the printed bill, after "1937," insert ", and to amend Sections 3 and 4 of and to add Section 9 to the act entitled 'An act creating a special fund to be known as the Judges' Retirement Fund, providing for disbursements therefrom, and to make appropriations therefor,' approved July 1, 1937."

Amendment No. 3

On page 1, line 10, of the printed bill, after "Who", insert "has attained the age of 65 years, and who".

Amendment No. 4

On page 2, line 1, of the printed bill, after "Who", insert "has attained the age of 65 years, and who".

Amendment No. 5

On page 2 of the printed bill, after line 26, insert:

"Sec. 2. Section 2 of an act entitled 'An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts,' approved July 1, 1937, is hereby amended to read as follows:

Sec. 2. Every justice or judge so retiring shall, during the remainder of his life, receive an allowance equal to the salary which he last received as the incumbent of a judicial office to which he was elected by the people. If upon retirement the justice or judge shall signify a desire to engage in the private practice of law, he shall receive only one-half of the allowance to which he would be otherwise entitled until such time as he makes himself ineligible for private practice of law. Upon becoming ineligible for private practice of law, he shall receive the full allowance. Said allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of the justices of the Supreme Court.

Sec. 3. Section 8 is hereby added to the act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, to read as follows:

Sec. 8. This act is known and may be cited as the "Judges' Retirement Act."

Sec. 4. Section 3 of an act entitled "An act creating a special fund, to be known as the Judges' Retirement Fund, providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, is hereby amended to read as follows:

Sec. 3. From and after the effective date of this act the State Comptroller shall at the end of each month deduct 5 per centum from the monthly salary of each Justice of the Supreme Court and of the district courts of appeal and of the portion paid by the State of the monthly salary of each judge of the superior court and shall cause the same to be paid into the Judges' Retirement Fund.

Sec. 4. Section 4 of an act entitled "An act creating a special fund to be known as the Judges' Retirement Fund, providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, is hereby amended to read as follows:

Sec. 5. From and after the effective date of this act the auditor of each county shall deduct 5 per centum from the portion paid by such county of the monthly

salary of each judge of the superior court, and cause the same to be paid into the Judges' Retirement Fund.

SEC. 6. Section 9 is hereby added to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, to read as follows:

Sec. 9. This act is known as and may be cited as the "Judges' Retirement Fund Act."

Amendment No. 6

On page 2 of the printed bill, after line 26, insert (after Amendment No. 5): "SEC. 7. No retirement allowance under the provisions of this act, other than for disability, shall be paid prior to July 1, 1943, to any judge or justice who has not attained the age of 70 years.

SEC. 8. Section 2 of this act takes effect on July 1, 1943."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 780

Senator Metzger moved that Senate Bill No. 780 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Fish and Game.

Motion carried.

ADJOURNMENT

At 2.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 6, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY
SIXTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 6, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Bugar, Brown, Celler, Craftenden, Cunningham, DeLap, Bond, Tolinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Latham, Keating, Kester, Luckey, Mayo, McBride, McCormick, Mosinger, Murray, Myhrum, Parkman, Powers, Quinn, Rich, Seawell, Studley, Slater, Swan, Sweeney, Tucker, and Wood. 34

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Oppenham.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Seawell.
Senator Wagy, on motion of Senator Seawell.
Senator Phillips, on motion of Senator DeLap.
Senator Breed, on motion of Senator Keating.
Senator Kuehel, on motion of Senator Keating.
Senator Carter, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph T. Grace, President, Sonoma County Fair Association; Sonoma County Supervisors, E. J. Guidotti, Lloyd Cullen, Joe D. Cox and George Kennedy.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sonoma County Clerk Walter H. Nagle; County Engineer Marshall Wallace; Ernest L. Finley, George R. Cadan and Ralph Brown.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thos. E. Noel of Fresno.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray George of Los Angeles.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. O. Pickerill, County Clerk of Kings County, of Hanford.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. N. McCormack, County Clerk of Nevada County, of Nevada City.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Streif, County Clerk of Yuba County, of Marysville.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ansel S. Williams of Stockton.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alexander Watchman, president, San Francisco Building Trades Council, San Francisco.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. W. H. Walker, of Willows.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superior Judge George L. Jones, of Nevada City.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Steve Curran, of Sacramento.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Fred Grigsby of Napa Valley.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Loren Critser, instructor, and the following students of Napa Union High School: Harry Ault, Don Reed, Roy Banchero, Bill Strohl, Bill Clarke, Jim Wigger, Howard Fisher, Chester Brandlin, Beryl Caruthers, Carolee Colvin, Rosalie Muzzio, Geraldine Smith, Alta George, Bob Humpert, Virginia Viney, Alita Lincoln, Ray Monte, Madeline Bergantini, Sidney McMurtry, Elmer Andrews, Ray McGowan, Leroy Soper, Dick Woods, Doris Sander, Betty Jo Musgrove, Nancy Roberts, Muriel Elder, Dorothy King, Stanley Castner, Henry Stockton, Frank Barker, Donald McKee, Marvin Plass, Bob Fletcher, Peter Bardessono, Bob Vidler, Dick Porter, Betty Ann Hattler, Jeanne Harris, Dorothy Simmons, Eva Gruening, Mary Hughes, Roy Bohon, Fred Borman, Barbara Gross, Walter Kinder, Louis Searuffi, Eleanor Bones, John Grattone, Joe Tamborini, Bob Bertino, Neva Mendenhall, Irene Armenino, Barbara Richardson, Barbara McFall, Gloria Clerici, Lorraine Rossi, and Artemis Smernes.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Office Building, Springfield, March 5, 1941

MR. PRESIDENT: Your Committee on Rules has considered:

Senate Bill No. 41 Senate Bill No. 297

Senate Bill No. 49 Senate Bill No. 375

Senate Bill No. 187

And reports the same correctly engrossed.

RICH, Chairman

SENATE OFFICE BUILDING, SPRINGFIELD, MARCH 5, 1941

MR. PRESIDENT: Your Committee on Rules has considered:

Senate Joint Resolution No. 3

And reports the same correctly engrossed.

RICH, Chairman

Committee on Education

SENATE OFFICE BUILDING, SPRINGFIELD, MARCH 6, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 231 Senate Bill No. 517

Senate Bill No. 442 Senate Bill No. 918

Has had the same under consideration, and reports the same with the recommendation: Do pass.

Committee membership 10; committee vote, Aye 8; Nays 2.

SLATER, Chairman

Above reported bills ordered to second reading.

NOTICE OF MOTION TO AMEND RULES

By Senator Seawell.

MR. PRESIDENT: Pursuant to the provisions of Senate Rule No. 21, I hereby give notice that on the next legislative day I will move to amend Senate Rule No. 51 as follows:

After the word "Journal" where the same appears in said Rule No. 51 strike out the period, and insert in its stead the following: "every afternoon unless by the Senate."

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 977

Senator Swan moved that Senate Bill No. 977 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Business and Professions.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1128

Senator Swan moved that Senate Bill No. 1128 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 268

Senator Swan moved that Senate Bill No. 268 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 877

Senator Rich moved that Senate Bill No. 877 be withdrawn from Committee on Labor for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 974

Senator Rich moved that Senate Bill No. 974 be withdrawn from Committee on Labor for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 975

Senator Rich moved that Senate Bill No. 975 be withdrawn from Committee on Labor for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 976

Senator Rich moved that Senate Bill No. 976 be withdrawn from Committee on Labor for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 900

Senator Swan moved that Senate Bill No. 900 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 724

Senator Swan moved that Senate Bill No. 724 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 35

Senator Kenny moved that Senate Bill No. 35 be withdrawn from Committee on Transportation, and referred to Committee on Judiciary.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Revenue and Taxation**

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 449

Assembly Bill No. 453

Assembly Bill No. 451

Assembly Bill No. 454

Assembly Bill No. 452

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 450

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 65
Senate Bill No. 70
Senate Bill No. 71

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bills ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 1188
Senate Bill No. 1189

Senate Bill No. 1190
Senate Bill No. 1192

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

DEUEL, Vice Chairman

Above reported bills re-referred to Committee on Finance.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Rich:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Respectfully submitted.

SENATOR RICH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 6, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

RICH, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crippenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Juchak, Keene, Linker, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1292: By Senator Rich—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Without reference to committee.

Senate Concurrent Resolution No. 16: By Senator Kenny—Relative to a statement of position of the Legislature of this State in regard to the amendment of the Old Age Security Law and the Aid to Needy Blind Law and appointing a committee to secure changes in the Federal Social Security Act.

Referred to Committee on Rules.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 207—An act to amend Section 616 of the Fish and Game Code, relating to trout and whitefish in Tuolumne County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 446—An act to repeal Section 171 of the Fish and Game Code, relating to Fish and Game District 1U.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 470—An act to amend Section 493 of the Fish and Game Code, relating to fishing hours.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 471—An act to amend Section 1230 of the Fish and Game Code, relating to predatory mammals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 564—An act to amend Section 653 of the Fish and Game Code, relating to salmon in Districts 2 and 2J.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 905—An act to add Section 450.1 to the Fish and Game Code, making the taking, mutilating, or destruction of any wild fish, bird, mammal or other game lawfully in the possession of another a misdemeanor and providing the penalty therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 179—An act to repeal Section 791, and to amend section and renumber Section 791.5 to be 791, of the Fish and Game Code, relating to crabs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 3 of the title of the printed bill, after "crabs", insert ", declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1, line 12, of the printed bill, after "Bay", insert ", including the entrance of said bay,".

Amendment No. 3

On page 1, line 13, of the printed bill, after "mile", strike out the balance of the line, and all of lines 14 to 16, inclusive, and insert "From the extreme western point of the north jetty at the entrance of said bay and for a radius of one mile from the extreme western point of the south jetty at the entrance of said bay."

Amendment No. 4

On page 1, line 17, of the printed bill, strike out "(e)", and insert "(d)".

Amendment No. 5

On page 1 of the printed bill, strike out lines 18 to 22, inclusive, and insert: "water within the area enclosed by a line running southeasterly from the easterlymost point of Trinidad Head to the mouth of Lufkinville Creek."

Amendment No. 6

On page 1 of the printed bill, after line 26, insert:

"The violation of any provision of this section is a misdemeanor and punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not less than 30 days nor more than six months, or by both such fine and imprisonment."

SEC. 3. This act is hereby declared to be an efficient measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore take effect immediately. The following is a statement of the facts constituting such necessity:

Under present provisions of law crabs taken in the area affected by this act may not be transported out of that area. By closing this restriction and at the same time providing for certain closed areas this act would contribute to the peace of the State as a whole a source of wholesome and economical food supply and thus promote the public health and makes an additional food resource available in the present National emergency."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 1023—An act to amend Section 482 of the Fish and Game Code, relating to pollution of waters.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2 of the printed bill, strike out lines 19 to 49, inclusive, and strike out all of page 3, and insert:

"482. (a) It is unlawful, between July 1 and October 31, both dates inclusive, to deposit in or cause, suffer or procure to be deposited or permit to pass into any place where it can pass into the waters of the Klamath River or the waters of the Trinity River lying within Fish and Game District 1, the Klamath River Fish and Game District, or the Trinity and Klamath River Fish and Game District, any debris, tailings, effluent, pollution, or other substance that affects the clarity of said waters.

(b) It is unlawful, between July 1 and November 30, both dates inclusive, to deposit in or cause, suffer or procure to be deposited or permit to pass into any place where it can pass into the waters of any tributaries of the Trinity River or the waters of the Trinity River lying outside of Fish and Game District 14, any debris, tailings, effluent, pollution, or other substance that affects the clarity of said waters. For the balance of this subdivision, the clarity of said waters shall be deemed affected when the depth of visibility in said waters at any point between 300 yards and 500 yards following the entrance point of said debris, tailings, effluent, or other substance is less than 85 per cent of the natural and lawful depth of visibility in said waters at a point immediately preceding the point of entrance of said debris, tailings, effluent, pollution or other substance; both observations of water clarity to be made under similar conditions.

(c) It is unlawful at any time to permit the discharge or deposit of any substance or any material into any of the waters mentioned in this section or the causing of any condition that is deleterious to fish life, bird life or plant life.

(d) Any structure, contrivance, or mining operation which causes or contributes, in whole or in part, to the condition the causing of which is in this section prohibited, is a public nuisance, and any person, firm or corporation maintaining or permitting the same shall be guilty of maintaining a public nuisance, and it shall be the duty of the district attorney of the county where the condition occurs or the acts creating the public nuisance occur, to bring an action to abate such public nuisance.

(e) Any person, firm or corporation violating any of the provisions of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) or by imprisonment for not less than 20 days or by both such fine and imprisonment."

Amendment read and adopted.

Bill ordered printed and re-referred to Committee on Fish and Game.

Senate Bill No. 32—An act defining submission of causes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In the title of the printed bill, after "act", insert "adding Section 665½ to the Code of Civil Procedure,".

Amendment No. 2

On page 1 of the printed bill, after the enacting clause, insert
"SECTION 1. Section 665½ is hereby added to the Code of Civil Procedure, to read as follows:".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "Section 1", and insert "665½".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 632—An act to amend Section 1875 of the Code of Civil Procedure and to establish Article 1 of Chapter 1 of Title 2 of Part 4 of the Code of Civil Procedure, comprising Section 1875, and to add Article 2 to Chapter 1 of Title 2 of Part 4 of the Code of Civil Procedure, comprising Sections 1876 to 1876.6, inclusive, all relating to judicial notice.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 353—An act to add Division 6, comprising Sections 14000 to 14004, inclusive, to the Business and Professions Code, thereby consolidating and revising the law relating to general provisions concerning business rights, defining the terms used in connection therewith, describing the effect of the provisions on business rights and providing the manner in which said rights may be asserted.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 354—An act to add Chapter 1, comprising Sections 14100 to 14103, inclusive, to Division 6, and to add Section 30023 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the definition and transfer of good will, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 355—An act to add Chapter 2, comprising Sections 14200 to 14325, inclusive, to Division 6, and to add Section 30024 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to trade-marks, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 356—An act to add Chapter 3, comprising Sections 14400 to 14491, inclusive, to Division 6 and to add Section 10040 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade names and designations, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 357—An act to add Chapter 4, comprising Sections 14700 to 14740, inclusive, to Division 6 and to add Section 10025 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to protection of the rights of authorship and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 358—An act to add Division 7, comprising Part 1, Chapters 1 to 3, inclusive, Sections 16000 to 16240, inclusive, and to add Section 30026 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to licensing by the State, counties and cities, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 359—An act to add Chapter 4, comprising Sections 16300 to 16451, inclusive, to Part 1 of Division 7, and to add Section 30027 to Division 30 of the Business and Professions Code, thereby consolidating and revising the laws regulating transient merchants and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 361—An act to add Part 3, comprising Chapter 1, Sections 17500 to 17535, to Division 7 and to add Section 30041 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to false advertising, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 362—An act to add Chapter 2, comprising Sections 17700 to 17702, inclusive, to Part 3 of Division 7, and to add Section 30029 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to redeemable coupons, and repealing acts and parts of acts specified herein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1226—An act to amend Section 7332 of the Business and Professions Code, relating to cosmetology, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In the title of the printed bill, strike out line 1; and in line 2, strike out "sions Code, relating to cosmetology", and insert "An act relating to persons receiving training in cosmetology through the public school system".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert:

"SECTION 1. Every person successfully completing the courses in cosmetology given in a school under the public school system of this State shall be eligible for registration and license under the Cosmetology Act the same as though he had graduated from a licensed private school of cosmetology approved by the State Board of Cosmetology.

For this purpose, successful completion of courses in cosmetology given in public schools of the public school system equal to and the equivalent of the courses required to be given in licensed private schools of cosmetology approved by the State Board of Cosmetology shall be deemed to be the fulfillment of the requirements of the Cosmetology Act in regard to completion of courses in licensed schools of cosmetology approved by the State Board of Cosmetology."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 24, inclusive.

Amendment No. 4

On page 2, line 2, of the printed bill, after "Constitution", insert "and shall therefore take effect immediately".

Amendment No. 5

On page 2 of the printed bill, strike out lines 9, 10 and 11, and insert "tologist. Unless this act takes effect immediately, such persons will not be examined and entitled to engage in the practice of cosmetology, will, therefore, be without means of support and as a result will suffer from hardship and destitution, thereby becoming a burden upon the State of California and endangering the public peace, health and safety."

Amendments read and adopted.

Bill ordered printed, engrossed and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 596—An act to add Chapter 3, comprising Sections 1200 to 1305, inclusive, to Division 2 and to add Section 30035 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of clinical laboratory technologists and clinical laboratory technicians, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 597—An act to add Chapter 11, comprising Sections 7500 to 7593, inclusive, to Division 3 and to add Section 30039 to Division 30 of the Business and Professions Code, relating to the licensing and regulation of private detectives, investigators, and detective agencies and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 598—An act to add Division 8, comprising Chapter 1, Section 18400 to 18413, inclusive, and to add Section 30032 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of sales of motor vehicles, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 599—An act to add Chapter 2, comprising Sections 18600 to 18782, inclusive, to Division 8, and to add Section 30031 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of boxing

contests and sparring and wrestling matches and exhibitions, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 600—An act to add Chapter 3, comprising Sections 19000 to 19221, inclusive, to Division 8, and to add Section 30030 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to the regulation of persons engaged in the business of manufacturing and selling at wholesale and retail, repairing, renovating and sterilizing upholstered furniture and bedding and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 601—An act to add Chapter 4, comprising Sections 19400 to 19663, inclusive, to Division 8 and to add Section 30034 to the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of horse racing, horse race meetings and wagering on the results thereof, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 602—An act to add Chapter 6, comprising Sections 20500 to 20502, inclusive, to Division 8, and to add Section 30035 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the adulteration of paints, oil, varnishes and pigments, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 604—An act to add Chapter 8, comprising Sections 21200 to 21290, inclusive, to Division 8 and to add Section 30037 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the sale, disposition of, and regulation of prophylactics, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 605—An act to add Chapter 9, comprising Sections 21500 to 21556, to Division 8, and to add Section 30038 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of sale or disposition of second-hand goods, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 160—An act to amend Sections 454, 456, 457, 458, 693, 471, 471.5, 472, 478.1, 480, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 490, 493, 585, 586, 587, 491, 458.1, 452, 492, 510, 511, 512, 513, 514, 515, 516, 592, 593, 656, 502, 589, 590, 725, 727, 728, 729, 730, 731, 732, 733, 504, 505, 506, 507, 508, 509, 591, 477, 494, 495, 588, 496, 497, 498, 499, 500, 501, 625, 473, 503, 534, 535, 536, 596, 597, 598, 599, 600, 601, 531, 532, 533, 594, 595, 538, 539, 540, 541, 542, 602, 626, 627, 628, 629, 653, 654, 655, 657, 658, 476, 543, 561, 562, 563, 564, 565, 583, 701, 459, 460, 691, 692, 692.5, 697, 698,

699, 474, 651, 652, 461, 584, 582, 581, 621, 622, 623, 630, 631, 632, 633, 455, 635, 636, 671, 672, 673, 674, 675, 676, 677, 678, 679, 694, 696, 453, 624 and 637 of the Agricultural Code, and to renumber them to be Sections 452, 453, 454, 455, 456, 466, 467, 468, 469, 470, 471, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 497, 498, 499, 501, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 541, 542, 543, 544, 545, 546, 547, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 591, 592, 593, 595, 596, 601, 602, 603, 604, 605, 606, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 631, 632, 633, 634, 635, 636, 637, 641, 642, 643, 644, 645, 646, 647, 648, 656, 661, 662, 663, 664, 665, 666, 671, 672, 673, 676, 677, 681, 682, 683, 686, 687, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 721, 722 and 723 thereof, to amend Section 451, and the headings of Chapter 2, and of Article 1 of Chapter 2, of Division 4 thereof, to add Sections 496, 500 and 724, and the headings of Chapters 1, 3, 4, 5 and 6, and of Articles 2, 3, 4, 5, 6 and 7 of Chapter 2, Articles 1, 2, 3 and 4 of Chapter 3, and Articles 1, 2, 3, 4, 5, 6, 7 and 8 of Chapter 4, of Division 4 thereof, and to repeal Sections 475, 537, 589.5, 726 and 734 and the headings of Chapters 1, 3, 4, 5, 6, 7, 8 and 9 and of Articles 2 and 3 of Chapter 2, of Division 4 of the said code, relating to dairies and dairy products and imitations thereof, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 14—Relative to amending Joint Rule No. 13, relative to distribution of legislative publications.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swain, Tickle, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 41—An act to add to the Code of Civil Procedure new Section 1110b, relating to stay of execution.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Jaspersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 49—An act to add to the Code of Civil Procedure Section 117H, relating to the deposit of cash in lieu of bond on appeal in small claims courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 187—An act to amend Section 162 of the Probate Code, relating to interest on deferred legacies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 475—An act to amend Section 607 of the Code of Civil Procedure, relating to the closing argument on a trial.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 3—Relative to memorializing the Biological Survey of the United States Department of the Interior to fix two dove seasons in California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—Senators Biggar, Cunningham, and Judah—3.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2510—An act to add Section 7401 to the Business and Professions Code, relating to persons receiving training in cosmetology through the public school system.

Bill read third time.

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dilinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenna, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 277—An act to amend Section 117 of the Political Code, relating to the Congressional districts.

Motion to Amend

Senator McCormack moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend", and insert "add Section 100 to and to repeal".

Amendment No. 2

On page 1 of the printed bill, strike out line 1 and insert "SECTION 1. Section 100 is hereby added to Chapter 3, Title 1, Part 1 of the Political Code, to read as follows:

100. The State is divided into Congressional districts which are designated and constituted as follows:

1. The Counties of Del Norte, Humboldt, Mendocino, Glenn, Butte, Yuba, Sutter, Marin, Colusa, Lake and Sonoma shall constitute the First Congressional District.

2. The Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne and Mariposa shall constitute the Second Congressional District.

3. The Counties of Napa, Sacramento, Yolo and Solano shall constitute the Third Congressional District.

4. All that portion of the City and County of San Francisco comprising the following Assembly districts: shall constitute the Fourth Congressional District.

5. All that portion of the City and County of San Francisco not included in the Fourth Congressional District shall constitute the Fifth Congressional District.

6. All that portion of the County of Alameda comprising the following Assembly districts:

and the County of Contra Costa shall constitute the Sixth Congressional District.

7. All that portion of the County of Alameda not included in the Sixth Congressional District shall constitute the Seventh Congressional District.

8. The Counties of San Mateo, Santa Clara and San Benito shall constitute the Eighth Congressional District.

9. The Counties of San Joaquin, Stanislaus, Merced and Madera shall constitute the Ninth Congressional District.

10. The Counties of Fresno, Kings and Kern shall constitute the Tenth Congressional District.

11. The Counties of Santa Cruz, Monterey, San Luis Obispo, Santa Barbara and Ventura shall constitute the Eleventh Congressional District.

12. The Counties of Inyo, Mono, Tulare and San Bernardino shall constitute the Twelfth Congressional District.

13. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Thirteenth Congressional District.

14. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Fourteenth Congressional District.

15. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Fifteenth Congressional District.

16. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Sixteenth Congressional District.

17. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Seventeenth Congressional District.

18. All that portion of the County of Los Angeles comprising the following Assembly districts, shall constitute the Eighteenth Congressional District:

19. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Nineteenth Congressional District:

20. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Twentieth Congressional District:

21. All that portion of the County of Los Angeles comprising the following Assembly districts:

shall constitute the Twenty-first Congressional District:

22. The Counties of Orange and Riverside shall constitute the Twenty-second Congressional District:

23. The Counties of San Diego and Imperial shall constitute the Twenty-third Congressional District:

SEC. 2. Section 117 of the Political Code is hereby repealed."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 20, inclusive; on page 2 strike out lines 1 to 51, inclusive; and on page 3 strike out (line 1 to 12, inclusive).

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 6, 1941.

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Concurrent Resolution No. 15. Relative to Report of the Department of Engraving, Roll Call and the Annual Convention of the Department of California and Nevada Grand Army of the Republic. And reports that the same has been correctly amended, and presented to the Governor on the sixth day of March, 1941, at 11 o'clock.

RICH CRAWFORD

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 6, 1941.

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 174

Senate Bill No. 406

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership—9; majority vote: Ayes—8; Absent—1.

POWERS, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 6, 1941.

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 104

Senate Bill No. 485

Senate Bill No. 1058

Has had the same under consideration, and reports the same back with recommendations with the recommendation: Amend, and do pass as amended.

Committee membership—9; majority vote: Ayes—8; Absent—1.

POWERS, Chairman.

Above reported bills ordered to second reading.

**WITHDRAWAL FROM COMMITTEE OF SENATE JOINT
RESOLUTION NO. 4**

Senator Metzger moved that Senate Joint Resolution No. 4 be withdrawn from Committee on Agriculture for purpose of consideration.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress to take the steps necessary to permit meat and meat products prepared under California State inspection to be sold on the same basis as meat and meat products under Federal inspection.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Collier, Cunningham, Deuel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Shelley, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

ADJOURNMENT

At 3.05 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., March 7, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION.

SENATE DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY

SIXTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 7, 1941

The Senate met at 1:39 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Bigger, Breed, Brown, Caffer, Callahan, Caninehan, Forrester, Fletcher, Foley, Garrison, Gordon, Jespersen, Keith, Keene, Hendon, Leland, Mayo, McBride, McCormack, Metzger, Myers, Powers, Rich, Seawell, Slater, Swain, Swan, Swing, Tickle, and Wessell.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Oppenheimer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Seawell
 Senator Phillips, on motion of Senator Jespersen.
 Senator DeLap, on motion of Senator Metzger.
 Senator Wagy, on motion of Senator Seawell.
 Senator Kuchel, on motion of Senator Breed.
 Senator Carter, on motion of Senator Rich.
 Senator Quinn, on motion of Senator Slater.
 Senator Mixter, on motion of Senator Seawell.
 Senator Parkman, on motion of Senator Myhand.
 Senator Deuel, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. L. W. Cooper of Madera.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to County Clerk H. M. Burke, Mendocino County, Ukiah.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to County Clerk W. J. McClelland and his Assistant, Mrs. G. O. Kenyon of Imperial County.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. E. Hollowell, County Clerk of Ventura County.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to County Clerk and Mrs. John Squellati, of San Andreas, Calaveras County.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal, and referred to the Committee on Rules:

STATE OF CALIFORNIA, OFFICE OF THE CONTROLLER

SACRAMENTO, March 7, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: My attention has been directed to a communication addressed to your Honorable Body by the Governor in which reference is made to an asserted audit report concerning the State Controller's administration of tax-deeded property.

No such report has ever been submitted to me. If such a report exists, the Governor and the Director of Finance have failed to discuss it with me or to provide me with a copy as required by law.

It may be significant that the Governor in his message proposed that control of these distressed properties be handed over to a commission dominated by the Administration.

Under statutory authority the Controller is custodian of all property which unfortunate home owners and others have lost for nonpayment of taxes.

Pioneering in a difficult endeavor without sufficient appropriation, he has administered this growing volume of delinquent land for the best interests of the people of the State with these results:

Thousands of wage earners who otherwise would have been dispossessed have been enabled to retain the homes for which they struggled.

Countless business men have been assisted in redeeming property into which their life savings, their dreams and the sweat of their brows have gone.

Struggling laborers have been aided in acquiring through purchase of tax-distressed property homes for which they otherwise could not have hoped.

In three years the Controller's program has returned \$7,500,000 worth of non-producing property to the tax rolls, thereby aiding cities and counties from the border of Oregon to the Mexican line. The burden on the other loyal taxpayers thus has been lightened.

A million dollars has been turned over to California's 58 counties through sales authorized by the Controller.

Rental of tax-deeded land has brought a flow of half a million dollars into the State Treasury.

The Controller's primary duty under the law is to keep custody and maintain in good repair this unfortunately huge volume of property until the financially embarrassed owner can redeem it or otherwise return it to the tax rolls.

Wherever possible such property has been rented. The bulk of it, regrettably, is worthless. To secure tenants willing to pay for use of property which over a period of many years has not produced sufficient money to even pay taxes is difficult and in many cases impossible.

The State has at all times received 100 per cent of the net proceeds from such rentals.

Prior to 1935 the Controller was not authorized to employ representatives to administer tax-deeded property.

When authorization finally was granted, no funds were available to finance such a program. As a result my predecessor, eager to properly discharge his responsibility, worked out with the cooperation of other reputable State officials a careful plan to obtain the services of recognized business men throughout the State as agents to help meet the problem.

This entire program was discussed with and approved by attorneys of the Department of Finance before it was placed in operation.

By this means the State was relieved of the expense of maintaining these many thousands of homes and millions of acres of land, a revenue began to pour into State, city and county treasuries, and a way was opened that began a large scale return of property to the tax rolls.

More than 50 per cent of the property handled by these representatives was redeemed and returned to a tax-paying basis without the representatives receiving any compensation for their work. In Los Angeles County, 70 per cent of all property thus managed was promptly redeemed.

When I became Controller, I recommended that as rapidly as possible the work of administering tax-deeded land be taken over by full time civil service employees. I had and continue to have complete faith in the integrity of the gentlemen who served the State as agents. As a matter of sound business policy, however, I insisted that money be made available to handle the job with civil service employees.

When, at last, the Department of Finance made the requested funds available, I abolished the agent representative system. For nearly a year now qualified employees chosen from the civil service lists have efficiently administered this work.

Merchants, business operators, farmers and working people who are reluctant to occupy or install equipment in tax-deeded property from which they can be evicted at any moment the record owner chooses to start a redemption plan through payment of a small portion of the delinquent taxes.

The Controller is legally unable to guarantee a tenant tenancy for a month, a week, or even a day.

In the face of this uncertainty, property obviously can not bring the same rental as healthy, productive property in which a tenant can be secure enough to make an investment.

The audit report to which the Governor referred in his message is said to mention several parcels of bankrupt property owned by the State.

If and when I am permitted to see this report, I shall be happy to make a detailed report to the Legislature upon such property. The records are and always have been open to everyone.

I assure you of my desire to be of continued service to your Honorable Body and again offer to be of all possible assistance in the conduct of this investigation which I welcome.

Respectfully,

HARRY B. RILEY, Controller

Referred to Committee on Rules.

MOTION

Senator Rich moved that a communication received from Governor Olson on March 4th, relative to tax-deeded lands, be referred to the Committee on Rules.

Motion carried.

REMARKS

Senator Slater called attention to the fact that today is the anniversary of the birth of the late Luther Burbank.

A bouquet of flowers was placed on the rostrum in remembrance of the Santa Rosa plant wizard.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 32

Senate Bill No. 1226

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 4

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 207

Senate Bill No. 564

Senate Bill No. 446

Senate Bill No. 632

Senate Bill No. 470

Senate Bill No. 905

Senate Bill No. 471

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 361

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 4

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and re-refer to the Committee on Judiciary.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 619

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 5, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 766

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 285

Senate Bill No. 364

Senate Bill No. 286

Senate Bill No. 715

Senate Bill No. 363

Has had the same under consideration, and reports the same back with the recommendation: be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills re-referred to Committee on Judiciary.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 255

Has had the same under consideration, and reports the same back without recommendation, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend and refer to Committee on Fish and Game.

Committee membership 11; committee vote: Ayes 8; absent 3

SWING, Chairman

Above reported bill re-referred to Committee on Fish and Game.

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 105

Senate Bill No. 220

Senate Bill No. 448

Has had the same under consideration, and reports the same back without recommendation and be re-referred to Committee on Local Government.

Committee membership 11; committee vote: Ayes 8; absent 3

SWING, Chairman

Above reported bills re-referred to Committee on Local Government.

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 108

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 97

Senate Bill No. 1193

Senate Bill No. 1194

Senate Constitutional Amendment No. 2

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1108

Has had the same under consideration, and reports the same back with amendments with the recommendation: Re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 91	Senate Bill No. 733
Senate Bill No. 98	Senate Bill No. 734
Senate Bill No. 629	Senate Bill No. 755
Senate Bill No. 688	Senate Bill No. 1158
Senate Bill No. 693	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1273

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 167

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL AND RE-REFERENCE OF SENATE CONSTITUTIONAL AMENDMENT NO. 13

Senator Shelley moved that Senate Constitutional Amendment No. 13 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Business and Professions.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1262

Senator Keating moved that Senate Bill No. 1262 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1262—An act to amend Section 110 of the Penal Code, relating to prisons and prisoners.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "110 of the Penal Code," and insert "9 of an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1929,".

Amendment No. 2

Strike out line 2 of the title of the printed bill, and insert "the confinement and care of women convicted of crime, to take effect immediately."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "110 of the Penal Code", and insert "9 of the act cited in the title hereof".

Amendment No. 4

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert:

"Sec. 9. If any woman received by or committed to said institution have a child under two years of age, or gives birth to a child while an inmate of said institution, such child may be admitted to, and retained in said institution until or sometime the age of two years, at which time said board may arrange for its care elsewhere, and provided, further, that at its discretion in exceptional cases said board may retain such child for a longer period of time.

Any woman inmate who would give birth to a child during her term of imprisonment may be temporarily taken to a hospital outside the prison for the purpose of childbirth, and the charge for hospital and medical care shall be charged against the funds allocated to the institution. The board shall provide for the care of any children so born and shall pay for their care until suitably placed.

Sec. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Existing facilities of the California Institution for Women are inadequate to properly care for women during childbirth. In order to preserve the life and health of certain women now confined in the institution and to provide them with adequate care and treatment during childbirth it is necessary that this act go into effect immediately."

Amendments read and adopted.

Bill ordered printed, and re referred to Committee on Judiciary

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 231—An act to amend School Code Section 3516, relating to employees of the State Board of Education

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 442—An act to amend Section 3719 of the Political Code, to grant to junior college districts the right to borrow under the provisions of said section.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 517—An act to add Section 1,253 to the School Code, relating to assistant county supervisor of attendance

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 518—An act to repeal Chapter 5 of Part 1 of Division 2, and Chapter 3 of Part 2 of Division 2, of the School Code, relating to consolidated school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 900—An act to add Section 599 to the Penal Code, relating to the failure to care for dogs or other domestic animals injured on public highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 13, inclusive, and insert "599. Any person who injures any dog or other domestic animal, except a fowl, while driving a motor vehicle shall immediately notify a peace officer in the county in which the accident occurred, and inform such officer as to the place where the accident occurred, his name, address, and vehicle license number. Any peace officer so notified shall immediately provide for the care of the animal or make such disposition of the animal as in his judgment is proper.

Any person who fails to notify a peace officer in accordance with the provisions of this section is guilty of a misdemeanor."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 724—An act to add Section 266.5 to the Vehicle Code, relating to submission of evidence of voting with application for driver's license.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

Strike out lines 2 and 3 of the title of the printed bill, and insert "the issuance of drivers' licenses, including the submission of evidence of voting with applications therefor."

Amendment No. 2

On page 1, line 3, of the printed bill, strike out "resident of California", and insert "person who has resided in this State for four years or more, and who is".

Amendment No. 3

On page 1, line 4, of the printed bill, after "over", insert a comma.

Amendment No. 4

On page 1, lines 6 and 7, of the printed bill, strike out "the general election in this State", and insert "a State general or special election in this State during the two-year period".

Amendment No. 5

On page 1, line 9, of the printed bill, after the period insert "However, a temporary license may be issued to any applicant who has resided in this State for four years or more and is 23 years of age or over, but who has not voted at any State general or special election in this State within the two-year period next preceding the date of his application, if such person files with his application an affidavit indicating that he was unable to vote during such period because of absence from the State, physical disability, service in the armed forces of the United States, or for any other good cause. Every such temporary license is valid until 30 days from and after the State general or special election in this State next occurring after the issuance of such license, unless the license is sooner suspended, revoked or canceled for any cause specified in this code."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 65—An act to amend Section 107 of the Revenue and Taxation Code, relating to property taxation, including the definition of possessory interests, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 107", and insert "Sections 107, 2605, 2606 and 2905".

Amendment No. 2

In line 3 of the title of the printed bill, after the comma insert "collection of taxes, and computation of taxes,".

Amendment No. 3

On page 1 of the printed bill, strike out line 10, and insert "Sec. 2. Section 2605 of the Revenue and Taxation Code is hereby amended to read as follows:

2605. The following taxes on the secured roll are due November 1:

(a) All taxes on personal property.

(b) Half the taxes on real property.

SEC. 3. Section 2606 of the Revenue and Taxation Code is hereby amended to read as follows:

2606. The second half of taxes on real property listed on the secured roll is due January 20.

SEC. 4. Section 2905 is hereby amended to read as follows:

2905. In collecting taxes on the unsecured roll the tax rate to be used is the rate for property of the same kind on the secured roll last fixed before the lien date for the taxes to be collected. The taxes on the unsecured roll shall be computed in dollars and cents, rejecting the fractions of a cent."

Amendment No. 4

On page 1 of the printed bill, strike out lines 11 and 12, in line 13, strike out "Sec. 3", and insert "Sec. 5".

Amendment No. 5

On page 1, line 24, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 6

On page 2 of the printed bill, strike out lines 2 to 4, inclusive, and insert "long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that the transition".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 70—An act to repeal Section 531 of, and to add Section 531 to, the Revenue and Taxation Code, relating to property taxation and property that has escaped assessment, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, preceding "the", insert ", and to amend Section 532 of".

Amendment No. 2

On page 1 of the printed bill, strike out lines 10 to 12, inclusive, and insert "SEC. 3. Section 532 of the Revenue and Taxation Code is hereby amended to read as follows:

532. The assessor shall not, without the taxpayer's written permission, assess property for the year in which it escaped assessment after two assessment years succeeding the lien date for the year in which it escaped."

Amendment No. 3

On page 1, line 24, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 4

On page 2 of the printed bill, strike out lines 1 to 4, inclusive, and insert "tion may not be obstructed by this act's going into effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective

date of the Revenue and Taxation Code as is possible in order that the transition from oper-".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 71—An act to repeal Section 501 of, and to add Section 501 to, the Revenue and Taxation Code, relating to property taxation and penal assessments, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 8, of the printed bill, after the comma, insert "or".

Amendment No. 2

On page 1 of the printed bill, strike out lines 10 to 12, inclusive, and insert "fails to produce substantial and competent evidence as to the value of his personal property as required by the assessor or the board, or".

Amendment No. 3

On page 1 of the printed bill, strike out line 15, and insert "property, the assessor or, if the property is State assessed prop-".

Amendment No. 4

On page 1 of the printed bill, strike out lines 23 to 25, inclusive; in line 26, strike out "Sec. 4", and insert "Sec. 3".

Amendment No. 5

On page 2, lines 10 and 11, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 6

On page 2 of the printed bill, strike out lines 14 to 16, inclusive, and insert "effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that the".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1292—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1128—An act to add a new section to be numbered 6132 to the Business and Professions Code, relating to employment of attorneys.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, after line 12, insert:

"The Legislature hereby finds that a minimum income of at least one hundred dollars (\$100) per month is necessary in order adequately to supply the necessary

cost of proper living to, and maintain the health and welfare of persons engaged in the practice of law."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

Senate Bill No. 268—An act to add Section 5.782 to the School Code, relating to salaries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "The", and insert "In districts having a minimum average daily attendance of 850 pupils the"

Amendment No. 2

On page 1, line 5, of the printed bill, after "who", insert "renders at least 35 hours of services per week and who".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education

Senate Bill No. 877—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134 and 1135 to Part 3, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 2, line 16, of the printed bill, strike out "act", and insert "chapter"

Amendment No. 2

On page 2, line 18, of the printed bill, strike out "act", and insert "chapter"

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor

Senate Bill No. 974—An act to add Chapter 7, comprising Sections 1120, 1121, 1122, 1123, 1124 and 1125, to Part 3, Division 2, of the Labor Code, relating to employee discharges and labor agreements.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 2, line 13, of the printed bill, strike out "act", and insert "chapter".

Amendment No. 2

On page 2, line 15, of the printed bill, strike out "act", and insert "chapter".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 975—An act to add Chapter 7, comprising Sections 1126, 1127, 1128, 1129 and 1130, to Part 3, Division 2, of the Labor

Code, relating to enforceability of collective bargaining contracts and prohibiting attempts to cause or induce violations thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "7", and insert "7.5".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "7", and insert "7.5".

Amendment No. 3

On page 1 of the printed bill, between lines 2 and 3, insert
"CHAPTER 7.5. COLLECTIVE BARGAINING AGREEMENTS".

Amendment No. 4

On page 2, line 6, of the printed bill, strike out "act", and insert "chapter".

Amendment No. 5

On page 2, line 8, of the printed bill, strike out "act", and insert "chapter".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 976—An act to amend Section 923 of the Labor Code, relating to public policy in connection with collective bargaining and to add Section 924 to the Labor Code, defining labor organizations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, after "923 of", insert ", and to add Section 924 to,".

Amendment No. 2

In line 3 of the title of the printed bill, strike out "to add Section 924 to the Labor Code,".

Amendment No. 3

On page 1 of the printed bill, between lines 21 and 22, insert
"SEC. 2. Section 924 is hereby added to the Labor Code, to read as follows:".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 174—An act to amend Section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 406—An act to amend Section 4247 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighteenth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 104—An act amending Sections 26 and 28 of the County Employees Retirement Act of 1937, relating to retirement,

declaring the urgency thereof and that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 9, of the printed bill, following the word "suspension", strike out the comma and insert "or".

Amendment No. 2

On page 1, line 9, of the printed bill, following the word "dismissal", strike out "or resignation".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 485—An act to add Sections 4026, 4026.1, 4026.2 and 4026.3 to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 4 of the title of the printed bill, after "service", insert ", declaring the urgency hereof, to take effect immediately."

Amendment No. 2

On page 2 of the printed bill, after line 15, insert

"SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

An emergency exists in the United States and the State of California in providing adequate armies and facilities of defense. National Guard Units are being called into the Federal Service. Reserve officers are being called into active service. Calls for draft are being made under the provisions of the Selective Training and Service Act. The arming of the Nation is resulting in many county officers and employees resigning from their positions and employments to enter the armed forces. To protect these officers and employees in their positions, and to enable them to return to necessary public work at the expiration of the existing national emergency, it is necessary to adopt laws permitting temporary resignations and reinstatements. Unless such laws become effective immediately, many county officers and employees shall have resigned and lost their rights to return to their positions."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1058—An act to amend Section 4271 of the Political Code, relating to compensation for public services in counties of the forty-second class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 3, between lines 51 and 52, of the printed bill, insert
"3.5. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations and for coroners' inquests, and for transcribing notes in justices' courts preliminary examinations, a monthly salary to be fixed by the board of supervisors and payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases, a per diem as is now or may be hereafter provided by law, to be paid by the litigants as the court may direct; and for transcription of said notes, in civil cases, and in criminal cases on appeal from the superior court, such fees as are now or may be hereafter provided by law; said compensation for transcriptions in criminal cases on appeal from the superior court to be audited and allowed upon a written order of the court, and paid out of the county treasury and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 449—An act to add Division 2, consisting of Part 1, comprising Sections 6001 to 7176, inclusive, and Section 50006 to the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Retail Sales Tax Act of 1933 and the Use Tax Act of 1935, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 451—An act to add Part 3, comprising Sections 8601 to 9354, inclusive, to Division 2 of, and to add Section 50009 to, the Revenue and Taxation Code, thereby consolidating and revising the laws relating to taxation and the raising of revenue, including the provisions of the Use Fuel Tax Act of 1937, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 452—An act to add Part 4, comprising Sections 9601 to 10501, inclusive, to Division 2 of, and to add Section 50010 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, as amended, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 453—An act to add Part 5, comprising Sections 10701 to 11005, inclusive, to Division 2 of, and to add Section 50011

to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, as amended, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 454—An act to add Part 6, comprising Sections 11201 to 11752, inclusive, to Division 2 of, and to add Section 50012 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Private Car Tax Act of 1937, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 450—An act to add Part 2, comprising Sections 7301 to 8402, inclusive, to Division 2 of, and to add Sections 50007 and 50008 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Motor Vehicle Fuel License Tax Act, and repealing acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 19 of the printed bill, strike out lines 31 and 32, and insert:

"§358. The money paid into the State Highway Fund is appropriated to the Department of Public Works to be expended in accordance with law for the payment of all necessary charges incurred in carrying out the provisions of the Streets and Highways Code, and of any other law relating to the acquisition of real property for and the construction, maintenance, or improvement of highways."

Amendment read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senator Seawell's notice of motion to amend rules:

Has had the same under consideration, and reports the same back with the recommendation: That said Rule 51 be amended as per notice of motion.

Committee membership 5; committee vote: Ayes 4; absent 1

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 15—Relative to reports of the department encampment, roll call and the annual convention of the Department of California and Nevada Grand Army of the Republic;
And reports that the same has been correctly enrolled, and presented to the Governor on the sixth day of March, 1941, at 3 p.m.

RICH, Chairman

NOTICE OF MOTION TO AMEND RULES

By Senator Seawell:

MR. PRESIDENT: Pursuant to the provisions of Senate Rule No. 21, I hereby give notice that on the next legislative day I will move to amend Senate Rule No. 51 as follows:

After the word "Journal" where the same appears in said Rule No. 51, strike out the period, and insert in lieu thereof the following: "unless otherwise ordered by the Senate."

ADJOURNMENT

At 2.18 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m. March 10, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY
SIXTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 10, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLoap, Deneff, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Lusk, Mayo, McBride, McCormick, Metzger, Mixer, Mahand, Patterson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tiekin, Wagon, and Wood—47.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Seawell.

Senator Brown, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. A. Wilsey of Oakdale, master of the Stanislaus County Pomona Grange, and Carl Barth of Oakdale.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul Carr of Redding.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lorenzo Zerillo of Riverbank, Fred E. Matiloni of San Jose, and Alfred A. Morici of San Jose.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Dun of Hollywood.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 149

Assembly Bill No. 616

ARTHUR A. OHLNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 230

Assembly Bill No. 904

Assembly Bill No. 1499

Assembly Bill No. 2433

Assembly Bill No. 1111

Assembly Bill No. 1250

ARTHUR A. OHLNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 149—An act to add Section 20 to the California Unemployment Relief Act of 1935, relating to the support of persons in need of unemployment relief.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 616—An act to amend Sections 1526 and 1527 of the Welfare and Institutions Code, relating to aid to needy children.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 230—An act to amend Section 14899 of the Health and Safety Code and to add two new sections, to be numbered Sections 14920 and 14921, to the Health and Safety Code, providing for the cancellation or refund of erroneous, mistaken, or illegal special assessments for abating weeds, and providing for cancellation of any such assessments when the property is acquired by the State or by any county, city, school district, or other political subdivision and which because of said public ownership is not subject to sale for delinquent taxes.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 904—An act to add Sections 106.1 and 106.2 to Chapter 1 of Division 2 of the Agricultural Code, relating to plant quarantine inspection.

Referred to Committee on Agriculture.

Assembly Bill No. 1499—An act to amend Section 817 of the Agricultural Code, relating to peas.

Referred to Committee on Agriculture.

Assembly Bill No. 2433—An act to amend Section 89 of the Agricultural Code, relating to moneys of district agricultural associations.

Referred to Committee on Agriculture.

Assembly Bill No. 1111—An act to amend Section 1600 of Chapter 13 of the Probate Code, relating to request for special notice after the issuance of letters of guardianship.

Referred to Committee on Judiciary.

Assembly Bill No. 1250—An act to amend Section 828.4 of the Agricultural Code, relating to standard containers for fruits.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Rules has engrossed:

Senate Bill No. 518

Senate Bill No. 496

Senate Bill No. 517

Senate Bill No. 511

Senate Bill No. 442

Senate Bill No. 174

Senate Constitutional Amendment No. 2

And reports the same correctly engrossed

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Rules has engrossed:

Senate Bill No. 1292

And reports the same correctly engrossed

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 8, 1941

MR. PRESIDENT: Your Committee on Rules has engrossed:

Senate Bill No. 104

Senate Bill No. 485

Senate Bill No. 1058

And reports the same correctly engrossed

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred,

Senate Concurrent Resolution No. 16

Has had the same under consideration and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Welfare and Institutions.

Committee membership 5; committee vote: Ayes 4; absent 1.

RICH, Chairman

Above reported resolution re-referred to Committee on Welfare and Institutions.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 1020

Senate Bill No. 1033

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 47

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 822

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill re-referred to Committee on Judiciary.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Senate Joint Resolution No. 9

Assembly Concurrent Resolution No. 18

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported resolutions ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 285

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 7, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 150

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 619—An act to amend Sections 7302, 7321, 7324, 7330, 7331, 7332, 7334, 7351, 7360, 7372, 7373, 7376, 7382, 7383, 7391, 7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 of, to repeal Article 13, comprising Sections 7450 to 7457, inclusive, of, and to add Section 7329 to Article 3 of Chapter 10 of Division 3 of said code, relating to the practice, the training for and government of cosmetology.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 766—An act to amend Section 2 of the Private Car Tax Act of 1937, relating to the meaning of words, terms and phrases and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 2 of the title of the printed bill, after "1937", insert "and Section 11203 of the Revenue and Taxation Code."

Amendment No. 2

On page 2 of the printed bill, between lines 16 and 17, insert "Sec. 3. Section 11203 of the Revenue and Taxation Code is hereby amended to read as follows:

11203 "Private car" includes a passenger car, sleeping car, dining car, express car, refrigerator car, oil or tank car, house or stock car, fruit car, or car designed for the carrying of a special commodity, operated upon the railroads in this State, which car is owned by any of the following:

(a) A sleeping car, dining car, drawing room or palace car company, refrigerator, oil, stock, or other car leasing, or other car company.

(b) By a person engaged in manufacturing, commerce, or other business.

(c) By any other person.

"Private car" does not include:

(a) Freight train or passenger train cars owned by railroad companies which are used or subject to use under the ordinary pool or joint agreement between all railroads.

(b) Freight train or passenger cars handled under mileage or through line contract arrangements between railroad companies.

(c) Cars owned by or leased to any railroad company operating in this State, or by any railroad company operated as a part of the same railroad system as the company operating in this State, and used by the railroad company in the operation, maintenance, construction, or reconstruction of its property and assessed and taxed in this State as a part of the property of a railroad company operating in this State.

SEC. 4. Section 3 of this act becomes operative only if Part 6 of Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its Fifty-fourth Session, and, in such case, at the same time as said Part 6 takes effect, at which time Section 2 of the Private Car Tax Act of 1937 amended by this act is hereby repealed."

Amendment No. 3

On page 2, line 17, of the printed bill, strike out "Sec. 3", and insert "Sec. 7"

Amendment No. 4

On page 1, line 9, of the printed bill, strike out "railroad", and insert "railroads"

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 108—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to conduct of business by a receiver.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 40, of the printed bill, strike out the second "the", and insert "a retail".

Amendment No. 2

On page 2, line 41, of the printed bill, after "latter's", insert "retail".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 97—An act to amend an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner," approved July 1, 1937, as amended, by repealing Section 8, relating to refund of contributions, declaring the urgency of this act and providing that it shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1193—An act to amend Section 1 of an act entitled "An act providing for the use of the labor of inmates of any State prison or of the Preston School of Industry upon public roads and defining the powers and duties of public officials in relation thereto," approved May 14, 1927, relating to highways leading to State prisons or the Preston School of Industry.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1194—An act to amend Section 1 of an act entitled "An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use," approved July 1, 1937, relating to the purchase of meat from the Napa State Farm.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 91—An act to amend Section 1530 of the Water Code or Section 23b of the Water Commission Act, relating to fees for applications or permits to appropriate water.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 98—An act to amend the County Water District Act, as amended, by amending Section 12, relating to powers of districts, amending Section 18, relating to right of ways, Section 19, relating to water rates, and Section 25, relating to additions to districts; repealing Sections 12.1 and 22a; repealing and reenacting Section 52; and by adding Section 1.1 declaring districts public agencies, 10.1 relating to contracts between districts and their officers or directors, 12.1 to 12.15, inclusive, relating to powers of districts, 14.1, relating to oaths, 14.2, relating to investment of funds, 16b, relating to callable bonds, 28.1, relating to findings on additions and exclusions of land and 66 to 71, inclusive, relating to dissolution of districts, declaring the urgency of this act and providing that it shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 629—An act to amend Section 1 of "An act granting to irrigation districts of the State of California the right to construct, operate and maintain electric light and power lines along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume," approved May 25, 1923, relating to right of ways for electric power lines.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 688—An act to add Section 46 to the California Irrigation District Act, relating to property sold for delinquent irrigation district assessments.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 693—An act to add Section 72.5 to the California Irrigation District Act, relating to court proceedings brought by and against irrigation districts.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 733—An act to repeal Section 48.2 of the California Irrigation District Act, relating to property sold or decided to an irrigation district for delinquent assessments.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 1158—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 1273—An act to amend Section 3840j of the Political Code, relating to clerks in county treasurers' offices to attend to reclamation district assessments and obligations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "3840j of", and insert "3480j of and add Section 3480j to".

Amendment No. 2

Strike out lines 2 and 3 of the title of the printed bill, and insert "to the relation between counties and their officers and reclamation districts and their officers"

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "3840j", and insert "3480j"

Amendment No. 4

On page 1, line 3, of the printed bill, strike out "3840j", and insert "3480j"

Amendment No. 5

On page 1, line 11, of the printed bill, strike out "herein provided", and insert "provided by Section 3480j".

Amendment No. 6

On page 1, between lines 11 and 12, of the printed bill, insert

"SEC. 2. Section 3480 is hereby added to the Revised Code, to read as follows: 3480. The board of trustees of each district shall, annually or biennially, or collecting assessments must pay to the county or town, out of a certain portion of said district is situate a sum equal to one and one-half cents (\$.015) per acre, based on the net acreage of each district as indicated by the records of the State Reclamation Board, for services rendered by the treasurer of said county for attending to matters pertaining to the registration and payment of warrants of said district, and to the levying and collecting of assessments of said districts; provided every district having outstanding bonds, or which shall hereafter issue bonds, shall pay to such county three cents (\$.03) per acre."

If the net acreage of any district is not obtainable from the records of the State Reclamation Board, the compensation to be paid to said county shall be based on the acreage of the district as shown by the records of the county clerk of the county in which the district, or a greater part thereof, is situate.

The trustees of each district, upon presentation of a proper claim, made by the treasurer of the county in which said district or a greater part of said district is situate, must semiannually draw a warrant on the funds of the respective districts for such compensation. In the event that the board of trustees of any district shall neglect or refuse to draw a warrant based upon such claim, 10 per cent of the amount of such claim shall be added thereto, and thereafter 2 per cent per month shall be added to such claim until a warrant shall have been issued to the county in which such district, or a greater part thereof, is situate."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 167—An act to amend Sections 5, 7 and 17 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands situated within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof, and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts, including the qualifications of district directors, the qualifications of electors, the qualifications of directors when such directors are elected to represent divisions of the district, and the qualifications of electors entitled to vote for directors who are elected by divisions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

On page 5, of the printed bill, after line 36 insert

"Within 10 days after receiving their respective certificates of election each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars (\$1,000), which shall be approved by a judge of the superior court. Such oath and bond shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the board of supervisors of the county in which the organization of the district was effected. Such appointee shall qualify as herein provided within 10 days after receiving notice of his appointment and

shall hold office for the unexpired portion of the term of his predecessor. All directors shall hold office until their successors are elected and shall have no qualification.

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to Section 25 of Article IV of the Constitution of said State, relating to fish and game.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In the title of the printed measure, strike out lines 3 and 4, and insert "ment to the Constitution of the State, by adding to Article IV thereof a new section to be numbered 25, relating to fish and game and being inserted in connection therewith."

Amendment No. 2

On page 1, line 6, of the printed measure, strike out "Section 25," and strike out lines 7 to 10, inclusive, and insert "the Constitution of the State be amended by adding to Article IV thereof a new section, to be numbered 25, and to read as follows:

Sec. 25. All money collected under the provision of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans and all fines and forfeitures imposed by and upon for the violation of any such law shall be used and expended exclusively for the protection, conservation, propagation, and preservation of fish, game, mollusks, or crustaceans, and for the administration and enforcement of laws relating thereto. The Legislature may provide for the division of money derived from such fines and forfeitures between the State and the county in which the offense giving rise to the fine or forfeiture occurs."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

THIRD READING OF SENATE BILLS

Senate Bill No. 297—An act to amend Section 1 of an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931, relating to boats.

Bill read third time.

Motion to Amend

Senator McCormack moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out lines 14 and 15, and insert "passed with if such boat is subject to inspection by any Federal agency."

Amendment No. 2

On page 2, line 17, of the printed bill, strike out "lakes", and insert "water".

Amendment No. 3

On page 2, line 19, of the printed bill, strike out "lakes", and insert "water".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 207—An act to amend Section 616 of the Fish and Game Code, relating to trout and whitefish in Tuolumne County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenney, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 446—An act to repeal Section 171 of the Fish and Game Code, relating to Fish and Game District 1U.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenney, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471—An act to amend Section 1230 of the Fish and Game Code, relating to predatory mammals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 564—An act to amend Section 653 of the Fish and Game Code, relating to salmon in Districts 2 and 2½.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 905—An act to add Section 450.1 to the Fish and Game Code, making the taking, mutilating, or destruction of any wild fish, bird, mammal or other game lawfully in the possession of another a misdemeanor and providing the penalty therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenney, Luckey, McBride, McCormack, Mixter, Myland, Parkman, Rich, Shelley, Slater, Swing, Tickle, and Waggy—23.

NOES—Senators Collier, Cunningham, Judah, Mayo, Metzger, Quinn, Seawell, and Ward—8.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32—An act defining submission of causes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—31.

NOES—Senator DeLap—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 632—An act to amend Section 1875 of the Code of Civil Procedure and to establish Article 1 of Chapter 1 of Title 2 of Part 4 of the Code of Civil Procedure, comprising Section 1875, and to add Article 2 to Chapter 1 of Title 2 of Part 4 of the Code of Civil Procedure, comprising Sections 1876 to 1876.6, inclusive, all relating to judicial notice.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, DeLinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—32.

NOES—Senator Foley—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 353—An act to add Division 6, comprising Sections 14000 to 14004, inclusive, to the Business and Professions code, thereby consolidating and revising the law relating to general provisions concerning business rights, defining the terms used in connection therewith, describing the effect of the provisions on business rights and providing the manner in which said rights may be asserted.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 354—An act to add Chapter 1, comprising Sections 14100 to 14103, inclusive, to Division 6, and to add Section 30023 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the definition and transfer of good will, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355—An act to add Chapter 2, comprising Sections 14200 to 14325, inclusive, to Division 6, and to add Section 30024 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to trade-marks, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wags, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 356—An act to add Chapter 3, comprising Sections 14400 to 14491, inclusive, to Division 6 and to add Section 30040 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade names and designations, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 357—An act to add Chapter 4, comprising Sections 14700 to 14740, inclusive, to Division 6 and to add Section 30025 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to protection of the rights of authorship and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 358—An act to add Division 7, comprising Part 1, Chapters 1 to 3, inclusive, Sections 16000 to 16240, inclusive, and to add Section 30026 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to licensing by the State, counties and cities, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCor-

muck, Metzger, Moxter, Moberg, Padonah, Phillips, Powers, Quinn, Reid, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—27.
 NOES: None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 359—An act to add Chapter 4, comprising Sections 16290 to 16451, inclusive, to Part 1 of Division 7, and to add Section 30027 to Division 30 of the Business and Professions Code, thereby consolidating and revising the laws relating to itinerant merchants and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 359:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 20, 1941.

To the Honorable Members of the Senate:

Sacramento, California

GREETINGS.

SENATE BILL NO. 359.

"An act to add Chapter 4, comprising Sections 16290 to 16451, inclusive, to Part 1 of Division 7, and to add Section 30027 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to itinerant merchants and repealing acts and parts of acts specified herein".

In my opinion, this bill is an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the enactment of which should not await the adjournment of the Senate.

I, therefore, recommend consideration of Senate Bill No. 359 as an emergency measure.

Respectfully submitted,

CLEBERT L. OLSON, Governor of California.

The roll was called, and the bill passed by the following vote:

AYES: Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McRae, McRae, Metzger, Moxter, Moberg, Padonah, Parkman, Phillips, Powers, Quinn, Reid, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—35.

NOES: None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 361—An act to add Part 3, comprising Chapter 1, Sections 17500 to 17535, to Division 7, and to add Section 30041 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to false advertising, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McRae, Metzger, Moxter, Moberg, Padonah, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—35.

NOES: None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362—An act to add Chapter 2, comprising Sections 17700 to 17702, inclusive, to Part 3 of Division 7, and to add Section 30029 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to redeemable coupons, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 596—An act to add Chapter 3, comprising Sections 1200 to 1305, inclusive, to Division 2 and to add Section 30035 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of clinical laboratory technologists and clinical laboratory technicians, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 596:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 23, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 596

"An act to add Chapter 3, comprising Sections 1200 to 1305, inclusive, to Division 2 and to add Section 30035 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of clinical laboratory technologists and clinical laboratory technicians, and repealing acts and parts of acts specified herein",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 596 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 597—An act to add Chapter 11, comprising Sections 7500 to 7593, inclusive, to Division 3 and to add Section 30039 to Division 30 of the Business and Professions Code relating to the

licensing and regulation of private detectives, investigators, and detective agencies and repealing acts and parts of acts specified herein.

Bill read third time

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 597:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,
SACRAMENTO, January 26, 1941.

To the Honorable Members of the Senate:
Sacramento, California

GREETINGS:

ASSEMBLY BILL No. 597

"An act to add Chapter 11, comprising Sections 7990 to 7995, inclusive, to Division 3 and to add Section 30022 to Division 30 of the Business and Professions Code, relating to the licensing and regulation of private detectives, investigators, and detective agencies and repealing acts and parts of acts specified herein".

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await the next meeting of the Senate.

I, therefore, recommend consideration of Assembly Bill No. 597 as an emergency measure.

Respectfully submitted

CILBERT E. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Cuthbertson, Cunningham, DeLoach, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jordan, Keating, Krass, Lusk, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Perkins, Quinn, Quinn-Sewell, Shelley, Slater, Swan, Swing, Toldt, Wagon, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 598—An act to add Division 8, comprising Chapter 1, Sections 18400 to 18413, inclusive, and to add Section 30022 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of sales of motor vehicles, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Collier, Cuthbertson, Cunningham, DeLoach, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jordan, Keating, Krass, Lusk, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Perkins, Quinn, Quinn-Sewell, Shelley, Slater, Swan, Swing, Toldt, Wagon, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 599—An act to add Chapter 2, comprising Sections 18600 to 18782, inclusive, to Division 8, and to add Section 30021 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of boxing contests and sparring and wrestling matches and exhibitions, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 599:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 23, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL No. 599

"An act to add Chapter 2, comprising Sections 18600 to 18782, inclusive, to Division 8, and to add Section 30031 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of boxing contests and sparring and wrestling matches and exhibitions, and repealing acts and parts of acts specified herein",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 599 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Korns, Lackey, Mayo, McBrade, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 600—An act to add Chapter 3, comprising Sections 19000 to 19221, inclusive, to Division 8, and to add Section 30030 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to the regulation of persons engaged in the business of manufacturing and selling at wholesale and retail, repairing, renovating and sterilizing upholstered furniture and bedding and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 600:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 23, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL No. 600

"An act to add Chapter 3, comprising Sections 19000 to 19221, inclusive, to Division 8, and to add Section 30030 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to the regulation of persons engaged in the business of manufacturing and selling at wholesale and retail, repairing, renovating and sterilizing upholstered furniture and bedding and repealing acts and parts of acts specified herein",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 600 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Collins, Cummings, DeLong, Deuel, Dillinger, Fletcher, Foley, Garrison, Gorman, Justice, Keating, Keweenaw, Kiehn, Langer, Mayo, McBride, McCornack, Morgan, Mather, McMillan, Packman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swain, Swine, Tiedke, Wagy, and Ward—39.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 601—An act to add Chapter 4, comprising Sections 19400 to 19663, inclusive, to Division 8 and to add Section 29934 to the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of horse racing, horse race meetings and wagering on the results thereof, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following recommendation recommending the passage of Assembly Bill No. 601:

STATE OF CALIFORNIA, Governor's Office,
Sacramento, January 27, 1941.

To the Honorable Members of the Senate:
Sacramento, California.

GREETINGS:

ASSEMBLY BILL NO. 601

"An act to add Chapter 4, comprising Sections 19600 to 19663, inclusive, to Division 8 and to add Section 29934 to the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of horse racing, horse race meetings and wagering on the results thereof, and repealing acts and parts of acts specified herein."

In my opinion constitutes an emergency bill within the meaning in that regard as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final adjournment of the Senate this year.

I, therefore, recommend consideration of Assembly Bill No. 601 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Collins, Cummings, DeLong, Deuel, Dillinger, Fletcher, Foley, Garrison, Gorman, Justice, Keating, Keweenaw, Kiehn, Luckey, Mayo, McBride, McCornack, Morgan, Mather, McMillan, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swain, Swine, Tiedke, Wagy, and Ward—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 602—An act to add Chapter 6, comprising Sections 20500 to 20502, inclusive, to Division 8, and to add Section 30035 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the adulteration of paints, oil,

varnishes and pigments, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 602:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 23, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 602

"An act to add Chapter 6, comprising Sections 20500 to 20502, inclusive, to Division 8, and to add Section 30035 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the adulteration of paints, oil, varnishes and pigments, and repealing acts and parts of acts specified herein".

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 602 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An act to add Chapter 8, comprising Sections 21200 to 21290, inclusive, to Division 8 and to add Section 30037 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the sale, disposition of, and regulation of prophylactics, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 604:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 23, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 604

"An act to add Chapter 8, comprising Sections 21200 to 21290, inclusive, to Division 8 and to add Section 30037 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the

sale, disposition of, and regulation of prophylactics, and repealing acts and parts of acts specified herein".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 604 as an emergency measure.

Respectfully submitted

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Crittenden, Delap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Lusk, Mayo, McBride, McCormack, Metzger, Minton, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 605—An act to add Chapter 9, comprising Sections 21500 to 21556, to Division 8, and to add Section 30038 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of sale or disposition of second-hand goods, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Crittenden, Delap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Lusk, Mayo, McBride, McCormack, Metzger, Minton, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 449—An act to add Division 2, consisting of Part 1, comprising Sections 6001 to 7176, inclusive, and Section 50006 to the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Retail Sales Tax Act of 1933 and the Use Tax Act of 1935, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 449:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 21, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS:

ASSEMBLY BILL NO. 449

"An act to add Division 2, consisting of Part 1, comprising Sections 6001 to 7176, inclusive, and Section 50006 to the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Retail Sales Tax Act of 1933 and the Use Tax Act of 1935, and repealing acts and parts of acts specified herein".

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 449 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Myland, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 450 An act to add Part 2, comprising Sections 7301 to 8402, inclusive, to Division 2 of, and to add Sections 50007 and 50008 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Motor Vehicle Fuel License Tax Act, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 450:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 21, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 450

"An act to add Part 2, comprising Sections 7301 to 8402, inclusive, to Division 2 of, and to add Sections 50007 and 50008 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Motor Vehicle Fuel License Tax Act, and repealing acts and parts of acts specified herein",

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 450 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 451 An act to add Part 3, comprising Sections 8601 to 9354, inclusive, to Division 2 of, and to add Section 50009 to, the Revenue and Taxation Code, thereby consolidating and revising the laws relating to taxation and the raising of revenue, including the provisions of the Use Fuel Tax Act of 1937, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 451:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 21, 1941

To the Honorable Members of the Senate

Sacramento, California

GREETINGS**ASSEMBLY BILL NO. 451**

"An act to add Part 3, comprising Sections 8601 to 9354, inclusive, to Division 2 of, and to add Section 50000 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Use Fuel Tax Act of 1937, and repealing acts and parts of acts specified herein",

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 451 as an emergency measure.

Respectfully submitted

CILBERT L. OLSON, *Governor of California*

The roll was called, and the bill passed by the following vote:

AYES: Senators Bigger, Brod, Carter, Cramer, Critchfield, DeLap, Donald, Fletcher, Foley, Garrison, Gordon, Jones, Keating, Kerner, Kitchel, Lacey, Mott, McCormack, Mosier, Myron, Nelson, Parkman, Phillips, Powers, Quinn, Roth, Sewell, Shelley, Slater, Swan, Swing, Tickle, and Washburn.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 452—An act to add Part 4, comprising Sections 9601 to 10501, inclusive, to Division 2 of, and to add Section 50010 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, as amended, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 452:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 21, 1941

To the Honorable Members of the Senate

Sacramento, California

GREETINGS:**ASSEMBLY BILL NO. 452**

"An act to add Part 4, comprising Sections 9601 to 10501, inclusive, to Division 2 of, and to add Section 50010 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle

and providing that this act shall have effect retroactively," approved May 12, 1937, is amended, and existing and new parts of this act are hereby amended:

As to existing provisions an emergency bill within the meaning of that term, as used in Article IV of the Constitution of the State of California, the emergency of which shall not have been determined by the Senate.

I therefore recommend enactment of Assembly Bill No. 453 as an emergency measure.

Recommendation accepted.

WILLIAM L. NELSON, Governor of California

The bill was read, and the bill passed by the following vote:

YEAS: Messrs. BAKER, BROWN, CANNON, CHAMBERLAIN, DILLON, DUNN, GARNER, HAYES, HENRY, HERRING, HUGHES, JONES, KILPATRICK, LEE, LUTHER, MCGILL, McINTOSH, MILLER, MURPHY, NICHOLS, ROBERTSON, SHERMAN, STEWART, THOMAS, TOLSON, WALKER, WATSON, WELLS, WILSON, WOOD, and WRIGHT. 32.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 453—to add Part 5, comprising Sections 10791 to 11005, inclusive, to Division 2 of, and to add Section 50611 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the taxation of such vehicles based on taxes according to type and value, except as hereinafter provided, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the license proceeds," approved June 12, 1937, as amended, and existing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In compliance with Article IV, Section 14 of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 453:

Given at Sacramento, California, this 11th day of February, 1941.

WILLIAM L. NELSON, Governor.

By the Assembly: Speaker of the House

Assembly, California.

Chief Clerk:

Assembly Bill No. 453

"To add Part 5, comprising Sections 10791 to 11005, inclusive, to Division 2 of, and to add Section 50611 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of 'An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the taxation of such vehicles based on taxes according to type and value, except as hereinafter provided, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the license proceeds,' approved June 12, 1937, as amended, and existing acts and parts of acts specified herein."

As to existing provisions an emergency bill within the meaning of that term, as used in Article IV of the Constitution of the State of California, the emergency of which shall not have been determined by the Senate.

I therefore recommend enactment of Assembly Bill No. 453 as an emergency measure.

Recommendation accepted.

WILLIAM L. NELSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Callier, Critchenden, DeLap, Donald, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kirby, Kuebel, Ladd, Mayo, McBride, McCormack, Metzger, Mixer, Richard, Pechmann, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOTES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454—An act to add Part 6, comprising Sections 11201 to 11752, inclusive, to Division 2 of, and to add Section 50012 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Private Car Tax Act of 1937, and repealing acts and parts of acts specified herein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 454:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, January 24, 1941.

To the Honorable Members of the Senate,
Sacramento, California.

GREETINGS:

ASSEMBLY BILL NO. 454

"An act to add Part 6, comprising Sections 11201 to 11752, inclusive, to Division 2 of, and to add Section 50012 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of the Private Car Tax Act of 1937, and repealing acts and parts of acts, specified herein".

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 454 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Callier, Critchenden, DeLap, Donald, Dinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kirby, Kuebel, Ladd, Mayo, McBride, McCormack, Metzger, Mixer, Mitchell, Pechmann, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOTES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 160—An act to amend Sections 454, 456, 457, 458, 693, 471, 471.5, 472, 478.1, 480, 478, 479, 481, 482, 483, 484, 485, 486, 487, 488, 490, 493, 585, 586, 587, 491, 458.1, 452, 492, 510, 511, 512, 513, 514, 515, 516, 592, 593, 656, 502, 589, 590, 725, 727, 728, 729, 730, 731, 732, 733, 504, 505, 506, 507, 508, 509, 591, 477, 494, 495, 588, 496, 497, 498, 499, 500, 501, 625, 473, 503, 534, 535, 536, 596, 597, 598, 599, 600, 601, 531, 532, 533, 594, 595, 538, 539, 540, 541, 542, 602, 626, 627, 628, 629, 633, 634, 655, 657, 658, 476, 543, 561, 562, 563, 564, 565, 583, 701, 459, 460, 691, 692, 692.5, 697, 698, 699, 474, 651, 652, 461, 584, 582, 581, 621, 622, 623, 630, 631, 632, 633, 455, 635, 636, 671, 672, 673.

674, 675, 676, 677, 678, 679, 694, 696, 453, 624 and 637 of the Agricultural Code, and to renumber them to be Sections 452, 453, 454, 455, 456, 466, 467, 468, 469, 470, 471, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 497, 498, 499, 501, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 541, 542, 543, 544, 545, 546, 547, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 591, 592, 593, 595, 596, 601, 602, 603, 604, 605, 606, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 631, 632, 633, 634, 635, 636, 637, 641, 642, 643, 644, 645, 646, 647, 648, 656, 661, 662, 663, 664, 665, 666, 671, 672, 673, 676, 677, 681, 682, 683, 686, 687, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 721, 722 and 723 thereof, to amend Section 451, and the headings of Chapter 2, and of Article 1 of Chapter 2, of Division 4 thereof, to add Sections 496, 500 and 724, and the headings of Chapters 1, 3, 4, 5 and 6, and of Articles 2, 3, 4, 5, 6 and 7 of Chapter 2, Articles 1, 2, 3 and 4 of Chapter 3, and Articles 1, 2, 3, 4, 5, 6, 7 and 8 of Chapter 4, of Division 4 thereof, and to repeal Sections 475, 537, 589.5, 726 and 734 and the headings of Chapters 1, 3, 4, 5, 6, 7, 8 and 9 and of Articles 2 and 3 of Chapter 2, of Division 4 of the said code, relating to dairies and dairy products and imitations thereof, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 1292

Senator Rich moved that Senate Bill No. 1292 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 231—An act to amend School Code Section 3.516, relating to employees of the State Board of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406—An act to amend Section 4247 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crutenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Ketch, Lumsen, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wags, and Ward—31.

NOES—Senators Biggar, and Tickle—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485—An act to add Sections 4026, 4026.1, 4026.2 and 4026.3 to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crutenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Ketch, Lumsen, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wags, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crutenden, DeLap, Dillinger, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Ketch, Lumsen, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wags, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 104—An act amending Sections 26 and 28 of the County Employees Retirement Act of 1937, relating to retirement, declaring the urgency thereof and that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crutenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Ketch, Lumsen, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wags, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crutenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Ketch, Lumsen, Mayo, McBride, McCormack, Mixer, Myland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wags, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, March 3, 1941; Tuesday, March 4, 1941; Wednesday, March 5, 1941; Thursday, March 6, 1941; Friday, March 7, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 755—An act to amend "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Motion to Amend

Senator Luckey moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend", and insert "to add Sections 3.5 and 3.75 to".

Amendment No. 2

In line 8 of the title of the printed bill, after "districts," insert a quotation mark.

Amendment No. 3

On page 1 of the printed bill, after line 14, insert

"SEC. 3. Section 3.75 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 3.75. Any appointment of a director as a department head or to an executive position shall be subject to termination at the will of the board."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 10

Senator Fletcher moved that Senate Bill No. 10 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 63

Senator DeLap moved that Senate Bill No. 63 be withdrawn from Committee on Business and Professions, and referred to Committee on Judiciary.

Motion carried.

ADJOURNMENT

At 4:30 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 11, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

SIXTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 11, 1941

The Senate met at 2 p.m.

Hon. Ellis B. Patterson, President of the Senate, presiding

Secretary J. A. Beek at the desk

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crocker, Cunningham, David, DeLong, Fletcher, Foley, Garrison, Gordon, Joseph, Keating, Keene, Kinsman, Lusk, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Packard, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tamm, Wagy, and Ward.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Seawell.

Senator Brown, on motion of Senator Seawell.

Senator DeLap, on motion of Senators Mixer and Denel.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John D. Haley of Gustine.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Martha Pfister, Mrs. Lillian Burger Slater and George R. Cadan of Santa Rosa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. E. W. Weathers, Albert J. Weathers and Miss Mariana L. Weathers of San Diego.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leslie D. Harris of San Bernardino.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Elman, instructor, and the following students of the Senior Class, Sutter Union High School: Harold Baird, Avery Schellenger, John Howe, Hugh Wisner, Louis Custis, Bob Darrough, Joe Chisholm, Willard Aylesworth, Laverne English, Richard Wilson, Voriece Reische, Orlin Putman, Nadine Daly, Geraldine Peck, Adamae Braselton, Betty Aylesworth, Gertrude Smith, Elsie Byer, Frances Woodard, Wilma Krull, Dorothy Nunes, Barbara Shedd, Betty Taylor, Louvena Woods, Adonamae Kemp, Shirley Gridley, Kathleen Crawford, Beverly Nielson, Corinne Lewis, and Winifred Peck.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Frederick Bunge, Principal, and the following students of the Fall River Joint Union High School, McArthur: Freshmen: George Ingram, Pauline Brann, Mary Jane Estes, Joan Morris, Louise Ferguson, Annabel Perkins, Marjorie Davis, Lila Rae Reynolds, Betty Lee Kinyon, and Francis Miller; Sophomores: Carson Estes, Claude Morton, Leland Kerns, Stanley Patterson, Everett Flynn, Gerald Eastman, Earl Collett, Bob Brewster, and Jimmy Murray; Violet Vinyard, Alta Brown, LaVerne Sellars, Muriel Hawkins, Bonnie Vaughn, Jane Kerns, Mildred Selvester, Amy Schneider, and Bobby Santos; Juniors: Jack Klaséen, Dick Norris, Andy Lakey, Don Parker, John Lyon, Mary Foster, and Marjorie Bidwell; Seniors: Bill Kinyon, Frank Rodman, Bette Bassett, Adele March, and Ethel Selvester.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. J. Harp, H. G. McKeever, Roy M. Filcher, and Dean Filcher of Corcoran, and Mrs. Chris P. Jensen, Morton Brock, and R. E. Cunningham of Fresno.

COMMUNICATIONS

A communication from Adolph John Lepori and others relative to certain bills pending before the Legislature relating to vitamins, was presented by the Secretary, read and referred to the Committee on Rules.

The following communication was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DIVISION OF MILITARY AFFAIRS

SACRAMENTO, March 2, 1941

*Lieutenant Governor Ellis E. Patterson, President of the Senate
Senate Chamber, Sacramento, California*

DEAR SIR: Before turning over my responsibilities as Adjutant General, State of California, to my successor prior to my induction into the Federal Service, I take this occasion to thank the Senate for its fine support of the Military Department.

As the National Guard enters the Federal Service for the performance of whatever military tasks may be assigned it, I feel certain it will live up to the best traditions of the service and afford additional satisfaction to you to know its present high standard of efficiency is in a large measure due to your generous support.

Sincerely yours,

R. E. MITTELSTAEDT, Brigadier General
The Adjutant General

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 241
 Assembly Bill No. 262
 Assembly Bill No. 833
 Assembly Bill No. 860
 Assembly Bill No. 1543
 Assembly Bill No. 314
 Assembly Bill No. 338
 Assembly Bill No. 360

Assembly Bill No. 885
 Assembly Bill No. 1050
 Assembly Bill No. 1051
 Assembly Bill No. 1096
 Assembly Bill No. 2219
 Assembly Bill No. 2221
 Assembly Bill No. 265
 Assembly Bill No. 268

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2566

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 241—An act to amend Section 764 of the Probate Code, relating to sales of real and personal property in probate.
 Referred to Committee on Judiciary.

Assembly Bill No. 262—An act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.
 Referred to Committee on Judiciary.

Assembly Bill No. 833—An act to amend Section 81 of the Code of Civil Procedure, relating to the classification of justices' courts.
 Referred to Committee on Judiciary.

Assembly Bill No. 860—An act to amend Section 3070 of the Civil Code, relating to negotiable instruments payable to bearer.
 Referred to Committee on Judiciary.

Assembly Bill No. 1543—An act to amend Section 16 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors thereon," approved May 23, 1925, relating to the terms of office and election of judges of such courts.

Referred to Committee on Judiciary.

Assembly Bill No. 314—An act to amend School Code Section 6471, relating to the purchase of articles by governing boards of school districts.

Referred to Committee on Education.

Assembly Bill No. 338—An act to add Section 3.265 to the School Code, relating to the average daily attendance of junior high school pupils.

Referred to Committee on Education.

Assembly Bill No. 360—An act to amend School Code Sections 2.870, 2.871, 2.879 and 2.879½, all relating to the election of members of governing boards of school districts.

Referred to Committee on Education.

Assembly Bill No. 883—An act to amend School Code Section 5.654, relating to the dismissal of permanent employees of a school district.

Referred to Committee on Education.

Assembly Bill No. 1050—An act to add Section 6.94 to the School Code, and to amend Section 6.90a of the School Code, relating to the construction and maintenance of dormitories by school districts.

Referred to Committee on Education.

Assembly Bill No. 1051—An act to amend School Code Section 2.680, relating to elections for the formation of junior college districts.

Referred to Committee on Education.

Assembly Bill No. 1996—An act to add Article 3 to Chapter 11 of Part 1 of Division 2 of the School Code, relating to junior college districts.

Referred to Committee on Education.

Assembly Bill No. 2219—An act to amend the title of Chapter 8 of Part 1 of Division 2 of the School Code and to amend Section 2.510 of said code.

Referred to Committee on Education.

Assembly Bill No. 2221—An act to amend Section 5.430 of the School Code, relating to school principals.

Referred to Committee on Education.

Assembly Bill No. 265—An act to amend Sections 103.5 and 103.6 of the Fish and Game Code, relating to Fish and Game Districts 103.5 and 103.6.

Referred to Committee on Fish and Game.

Assembly Bill No. 268—An act to amend the chapter heading of Chapter 8 of Division 9 and to amend Sections 10600, 10601, 10602, 10603, 10607, 10625 and 10626 of the Health and Safety Code, relating to vital statistics, including proceedings to establish the fact of birth, death or marriage, to take effect immediately.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2566—An act to repeal Article 2 of Chapter 4, Part 2, Division 1 of the Insurance Code; to add a new article to said Chapter 4, to be numbered Article 2, comprising Sections 1580 to 1599, inclusive, relating to alien insurers; declaring the urgency thereof, and providing that it shall take effect immediately.

Referred to Committee on Financial Institutions.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 450

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 23

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 23—Relative to the creation of a Welfare Personnel Policies Investigating Committee

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 91

Senate Bill No. 619

Senate Bill No. 629

Senate Bill No. 688

Senate Bill No. 693

Senate Bill No. 733

Senate Bill No. 734

Senate Bill No. 1158

Senate Bill No. 1163

Senate Bill No. 1164

Senate Bill No. 97

Senate Bill No. 98

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 108

Senate Bill No. 755

Senate Bill No. 766

Senate Bill No. 1273

Senate Joint Resolution No. 9

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 297

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 407

Senate Bill No. 589

Senate Bill No. 590

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 421

Assembly Bill No. 555

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 301

Has had the same under consideration, and reports the same back without recommendation and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 188

Senate Bill No. 26

Senate Bill No. 1250

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 310

Senate Bill No. 1262

Senate Bill No. 29

Assembly Bill No. 47

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 302

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; noes 2; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 351

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; noes 3; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1206

Senate Bill No. 506

Senate Bill No. 662

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1941.

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1140

Has had the same under consideration, and reports the same back with amendments, with the recommendation: *Amended, and do pass as amended.*

Committee membership 9; committee vote: Ayes 9.

METZGER, Chairman.

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 11, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 907

Senate Bill No. 964

Has had the same under consideration, and reports the same back with the recommendation: *Do pass.*

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 11, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 292

Has had the same under consideration, and reports the same back with amendments, with the recommendation: *Do pass as amended, and be re-referred to Committee on Finance.*

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman.

Above reported bill re-referred to Committee on Finance.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 55

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of three hundred dollars (\$300) for postage for the Senate and the Treasurer is directed to pay the same.

RICH
TICKLE
LOVELL
BREED

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Dorel, Foley, Gordon, Judah, Keating, Kemp, Knecht, Lusk, Mayo, McBride, McGowan, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wag, and Ward—30.

NOES—None.

AMENDMENT TO STANDING RULES

Pursuant to the provisions of Senate Rule No. 21, and notice given on March 6th, Senator Seawell moved the adoption of the following amendment to Senate Rule No. 51:

Amendment No. 1

After the word "Journal" where the same appears in said Rule No. 51, strike out the period, and insert in lieu thereof the following: "unless otherwise ordered by the Senate."

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Deuel, Fletcher, Judah, Keating, Kenny, Knebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, Tickle, Wagy, and Ward—28.

NOES—Senators Dillinger, Foley, Garrison, Slater, and Swan—5.

RESOLUTIONS

The following resolution was offered:

By Senator Rich:

Senate Resolution No. 56

Resolved, That the Temporary Rules of the Senate as adopted on January 6, 1941, as amended, be and the same are hereby adopted as the Standing Rules of the Senate for the Fifty-fourth Session of the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1142

Senator Swan moved that Senate Bill No. 1142 be withdrawn from Committee of Governmental Efficiency for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 718

Senator Swan moved that Senate Bill No. 718 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

REQUEST FOR ADDITIONAL COPIES OF SENATE CONCURRENT RESOLUTION NO. 16

Senator Kenny moved that 500 additional copies of Senate Concurrent Resolution No. 16 be printed.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred: Assembly Bill No. 2566

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

KENNY, Vice Chairman

Above reported bill ordered to second reading.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 2566, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 2566

Assembly Bill No. 2566—An act to repeal Article 2 of Chapter 4, Part 2, Division 1 of the Insurance Code; to add a new article to said Chapter 4, to be numbered Article 2, comprising Sections 1580 to 1599, inclusive, relating to alien insurers; declaring the urgency thereof, and providing that it shall take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 2566 concerns a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three successive days is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Coffey, Cunningham, Dillingham, Fletcher, Foley, Garrison, Judah, Keating, Keweenaw, Knobel, Lusk, Mayo, Mettenger, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Reel, Seawell, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2566—An act to repeal Article 2 of Chapter 4, Part 2, Division 1 of the Insurance Code; to add a new article to said Chapter 4, to be numbered Article 2, comprising Sections 1580 to 1599, inclusive, relating to alien insurers; declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Coffey, Cunningham, Dillingham, Fletcher, Foley, Garrison, Judah, Keating, Keweenaw, Knobel, Lusk, Mayo, Mettenger, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Reel, Seawell, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Assembly Bill No. 2566—An act to repeal Article 2 of Chapter 4, Part 2, Division 1 of the Insurance Code; to add a new article to said Chapter 4, to be numbered Article 2, comprising Sections 1580 to 1599, inclusive, relating to alien insurers; declaring the urgency thereof, and providing that it shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Coffey, Cunningham, Dillingham, Fletcher, Foley, Garrison, Judah, Keating, Keweenaw, Knobel, Lusk, Mayo, Mettenger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Reel, Seawell, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1058—An act to amend Section 4271 of the Political Code, relating to compensation for public services in counties of the forty-second class.

Bill read third time.

Motion to Amend

Senator Metzger moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "four hundred dollars (\$2,400)", and insert "seven hundred dollars (\$2,700)".

Amendment No. 2

On page 1, lines 10 and 11, of the printed bill, strike out "four hundred dollars (\$2,400)", and insert "seven hundred dollars (\$2,700)".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "dollars (\$100)", and insert "twenty-five dollars (\$125)".

Amendment No. 4

On page 1 of the printed bill, between lines 19 and 20, insert
"4. Jurors. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars (\$3), and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents (\$.15); such mileage to be allowed but once during each session such jurors are required to attend."

Amendment No. 5

On page 1, line 20, of the printed bill, strike out "3.5", and insert "5".

Amendment No. 6

On page 2 of the printed bill, strike out lines 15 to 21, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Myhand;

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 19624.5 to the Business and Professions Code and to amend Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys in the Fair and Exposition Fund, declaring the urgency hereof, to take effect immediately.

Respectfully submitted.

SENATOR MYHAND

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 11, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
BREED
MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crotter, Cunningham, DeLong, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kester, Lusk, Mayo, McBride, McCormack, Mixer, Myhand, Patterson, Powers, Quinn, Ryan, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1293: By Senator Myhand.—An act to add Section 19624.5 to the Business and Professions Code and to amend Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys in the Fair and Exposition Fund, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY CONCURRENT RESOLUTION NO. 23

Senator Mayo moved that Assembly Concurrent Resolution No. 23 be withdrawn from Committee on Rules, for purpose of consideration. Motion carried.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 23

Assembly Concurrent Resolution No. 23—Relative to the creation of a Welfare Personnel Policies Investigating Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crotter, Cunningham, DeLong, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kester, Lusk, Mayo, McBride, McCormack, Mixer, Myhand, Patterson, Powers, Quinn, Ryan, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31

NOES—None.

Resolution ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Kenny:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 10, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 737s of the Political Code, relating to superior court judges.

Respectfully submitted.

SENATOR KENNY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 11, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREID
TICKLE
MYLAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Meyer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1294: By Senator Kenny—An act to amend Section 737s of the Political Code, relating to superior court judges.

Referred to Committee on Local Government.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 1020—An act to amend Section 5505 of the Labor Code, relating to proceedings before the Industrial Accident Commission.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1033—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 47—An act to add Chapter 7, comprising Sections 860 to 867, inclusive, to Part 2 of Division 2 of the Labor Code, relating to time of labor of persons employed as household employees.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1—An act creating a Labor Relations Commission for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers, and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 4 of the printed bill, strike out lines 19 to 24, inclusive, and insert "Sec. 28. If an employer or any of his employees notifies the commission that a dispute exists among the employees as to their proper representative for the purposes of collective bargaining, it shall be the duty of the chairman of the commission immediately to ascertain the seriousness of the dispute and if in his

judgment it can not be settled within a reasonable time, or if the employer or any of his employees demand that an election be held to enable the employees to select their representative, the commission shall call an election within 10 days. The election shall be by secret ballot. The commission shall determine the proper unit, group or class of employees who shall take part therein, and a majority vote of those so taking part shall prevail."

Amendment No. 2

On page 4 of the printed bill, strike out lines 28 to 41, inclusive, and insert

"Sec. 41. Whenever a labor dispute develops to a stage where any of the parties believes it can not be settled among themselves, or which threatens to result in a strike or lock-out, it shall be the duty of all parties to the dispute to notify the commission.

The notice of dispute shall contain a brief statement of the facts.

Only one notice of dispute need be given with reference to any one dispute.

Upon receipt of such a notice the commission shall summon both parties or their representatives, to appear before it for a conference for the purpose of ascertaining the nature of the dispute and to determine whether or not it can be settled within a reasonable time without a formal hearing and investigation by the commission. If after the conference it should appear to the commission that the dispute can not be settled by the parties themselves within 15 days, the commission shall institute a formal hearing and investigation of all the facts pertaining to or affecting the dispute."

Amendment No. 3

On page 4 of the printed bill, strike out lines 42 to 45, inclusive, and insert

"Sec. 42. The commission or its representative may present to the parties to the dispute at any time such information, advice, or recommendations as to it may seem fit and proper. At any time during a hear."

Amendment No. 4

On page 5, line 11, of the printed bill, strike out "Hearing."

Amendment No. 5

On page 6, line 9, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 6

On page 6, line 11, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 7

On page 6, lines 32 and 33, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 8

On page 6, line 38, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 9

On page 6, line 48, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 10

On page 7, line 45, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 11

On page 8, line 44, of the printed bill, strike out "controversy", and insert "dispute".

Amendment No. 12

On page 10 of the printed bill, strike out lines 1 to 5, inclusive, and insert "and employee".

Amendment No. 13

On page 10 of the printed bill, after line 18, insert

"Sec. 90.5. "Agreement" means an agreement in writing entered into by or binding upon an employer and his employees, either directly or through their representatives, concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work, whether made under the provision of this act or independently thereof."

Amendment No. 14

On page 10, lines 22 and 23, of the printed bill, strike out "legal advisers."

Amendment No. 15

On page 11 of the printed bill, strike out lines 49 to 51, inclusive, and insert

"Sec. 104. Any part to, including a labor union or an organization of employers representing any part in the proceedings terminating in, or in entering into, an award which has become final or an agreement as defined in this act may recover damages for".

Amendment No. 16

On page 12 of the printed bill, strike out lines 1 and 2, and insert "thereto, including such a union or organization, committing or persuading another to commit a breach thereof."

Amendment No. 17

On page 12 of the printed bill, at line 17 thereof, strike out the period, and insert the following "but nothing contained herein shall apply to disputes, employments, employers or employees subject to or included in the Acts of Congress known as the Railway Labor Act."

Amendment No. 18

On page 12 of the printed bill, strike out lines 21 to 23, inclusive, and insert "formance of any award which has become final or any agreement as defined in this act, or to attempt to persuade, induce or compel".

Amendment No. 19

On page 13, line 4, of the printed bill, strike out "of", and insert "not to exceed".

Amendment No. 20

On page 13, line 5, of the printed bill, strike out "for", and insert "for not to exceed".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 150—An act to amend Sections 500, 502, 503 and 505 of, to add Sections 502.1, 502.2, and 516.1 to, and to repeal Section 504 of the Military and Veterans Code, all relating to High School Cadets, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 3 of the printed bill, lines 11, 12, 13, 14, 15 and 16, following the word "Cadets", strike out the semicolon and the words "on the cuffs of the service coat the stripe shall be dark blue instead of brown; and the sleeve badge of the California High School Cadets, which is described as a blue cloth disk, bearing in two lines in white the letters "CAL HSC" separated by a white horizontal line, shall be worn on each sleeve of coats and shirts," and insert in lieu thereof a period.

Amendment No. 2

On page 3, line 18, of the printed bill, strike out "diamond", and insert "bar".

Amendment No. 3

On page 3 of the printed bill, line 19, strike out the words "Two gold diamonds", and insert in lieu thereof the words "One silver bar".

Amendment No. 4

On page 3, line 20, of the printed bill, strike out the words "Three gold diamonds", and insert in lieu thereof the words "Two silver bars".

Amendment No. 5

On page 3 of the printed bill, strike out all of lines 30 to 37, inclusive.

Amendments read and adopted.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

Beginning with the comma following the first word "to" in the second line of the title of the printed bill, strike out the remainder of the title, and insert "the Military and Veterans Code, all relating to high school cadets."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 10—An act to add Section 180.5 to the Vehicle Code, relating to transfers of title or interest in motor vehicles, including the rights obtained by persons who lend money or extend credit to dealers under certificates of ownership delivered to them by the latter.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, preceding "and", insert "amend Section 186 of and to".

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert "the validity of a transfer of a security interest in a vehicle pursuant to a trust receipt transaction."

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 15, inclusive, and insert:

"180.5. When Transferee Need Not Apply for Transfer. The transferee of a security interest in a registered vehicle pursuant to a trust receipt transaction, as defined in the Civil Code, who has possession of the certificate of ownership issued for such vehicle need not make application for a transfer of registration by reason of any provision of Sections 179 or 180 hereof, and the provisions of the uniform trust receipts law, contained in Sections 3012 to 3016 1/2 of the Civil Code, shall exclusively control the validity of the transferee's security interest.

Sec. 2. Section 186 of the Vehicle Code is hereby amended to read as follows:

186. When Transfer Deemed Complete. No transfer of the title or any interest in or to a vehicle registered hereunder shall pass nor shall delivery of any said vehicle be deemed to have been made and any attempted transfer shall not be effective for any purpose until transfer of registration is made and the department has issued a new certificate of ownership and registration card with respect thereto as provided herein, except as a transferor may be estopped by law to make a transfer and except as provided in Sections 178, [and] 180, and 180.5 hereof and in Chapter 3 of this division."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Transportation.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 285—An act to add Section 325.4 to the Military and Veterans Code, relating to leaves of absence of public employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 766—An act to amend Section 2 of the Private Car Tax Act of 1937, relating to the meaning of words, terms and phrases and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Deard, Dellinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Lackey, Mayo, McBride, McCormack, Myxer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swung, Tickle, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to conduct of business by a receiver.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Quinn, Slater, Swan, Swing, Tickle, and Waggy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 97—An act to amend an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner," approved July 1, 1937, as amended, by repealing Section 8, relating to refund of contributions, declaring the urgency of this act and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Slater, Swan, Swing, Tickle, and Waggy—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Waggy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1193—An act to amend Section 1 of an act entitled "An act providing for the use of the labor of inmates of any State prison or of the Preston School of Industry upon public roads and defining the powers and duties of public officials in relation thereto," approved May 14, 1927, relating to highways leading to State prisons or the Preston School of Industry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Slater, Swan, Tickle, and Waggy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 91—An act to amend Section 1530 of the Water Code or Section 23b of the Water Commission Act, relating to fees for applications or permits to use appropriate water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, McCormack, Mixer, Myhand, Parkman, Quinn, Seawell, Slater, Swan, Tickle, and Waggy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 98—An act to amend the County Water District Act, as amended, by amending Section 12, relating to powers of districts, amending Section 18, relating to right of ways, Section 19, relating to water rates, and Section 25, relating to additions to districts, repealing Sections 12.1 and 22a; repealing and reenacting Section 52, and by adding Section 1.1 declaring districts public agencies, 10.1, relating to contracts between districts and their officers or directors, 12.1 to 12.15, inclusive, relating to powers of districts, 14.1, relating to oaths, 14.2, relating to investment of funds, 16b, relating to callable bonds, 28.1, relating to findings on additions and exclusions of land and 66 to 71, inclusive, relating to dissolution of districts, declaring the urgency of this act and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

Strike out the following words from the title of the printed bill: "declaring the urgency of this act and providing that it shall take effect immediately."

Amendment read and adopted.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 629—An act to amend Section 1 of "An act granting to irrigation districts of the State of California the right to construct, operate and maintain electric light and power lines along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume," approved May 25, 1923, relating to right of ways for electric power lines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1158—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out all lines from 3 to 15, inclusive, and insert

"3480g. No action or proceeding to contest the validity of any credit on or payment of all or any portion of an assessment levied by a reclamation district which has heretofore been made pursuant to the provisions contained in Section 3480 of this code at the date of such credit or payment, may be commenced unless commenced within six months from the effective date of this section or the date of such credit or payment, whichever is the later date."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 16 to 21, inclusive, and insert "3480h. No action or proceeding wherein the validity of any call of an installment of an assessment levied by a reclamation district heretofore or hereafter made, pursuant to the provisions contained in Section 3480 of this code at the date of the call, is contested may be commenced, unless commenced within six months from the effective date of this section or the date of the call, whichever is the later date."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1273—An act to amend Section 3840½ of the Political Code, relating to clerks in county treasurers' offices to attend to reclamation district assessments and obligations.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Rich moved that Senate Bill No. 1273 be placed on the inactive file.

Motion carried.

Senate Bill No. 297—An act to amend Section 1 of an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931, relating to boats.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuehel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 470—An act to amend Section 493 of the Fish and Game Code, relating to fishing hours.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuehel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442—An act to amend Section 3719 of the Political Code, to grant to junior college districts the right to borrow under the provisions of said section.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuebel, Luckey, Mayo, McBrade, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swang, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California to amend the Constitution of the State, by adding Section 8b to Article V thereof, relating to appointments by the Governor.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Mayo moved a call of the Senate.

Motion carried. Time 4.35 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution No. 9—Relative to memorializing Congress to enact legislation to establish an army school comparable to West Point Military Academy and a naval school comparable to Annapolis Naval Academy, in California, one thereof to be located in northern California and one thereof to be located in southern California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Donel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Mayo, McBrade, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swang, Tickle, Wagy, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 18—Relative to inviting the 1943 convention of the American Legion to be held in San Francisco.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swang, Tickle, Wagy, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE**SENATE CHAMBER, SACRAMENTO, March 11, 1941**

MR. PRESIDENT: Pursuant to the terms of Assembly Concurrent Resolution No. 23, I have appointed Senators Wagy, Deuel and Mayo as members of the committee created by said resolution.

W. P. RICH, President pro tempore

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.49 p.m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—Senators Carter, Dillinger, Foley, Garrison, and Swan—5.

Resolution ordered transmitted to the Assembly.

ADJOURNMENT

At 4.52 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 12, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY

SIXTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 12, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kerner, Ketchel, Langer, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward. 37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Seawell.

Senator Brown, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Seawell.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Hill, County Supervisor of Riverside County.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to T. R. MeVey, President, Merced County Fish and Game Protective Association, W. C. Waxberg, Vice President, and L. C. Buckman, Director, all of Merced.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Toland McGettigan, Supervisor and Mrs. E. J. Guidotti of Guerneville, Supervisor and Mrs. Joseph D. Cox of Healdsburg, Supervisor and Mrs. Lloyd Cullen of Santa Rosa, Supervisor and Mrs. Howard Knight of Sonoma, and Supervisor and Mrs. George Kennedy of Sebastopol.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. E. Grier, Chairman, San Bernardino County Board of Supervisors, Supervisor Arthur Doran, and Ralph Motherspaw, Superintendent of Highways of San Bernardino.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. L. Craig, former Assemblyman Hugh J. Tye, and J. O. Stembler, Chairman, San Joaquin County Democratic Central Committee, all of Stockton.

On request of Senators Kuehel and Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Hubert B. Scudder, Vice Chairman of the Republican State Central Committee, of Sebastopol.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Thomas Milner of Dunsmuir, and Mrs. William E. Milner of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Harry Warner of San Diego.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Mathiesen, teacher, and the following students of the United States Government Class of Williams Union High School: Ada May Hunt, Aura May Chatfield, Alice Jauregui, Kenneth Egbert, Charles Manning, Frank Kemp, Dan Rhinehart, Alice Ora Fowler, Josephine Wilcoxson, Warren Rathbun, Gail Commons, Alice Lee Griffin, Zane Marshall, Betty Schaad, and Marilyn Boyd.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 784
Assembly Bill No. 549
Assembly Bill No. 359
Assembly Bill No. 2121
Assembly Bill No. 2348
Assembly Bill No. 1110
Assembly Bill No. 1115
Assembly Bill No. 1118

Assembly Bill No. 1495
Assembly Bill No. 1788
Assembly Bill No. 562
Assembly Bill No. 2144
Assembly Bill No. 2145
Assembly Bill No. 1834
Assembly Bill No. 238

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 784—An act to amend Section 12510 of the Business and Professions Code, relating to the use of false or improper equipment.

Referred to Committee on Business and Professions.

Assembly Bill No. 549—An act to amend Sections 819, 828 65 and 829.45 of, to add Section 828 76 to, the Agricultural Code, relating to containers for sweet potatoes.

Referred to Committee on Agriculture.

Assembly Bill No. 359—An act to repeal School Code Section 2 889 and to amend School Code Section 2 891, relating to the conducting of elections for members of governing boards of school districts.

Referred to Committee on Education.

Assembly Bill No. 2121—An act to amend Sections 894 and 895 of the Military and Veterans Code, relating to veterans' dependents.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2348—An act to add Section 424 to the Military and Veterans Code, relating to the use of uniforms of military and semimilitary organizations of foreign governments.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1110—An act to add Section 395 2 to the Military and Veterans Code, relating to employees of school districts performing military services.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1115—An act to amend Section 619 5 of the Fish and Game Code, relating to Mackinaw trout.

Referred to Committee on Fish and Game.

Assembly Bill No. 1118—An act to amend Section 610 of the Fish and Game Code, relating to trout season and bag limits.

Referred to Committee on Fish and Game.

Assembly Bill No. 1495—An act to amend the Fish and Game Code by amending Section 612 thereof, relating to steelhead trout fishing.

Referred to Committee on Fish and Game.

Assembly Bill No. 1788—An act to amend Section 421 of the Fish and Game Code, relating to sale of fish taken under sporting fishing licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 562—An act to authorize nonprofit membership medical service corporations organized under Division 1, Part 4, Title 12 of the Civil Code, to enter into and perform medical service contracts and to contract with Federal agencies and to receive and administer, in trust, Federal funds; and to authorize nonprofit hospital service corporations organized under Division 2, Part 2, Chapter 11a

of Article 3 of the Insurance Code to enter into and perform contracts with Federal agencies and to receive and administer, in trust, Federal funds.

Referred to Committee on Business and Professions.

Assembly Bill No. 2144—An act to amend Section 2246 of the Business and Professions Code, relating to instruction in chiropody.

Referred to Committee on Business and Professions.

Assembly Bill No. 2145—An act to add Section 2410 to the Business and Professions Code, relating to the advertising of chiropodical services.

Referred to Committee on Business and Professions.

Assembly Bill No. 1834—An act to amend Section 1407 of the Probate Code, relating to the appointment of guardians of minors.

Referred to Committee on Judiciary.

Assembly Bill No. 238—An act to amend Section 1 of the California Maritime Academy Act, relating to the California Nautical School and the place of its maintenance; declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 47

Senate Bill No. 1020

Senate Bill No. 1033

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1058

Senate Bill No. 150

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

RICH, Chairman

Above reported resolution ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1191

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 407—An act to add Section 203.5 to the Streets and Highways Code, relating to funds paid to cities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 589—An act to amend Sections 345, 466 and 612 of the Streets and Highways Code, relating to descriptions of certain State highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 590—An act to amend Section 465 of the Vehicle Code, relating to signs, signals and traffic control devices.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 421—An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 24 to 27, inclusive, and insert:

"The department may join associations of highway officials of other States and others which have been established for not less than 10 years, having as their purpose the interchange of information relating to highway construction, improvement, maintenance and administration and may send officers or employees at State expense, subject to the provisions of Section 352 of the Penal Code, to meetings of such associations; provided, however, that traveling expenses outside of the State for officers and employees of the department attending such meetings or conventions shall not exceed two thousand dollars (\$2,000) in any one year. Officers or employees".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 188—An act to amend Section 688 of the Code of Civil Procedure, relating to property subject to execution.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 26—An act to amend Section 295 of the Penal Code, relating to causes for which indictment or information must be set aside.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1250—An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 667, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 351—An act to repeal Title 11a of Part 3 of the Code of Civil Procedure, relating to conciliation proceedings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 310—An act to add Section 369h to the Penal Code, relating to the erection and maintenance of lights and signs which interfere with the operation of railroad trains and declaring such lights and signs a public nuisance.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 14, of the printed bill, after the period, insert "No sign, signal, flare or light placed within the right of way of any street or highway by public authorities in charge thereof, considered necessary by them to direct or warn highway traffic, shall be deemed to violate this section."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 29—An act to add Section 653h to the Penal Code, relating to installation of dictographs.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 10, of the printed bill, following "officer", insert "or a district attorney."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1262—An act to amend Section 9 of an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants, and women convicted of a felony the punishment for which is less than death; to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1929, relating to the confinement and care of women convicted of crime to take effect immediately.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "confinement, care", and strike out lines 4 to 8, inclusive, and insert "punishment, treatment, supervision, custody and care of females convicted of felonies; to provide for its government, charge and superintendence, and to make an".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 302—An act to amend Section 29 of the Civil Code, relating to rights of unborn children, and providing for limitation of actions for prenatal injuries and injuries sustained in the course of birth.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "injury", and insert "birth of the minor".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1206—An act to add Article 6.5 to Chapter 7 of Part 2 of Division 6 of the Health and Safety Code, relating to use of county assessment rolls for sanitary district taxes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 506—An act to amend Sections 8931, 8938, 8939, 8963 and 9000 of the Health and Safety Code, relating to cemeteries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 662—An act to amend Section 8560 of the Health and Safety Code, relating to cemeteries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1140—An act to add Section 8733.5 to the Health and Safety Code, relating to perpetual care funds of cemeteries.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "petr."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 5 and 6, and "ness to" in line 7.

Amendment No. 3

On page 1, line 10, of the printed bill, strike out all of said line except the word "business".

Amendment No. 4

On page 1 of the printed bill, strike out all of lines 11 to 27, inclusive, and on page 2, strike out all of lines 1 to 14, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 907—An act relating to the payment of interest on and principal of bonds, and the holding of funds for such payment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 964—An act to amend Section 688 of the Political Code and to add two new sections, to be numbered 688.1 and 688.2, to the Political Code, relating to claims and actions against the State of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 292—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound the waters of

Conn Creek, Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any political subdivision, district, municipal corporation, department or agency of the State for the construction of said dam and appurtenant works, and for the acquisition of the lands or property necessary therefor, and for utilization of the waters to be supplied thereby; to make an appropriation therefor; and to declare the urgency thereof and to provide it take effect immediately.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2 of the printed bill, strike out all of lines 21 to 30, inclusive, and insert "Sec. 5. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated the sum of nine hundred fifty seven thousand dollars (\$957,000) plus the amount remaining unexpended under Chapter 4 of the Statutes of the Second Extraordinary Session of 1940, to".

Amendment No. 2

On page 2, line 36, of the printed bill, strike out "7", and insert "6".

Amendment No. 3

On page 2, line 49, of the printed bill, strike out "the Conn Valley Dam", and insert "a dam".

Amendment No. 4

In lines 12 and 13 of the title of the printed bill, strike out "political subdivision, district, municipal corporation,".

Amendment No. 5

On page 2, lines 16 and 17, of the printed bill, strike out "political subdivision, district, municipal corporation,".

Amendment No. 6

In lines 3 and 4 of the title of the printed bill, strike out "the waters of Conn Creek," and insert "waters in".

Amendment No. 7

On page 1, line 6, of the printed bill, strike out "of Conn Creek," and insert "in".

Amendment No. 8

On page 2, line 3, of the printed bill, after "same", insert "in accordance with law".

Amendment No. 9

In line 7 of the title of the printed bill, after "impounded;" insert "to provide for water conservation and flood control:".

Amendment No. 10

On page 1, line 10, of the printed bill, strike out "and".

Amendment No. 11

On page 1, line 11, of the printed bill, after "impounded", insert ", and to provide for water conservation and flood control".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1142—An act relating to the examination and certification as to the proficiency of shorthand secretaries, phonographic

transcribers, stenotypists, legal stenographers, and court reporters, creating the California Reporter Certification Board and defining its powers and duties.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert: "An act to add Chapter 21, comprising Sections 11000 to 11024, to Division 3 of the Business and Professions Code and to amend Section 270 of the Code of Civil Procedure relating to the examination and certification as to the:"

Amendment No. 2

On page 1 of the printed bill, strike out line 1 to 18, inclusive, and insert: "SECTION 1. Chapter 21, comprising Sections 11000 to 11024, is hereby added to Division 3 of the Business and Professions Code, to read as follows:

CHAPTER 21. SHORTHAND WRITERS AND TRANSCRIBERS

11000. The California Reporter Certification Board in the Department of Professional and Vocational Standards is hereby established, consisting of five members appointed by the Governor and holding office at his pleasure.

11001. At least two of the members of the board shall be court reporters and after January 1, 1943, all members of the board shall hold certificates under this chapter."

Amendment No. 3

On page 1 of the printed bill, strike out line 19, and insert:

"11002. The board shall organize immediately after the:"

Amendment No. 4

On page 2 of the printed bill, strike out line 3, and insert:

"11003. The board has power to appoint, prescribe the":

Amendment No. 5

On page 2 of the printed bill, strike out line 9, and insert:

"11004. As a prerequisite to the taking of any examina-

Amendment No. 6

On page 2 of the printed bill, strike out lines 18 to 24, inclusive, and insert:

"11005. The board shall provide for the examination of all shorthand secretaries, stenographic transcribers, stenotypists, legal stenographers, and court reporters and shall grant certificates to successful candidates.

11006. The board shall designate its examinations and grant its certificates upon the basis of and in accord with the following classifications:

Stenographers of the first grade;

Stenographers of the second grade;

and Stenographers of the third grade.

11007. Stenographers of the first grade shall be court reporters and shall receive the fees now provided by law for their services.

11008. The minimum qualification for a court reporters certificate shall be that the reporter be able to write at the rate of 150 words a minute for two consecutive minutes upon matter not previously written by or known to him and immediately read the same back and transcribe the same into longhand clearly and with accuracy.

11009. Stenographers of the second grade shall be master secretaries and legal stenographers.

11010. The minimum qualification for a certificate for a stenographer of the second grade shall be ability to perform dictation stenographic or secretarial work, and to take shorthand at a speed of 100 words a minute and to type at a speed of 45 words a minute.

11011. Stenographers of the third grade shall be master stenographers.

11012. The minimum qualification for a certificate for a stenographer of the third grade shall be ability to perform simple stenographic work, to take shorthand at a speed of 70 words a minute and to type at a speed of 40 words a minute.

11013. No certificate shall be granted until the applicant shall have satisfactorily completed an appropriate examination prescribed by the board.

11014. Any person who applies for a certificate hereunder, on or before June 30, 1942, and who is at the time of filing his application a practicing court reporter in the State of California and has prior thereto successfully passed the examination provided for in Code of Civil Procedure Sections 270 and 274c, and any person

who has been or is at the time of filing employed as a shorthand secretary, stenographic transcriber, stenotypist or legal stenographer, shall file with the application proof of such facts.

11015. The board shall consider the proof and if satisfied of its truth shall accept it instead of an examination and grant an appropriate certificate.

11016. The board upon petition or upon its own motion may hold public hearings for the purpose of establishing and changing minimum salaries of stenographers of the second and third grades.

11017. The board shall be vested with the powers of a head of a department pursuant to Political Code Section 353 for the purposes of such hearings.

11018. In establishing and changing such minimum salaries consideration shall be given to the necessary costs of proper living, the maintenance of health and welfare and current living standards.

11019. Any person holding a valid certificate as a court reporter, as herein provided, shall be styled and known as a "certified court reporter." No other person shall assume or use the title "certified court reporter," or the abbreviation "C. C. R.," or any words, letters or figures to indicate that the person using the same is a certified court reporter.

11020. From and after January 1, 1943, no person shall practice the art of phonographic reporting in any of the courts of this State, at any coroner's inquest, or before any grand jury or referee, unless such person be the holder of a court reporter's certificate in full force and effect from the California Reporters Certification Board. If there be no certified court reporter available, a competent reporter may be temporarily appointed by the court, coroner, grand jury, or referee until such time as there shall be a certified court reporter available.

11021. From and after January 1, 1943, no person other than a certified court reporter shall report any deposition taken on oral interrogatories in the State of California, to be used in any court within this State, except upon written stipulation of the attorneys representing all the parties to such litigation whose interests are affected by the deposition so taken. A deposition reported by a certified court reporter need not when transcribed into longhand be signed by the witness, but may thereafter be read over by said witness and corrected in the manner provided by law; but when transcribed and certified by such certified court reporter as being a correct transcript of the testimony of such witness as given in his deposition and of the proceedings had at the taking of such deposition, and the corrections therein made it shall be prima facie evidence of such testimony and proceedings.

11022. Every certified court reporter must adopt an official seal, upon which must be engraved the Arms of this State, the words "Certified court reporter," and the words "State of California."

11023. Every certified court reporter shall authenticate all his certificates with his official seal.

11024. Any person who shall violate any of the provisions of Section 11019 of this chapter shall be deemed guilty of a misdemeanor, and shall for such offense, of which he is convicted, be punished by a fine of not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 2. Section 270 of the Code of Civil Procedure is hereby amended to read as follows:

No official reporter of any court or official reporter pro tempore shall be competent to act as official reporter in any court of the State who shall have failed and neglected to transcribe any notes in a criminal proceeding or action on appeal and which notes are required by law to be by him transcribed until he shall have fully completed and filed all transcription of his notes in any criminal case on appeal by law to be by him transcribed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 718—An act to add Chapter 6.5 to Division 2 of the Business and Professions Code, relating to undergraduate nurses and practical nurses.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out "undergraduate nurses and practical nurses," and insert "trained and practical nursing attendants, and aides, providing for the licensing of persons as trained and practical nursing attendants and the issuance of aides' certificates of ability, declaring unlawful the practice

as a trained or practical nursing attendant without a license and deducting other acts unlawful, prescribing penalties therefor, and creating certain exceptions.

Amendment No. 2

On page 4, line 4, of the printed bill, after "to", insert "Division 2 of".

Amendment No. 3

On page 1, line 7, of the printed bill, after "Professions", add a comma and "Administration and Definitions".

2900. This chapter of the Business and Professions Code may be cited as the Trained and Practical Nursing Attendants Act.

2901. There is in the State Government a State Board of Public Health which consists of the Director of Public Health and seven other members.

2902. In addition to such other powers conferred and duties imposed by law upon the board, the board shall have power and it shall be its duty to administer the provisions of this chapter through the director.

2903. As used in this chapter, unless the context requires otherwise:

(a) "Board" refers to the State Board of Public Health.

(b) "Director" refers to the Director of Public Health.

(c) "Licensee" refers to any licensed trained nursing attendant or any licensed practical nursing attendant.

(d) "Trained nursing attendant" refers to any individual who has met all the legal requirements for licensing as a trained nursing attendant in this State, and who holds a license as such.

(e) "Practical nursing attendant" refers to an individual who has met all the legal requirements for licensing as a practical nursing attendant in this State, and who holds a license as such.

(f) "Nursing," when so qualified in any way, refers to the practice of nursing as defined in the Nursing Practice Act.

(g) "Professional nurse" refers to a professional nurse as defined in the Nursing Practice Act.

(h) "Registered nurse" refers to a nurse registered under the Nursing Practice Act.

2904. The board shall keep a record of all its proceedings under this chapter, including a register of all applicants for licenses under this chapter, and the action of the board upon each application, together with a register of all individuals licensed under this chapter, and a register of all aides certified under this chapter.

2905. The board shall prosecute all persons guilty of violating any provision of this chapter.

The board may from time to time adopt such rules and regulations, not inconsistent with this chapter, as may be necessary to enable it to carry into effect the provisions of this chapter.

2906. On or before the first day of January of each year, the board shall transmit to the Governor a full and true report of all its proceedings, together with a report of all its receipts and disbursements, under this chapter.

Article 2. Scope of Regulation

2910. Practice as a trained nursing attendant or as a practical nursing attendant, within the meaning of this chapter, is the performing of nursing services other than those constituting, and not amounting to, the practice of nursing as defined in Section 2725 of the Nursing Practice Act.

2911. This chapter confers no authority to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity, or mental or physical condition in violation of any provision of law.

2912. This chapter does not prohibit:

(a) Gratuitous nursing of the sick by friends or members of the family.

(b) Incidental care of the sick by domestic servants or by persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

(c) Domestic administration of family remedies by any person.

(d) Nursing services in case of an emergency.

2913. If he does not represent or hold himself out as a trained nursing attendant or a practical nursing attendant licensed to practice in this State and if he has an engagement, made in another State or country, requiring him to accompany and care for a patient temporarily residing in this State during the period of such engagement, an attendant legally qualified by another State or country may give trained nursing and practical nursing care to such patient in this State.

2914. This chapter does not prohibit any nursing, or the care of the sick, with or without compensation or personal profit, by the adherents of and in connection with the practice of the religious tenets of any well recognized church or denomination, so long as they do not otherwise engage in practice as a trained nursing attendant or as a practical nursing attendant.

2915. No individual shall practice as a trained nursing attendant or as a practical nursing attendant, as herein defined, without a license issued under the Nursing Practice Act, or without a license issued under this chapter.

Every licensee holding a trained nursing attendant's license issued under this chapter may be known as a "trained nursing attendant," and may place the letters "T. N. A." after his name.

Every licensee holding a practical nursing attendant's license issued under this chapter may be known as a "practical nursing attendant," and may place the letters "P. N. A." after his name.

2916. An applicant for a license as a trained nursing attendant shall comply with each of the following:

(a) Be at least 18 years of age.

(b) Be a citizen of the United States or have declared his intention to become a citizen of the United States.

(c) Have successfully completed the eighth grade of school, or the equivalent thereof as determined by the board, and such other preliminary requirements as the board may prescribe.

(d) Have committed no act, which, if committed by a licensee hereunder would be a ground for disciplinary action.

(e) Hold a health certificate issued by the board.

(f) Have successfully completed the course of study prescribed in the next succeeding section hereof.

2917. The course of study referred to in the immediately preceding section is hereby defined as

(a) At least 12 months of the course of instruction, required by the Board of Nursing Examiners of the State of California of applicants for licenses under the Nursing Practice Act, in an accredited school of nursing as defined in the Nursing Practice Act; or

(b) At least 12 months of the course of instruction given by an accredited school as defined in this chapter.

2918. An applicant for a license as a practical nursing attendant shall comply with each of the following:

(a) Be at least 18 years of age.

(b) Be a citizen of the United States or have declared his intention to become a citizen of the United States.

(c) Hold a health certificate issued by the board.

2919. An applicant for a license as a trained nursing attendant or as a practical nursing attendant, under this chapter, upon filing his application shall pay the fee required by this chapter.

2920. At such times and places as the board may determine, but not less than twice each year in this State, the board shall hold an examination of applicants for a license to practice as a trained nursing attendant or as a practical nursing attendant as defined in this chapter.

All applicants for licenses as trained nursing attendants and all applicants for licenses as practical nursing attendants shall be given the written examination, herein provided for, simultaneously.

Not less than two months nor more than three months prior to the date of each such examinations, the board shall cause a notice of the time and place fixed therefor to be published in two or more newspapers of general circulation, and in one nursing journal, all published in this State, and selected by the board.

2921. All such examinations shall be written, but in the board's discretion may be supplemented by an oral examination, or a practical examination, or both, in such subjects as the board may determine.

All such examinations shall be conducted by such persons, in such manner, and under such rules and regulations, as the board may prescribe; except that each examination shall be so arranged and conducted, that each applicant for a license as a trained nursing attendant who is not then licensed as a practical nursing attendant and who shall fail to make a passing grade for a license as a trained nursing attendant may, on the basis of the results of the same examination, make a passing grade for a license as a practical nursing attendant.

The board shall finally pass or reject all applicants; and its actions, in that respect, shall be final and conclusive and not subject to review by any court or other authority.

2922. Any applicant for a license as a trained nursing attendant who fails to make a passing grade therefor, may take the next subsequent examination for such license without payment of an additional fee.

Any applicant for a license as a practical nursing attendant who fails to make a passing grade therefor, may take the next subsequent examination for such license without payment of an additional fee.

Upon the failure of any applicant to pass such second examination, he shall, before taking any examination subsequent thereto, pay an additional fee equal to the fee prescribed for filing an original application for such license.

2923. The board shall issue a license under this chapter as a trained nursing attendant to each applicant who shall make a passing grade therefor in any such

examination and who is then licensed hereunder as a practical nursing attendant or who makes a passing grade therefor in such examination.

The board shall issue a license under this chapter as a practical nursing attendant to each applicant who shall make a passing grade therefor in any such examination.

The form of each such license shall be determined by the board.

2924. A license issued hereunder to an individual not a citizen of the United States but who has declared his intention of becoming a citizen, shall terminate and become void at the end of seven years from the date of being such declaration of intention if such individual has not then become a citizen.

A license so terminated may be reissued by the board at any time thereafter upon evidence of United States citizenship and an expectation of the doing satisfactory to the board.

2925. Nothing in this chapter shall be deemed to restrict the official duties of any person engaged in the United States Public Health Service or the National Defense Program while in the discharge of such duties.

Neither shall anything in this chapter be deemed to restrict the official duties of any person employed in any hospital while employed and compensated by the United States in the State of California while in the discharge of his duties in such institution.

Article 3. Accredited Schools

2930. The board shall prepare and maintain a list of accredited schools in this State as defined in this chapter.

2931. An accredited school within the meaning of this chapter, is one which has been approved by the board and gives the course of instruction required by the board covering not less than 12 months.

2932. The course of instruction shall consist of not less than the required number of hours of instruction in the subjects of anatomy, physiology, hygiene, diet for the sick, and obstetrics, nursing care of the sick, including children and the aged, together with the required number of hours of instruction in such other subjects in the field of nursing as the board may determine. Following such course, such practical experience as the board may prescribe.

2933. It shall be the duty of the board, through the director, to inspect all accredited schools, as defined in this chapter, at such times as the board shall deem necessary. Written reports of the director's visits shall be made to the board, which shall thereupon approve or accredited such schools as meet the requirements provided by the board.

Upon receiving the director's report, if the board determines that any accredited school is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall immediately be given the school. If the defects are not corrected within a reasonable time, the school may be removed from the accredited list and written notice thereof given to it.

2934. Each accredited school, as defined in this chapter, which is not also an accredited school of nursing under the Nursing Practice Act, before commencing to give to any person the course of instruction required by this chapter, or if a fee is to be charged any such person for such course of instruction then before such fee is imposed, shall deliver to each such person a written notice stating the name of the school and containing the following statement, to wit:

"THIS IS an accredited school as defined in the Trained and Practical Nursing Attendants Act, and the course of instruction you are about to be given here, if successfully completed, satisfies a necessary requirement to obtaining a license as a trained nursing attendant.

HOWEVER, this is not an accredited school of nursing as defined in the Nursing Practice Act, and the course of instruction you are about to be given here, even if successfully completed, may not necessarily be accepted by the Board of Nurse Examiners as satisfying, either in whole or in part, a prerequisite to obtaining a license under the Nursing Practice Act authorizing you to practice thereunder as a professional, registered, or graduate nurse."

Each accredited school, as defined in this chapter, which is also an accredited school of nursing under the Nursing Practice Act, before commencing to give to any person the course of instruction required by this chapter, or if a fee is to be charged any such person for such course of instruction then before such fee is imposed, shall deliver to each such person a written notice stating the name of the school and containing one of the two following statements as instructed by the board, to wit:

"THIS IS an accredited school as defined in the Trained and Practical Nursing Attendants Act, and is also an accredited school of nursing as defined in the Nursing Practice Act.

The course of instruction you are about to be given here, if successfully completed, satisfies a necessary requirement to obtaining a license as a trained nursing attendant.

This course of instruction is also a part of the more extensive course of instruction prescribed by the Nursing Practice Act as a prerequisite to obtaining a license

thereunder authorizing you to practice as a professional, registered, or graduate nurse, and to that extent, if successfully completed, will be accepted as partial completion of the more extensive course of instruction."

OR

"THIS IS an accredited school as defined in the Trained and Practical Nursing Attendants Act, and is also an accredited school of nursing as defined in the Nursing Practice Act.

The course of instruction you are about to be given here, if successfully completed, satisfies a necessary requirement to obtaining a license as a trained nursing attendant.

This course of instruction is not, however, a part of a different course of instruction prescribed by the Nursing Practice Act as a prerequisite to obtaining a license thereunder authorizing you to practice as a professional, registered, or graduate nurse, and, therefore, even if successfully completed, may not necessarily be accepted as a partial completion of said other course of instruction."

2935. None of the provisions of this chapter shall be applicable to any school or schools conducted by any well recognized church or denomination for the purpose of training the adherents of such church or denomination in the care of the sick in accordance with its religious tenets.

Article 4. Disciplinary Proceedings

2940. Every licensee under this chapter may be disciplined as provided in this article.

No disciplinary action shall be taken against any licensee until the board follows the procedure provided in this article.

2941. On the filing at any office of the board of a sworn complaint charging any person with having committed any act or acts specified herein as for disciplinary action, the director shall forthwith issue a citation in the name of the board.

The director shall file a sworn complaint when directed by the board so to do, or may do so of his own volition.

All citations shall be made returnable at a meeting of the board occurring no earlier than thirty (30) days after the filing of the complaint.

2942. The citation shall notify the person named in the complaint that he has been accused of an act or acts amounting to a ground or grounds for disciplinary action, when and where a hearing before the board will be had thereon, and that he shall file his verified written answer to such complaint within twenty (20) days next after the service upon him of such citation or that his default will be entered and that disciplinary action may be taken against him as therein provided for.

The citation shall be served personally upon the person accused in the complaint and at the time of such service shall have attached to it a true and correct copy of the sworn complaint upon which such citation was issued.

2943. The attendance and the production of books and records at the hearing may be compelled, on behalf of the prosecution and also on behalf of the defense, by subpoenas issued by the director in the name of the board.

All citations and subpoenas shall be served in accordance with law. All provisions of law relating to subpoenas and to citations are applicable to the subpoenas and citations provided for in this article.

2944. If any person refuses to obey a subpoena issued as provided in this article, the director shall certify the fact thereof to the superior court of the county in which the service of the subpoena was made. The court shall thereupon proceed to hear the matter in accordance with the laws concerning contempt for disobedience of process of court and, if the court finds that the subpoena has been legally served and the person subpoenaed has wilfully disobeyed it, the court shall proceed in the manner provided as for a contempt of court.

2945. In all proceedings under this article, depositions of witnesses may be taken as in civil causes and all the provisions of law concerning the taking of depositions are applicable to the taking of depositions under this article.

2946. If the person so accused fails to file his verified answer with the board within twenty (20) days after the service of the citation upon him, or within such further time as the board may allow, and the complaint on its face is deemed sufficient by the board, his default shall be entered and disciplinary action taken against him as herein provided for.

2947. If the complaint on its face is deemed sufficient by the board, and issue is joined by the answer, the board shall determine the matter and to that end shall hear such evidence as may be adduced before it.

In the conduct of such hearing, the board is not bound by the common law or statutory rules of evidence or procedure, but may make inquiry in any manner, through oral and written testimony and evidence, which is best calculated to ascertain the substantial rights of the person accused and the public.

If after the conclusion of any such hearing it appears to the satisfaction of the board that the person accused is guilty of any act or acts as a ground for disciplinary action, and charged in the complaint, disciplinary action shall be taken against him as herein provided for.

2948. The board shall discipline any licensee whose default has been entered, or who has been found guilty by the board after the conclusion of the hearing provided for in this article, by any of the following methods:

- (a) Suspending judgment;
- (b) Placing him upon probation;
- (c) Suspending his right to practice under any license issued to him under this chapter for a period not exceeding one (1) year;
- (d) Revoking any license issued to him under this chapter;
- (e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.

2949. Any licensee whose license to practice under this chapter has been suspended, shall not be entitled to practice as a trained nursing attendant or as a practical nursing attendant during the term of suspension.

Upon the expiration of the term of suspension, he shall be re-entitled by the board and shall be entitled to resume his practice in accordance with the conditions of the license theretofore suspended.

2950. Any of the following acts is a ground for disciplinary action against any licensee:

- (a) Unprofessional conduct;
- (b) Procuring his license by fraud, misrepresentation or mistake;
- (c) Procuring, or aiding, or abetting, or attempting, or attempting, or offering to procure or assist at a criminal abortion;
- (d) Violating or attempting to violate, directly or indirectly, or causing to, or abetting, the violation of, or conspiring to violate, any provision of this chapter;
- (e) Making or giving any wilfully false statement or information in connection with any application for the issuance of any license under this chapter;
- (f) Conviction of a felony, or of any offense (involving moral turpitude, in which event the record of conviction shall be conclusive evidence thereof);
- (g) Insanity, in which event the record of adjudication, order or commitment of insanity shall be conclusive evidence thereof;
- (h) Impersonating any applicant or acting as proxy for any applicant in any examination held under the provisions of this chapter;
- (i) Impersonating another licensee under this chapter, or permitting or allowing another person to use his license for the purpose of carrying out such as aforesaid;
- (j) Habitual intemperance or addiction to the excessive use of alcoholic liquors, marijuana, morphine, cocaine, alpha everted, beta everted, or other hydrates, or any of the salts, derivatives or compounds of the foregoing substances;
- (k) Aiding or assisting, or agreeing to do so, in the removal of any person, or persons, whether a licensed physician or not, in the performance of an emergency but a violation of any of the provisions of Article 13, Chapter 5, Division 2 of this code.

Article 5. Aides' Certificates of Abilities

2960. The board may certify to the general or special powers or abilities of any person or persons, within the classifications hereafter referred to, who are or assist in caring for, as aides, sick or injured, or otherwise incapacitated individuals.

For such purpose, the board may:

- (a) Formulate and issue such rules and regulations as it may deem necessary;
- (b) Establish centers of training;
- (c) Prescribe the course of instruction and the length thereof.

2961. The classifications above referred to are:

(a) Persons licensed as trained nursing attendants or as practical nursing attendants under this chapter;

(b) Persons not so licensed, but who are at least 18 years of age, of good moral character, and who hold a health certificate issued by the board.

2962. Before any certificate as an aide is issued the applicant therefor shall be required to pass an examination. The examination shall be of a character designed to ascertain the applicant's fitness to perform general or special duties in caring for, or assisting in caring for, sick or injured or otherwise incapacitated individuals. Any person taking such an examination shall first pay the fee required therefor.

2963. Examinations shall be conducted under the direction of the board and shall be governed by such rules and regulations as the board may prescribe. Examinations may be held at such times as the board may deem necessary, and notice thereof shall be published at least once in three or more newspapers of general circulation in this State within 30 days prior to the date of each examination.

2964. The board shall issue to each applicant successfully passing the examination, a certificate certifying to such person's general or special ability or abilities, as an aide, as disclosed by such examination.

2965. Every person holding a certificate, as an aide, issued under this chapter, shall be permitted to care for, or assist in caring for, sick or injured or otherwise incapacitated individuals, in accordance with such aide's general or special ability or abilities as stated in his certificate.

2966. The board may revoke any certificate because of the holder's gross incompetency, dishonesty, addiction to the use of alcohol or narcotics, or for any habit rendering him unsafe or unfit to care for, or assist in caring for, sick or injured or otherwise incapacitated individuals.

Before revocation, notice of the charges shall be served on the aide and an opportunity given him to appear in his own defense.

Article 6. Penal Provisions

2970. Except as provided in this chapter, it is unlawful for any person to practice as, or to offer to practice as, a trained nursing attendant or practical nursing attendant, or to use any title, sign, card, or device, to indicate that he is licensed to so practice, unless such person is duly licensed as such under this chapter.

2971. It is unlawful for any person not licensed as such under this chapter to impersonate or pretend to be a trained nursing attendant or a practical nursing attendant, or to use the title "trained nursing attendant" or the letters "T.N.A.", or the title "practical nursing attendant" or the letters "P.N.A.", in connection with or following his name so as to deceive any one and lead him to believe that such person is so licensed.

2972. It is unlawful for any person wilfully to make any false representation, or to impersonate any other person, or to permit or aid any person to impersonate him, in connection with any application or examination for any license or certificate under this chapter.

2973. It is unlawful for any person or persons to conduct any school for the training of persons to attend sick or injured or otherwise incapacitated individuals, or infant or aged persons, unless such school is an accredited school as defined in this chapter.

This section has no application to any accredited school as defined in the Nursing Practice Act, nor to any school conducted under Section 2789 of the Nursing Practice Act.

This section has no application to any school conducted under Section 2935 of this chapter, nor to any center of training established here pursuant to Article 5 of this chapter.

2974. It is unlawful for any person or persons conducting any accredited school as defined in this chapter, to fail to give the notice required by Section 2934 of this chapter, in the manner and under the conditions therein specified.

2975. Any person who violates any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or by both such fine and imprisonment.

2976. None of the sections of this article, except Sections 2971 and 2972 are applicable to any person specifically exempted from the general provisions of this chapter by Section 2914 hereof; and any adherent of any well recognized church or denomination acting under Section 2914 of this chapter may use the word "nurse" in connection with or following his name.

Article 7. Revenue

2980. There is hereby established in the State Treasury a Trained and Practical Nursing Attendants Fund of the State of California.

2981. Prior to March 1st of each year, each licensee under this chapter shall apply for a renewal of his license and shall pay the renewal fee required by this chapter, whereupon the board shall renew his license.

Every license not so renewed will expire on March 1st of each year, but may thereafter be renewed upon the payment of the renewal fee and such proof of the applicant's qualification to be licensed as the board may require.

2982. Prior to March 1st of each year, each aide holding a certificate under this chapter shall apply for a renewal of his certificate and shall pay the renewal fee required by this chapter, whereupon the board shall renew his certificate.

Every certificate not so renewed will expire on March 1st of each year, but may thereafter be renewed upon the payment of the renewal fee.

The provisions of this section may be suspended by the board, and the periods of all certificates extended by the board, whenever and during such time as the board may deem expedient because of emergency.

2983. Within 10 days after the beginning of each month, the board shall report to the State Controller the amount and source of all collections made under this chapter. At the same time, all such amounts shall be paid into the State Treasury, where they shall be placed to the credit of the Trained and Practical Nursing Attendants Fund of the State of California.

2984. Whenever and as often as there is in the State Treasury to the credit of the Trained and Practical Nursing Attendants Fund of the State of California, funds in excess of ten thousand dollars (\$10,000), the same shall be invested by the Department of Finance in the same manner that the funds of the State School

Land Fund are invested, and the interest upon such investment, when collected, shall be placed to the credit of the Trained and Practical Nursing Attendants Fund of the State of California.

2985. All amounts paid into, or to the credit of, the Trained and Practical Nursing Attendants Fund of the State of California shall be held subject to the order of the State Board of Public Health to be used only for the purpose of meeting necessary expenses in the performance of the purposes of, and duties imposed by, this chapter and the promotion of the education of persons to care for, or assist in caring for, sick or injured or otherwise incapacitated individuals, including infants and the aged.

2986. The amount of the fees prescribed in this chapter is that fixed by the following schedule, except as otherwise herein provided:

(a) The fee to be paid upon the filing of an original application for a license as a trained nursing attendant is ten dollars (\$10).

(b) The fee to be paid upon the filing of an original application for a license as a practical nursing attendant is ten dollars (\$10).

(c) The annual fee for renewing any license is five dollars (\$5).

(d) The fee to be paid before taking any examination for a certificate as an aide is ten dollars (\$10).

(e) The annual fee for renewing any certificate is five dollars (\$5).

No further fee shall be required for any examination, license or certificate, or renewal thereof, other than as prescribed by this chapter.

SEC. 2. All certificate, certificate and license under Chapter 10 of the Business and Professions Code shall lapse and become void on March 1, 1942, and the holders thereof shall have no further rights thereunder.

On or before March 1, 1942, any person holding a valid and unrevoked certificate as a "trained attendant", issued under Chapter 10 of the Business and Professions Code, may make application to the board for a license to practice under this chapter as a trained nursing attendant. Upon such application being made, upon payment by a fee of ten dollars (\$10), the board shall cause the applicant's card and certificate and issue to him a license to practice under this chapter as a trained nursing attendant without any examination therefor.

SEC. 3. Chapter 10, comprising Sections 1900 to 1951, inclusive, of Division 2 of the Business and Professions Code is hereby repealed.

SEC. 4. Anything in this Chapter 6.5 of Division 2 of the Business and Professions Code to the contrary notwithstanding, any person who at any time during the period of two years immediately prior to the effective date of this act was actively engaged in this State in practice as a trained nursing attendant or as a practical nursing attendant, as defined in said chapter, may continue to so practice after the effective date of this act and until the end of three months following the conclusion of the first examination held by the board pursuant to Section 2920 of said chapter."

Amendment No. 4

On page 1 of the printed bill, strike out all of lines 9 to 28, inclusive, and on page 2, strike out lines 1 to 5, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 555.—An act to amend Sections 106, 107, 108 and 109 of the Streets and Highways Code relating to cooperative agreements as to bridges, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert

"An act to add a new section to be numbered 109.5 to the Streets"

Amendment No. 2

Strike out line 3 of the title of the printed bill, and insert "to highways and bridges required in connection with the construction of the Central Valley Project by the United States, to take effect immediately."

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 26, both inclusive, and on page 2, strike out lines 1 to 36, both inclusive, and insert "SECTION 1. A new section is hereby added to the Streets and Highways Code, to be numbered 109.5, and to read as follows:

109.5. Whenever the construction of the Central Valley Project, or any feature thereof, requires construction or restoration of, or other change in any State highway or bridge, the department may enter into an agreement with the United States, or with the United States and any person, providing therefor, and for the exchange of any property required thereby. The department may enter into like agreements for acquisition of a right of way over, or respecting maintenance of, any bridge, constructed or owned by the United States, all or any portion of which is to be used for highway purposes."

Amendment No. 4

On page 2, line 37, of the printed bill, strike out "5", and insert "2".

Amendment No. 5

On page 3, line 3, of the printed bill, strike out "doubtful", and insert "questioned".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 47—An act to amend Sections 337b, 337c, 337d and 337e of, and to add Section 337f to, the Penal Code, relating to crimes in connection with sporting events, contests and exhibitions, including horse racing, baseball, football, boxing and wrestling, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 8, of the printed bill, as amended, strike out "377f", and insert "337f".

Amendment No. 2

On page 4, line 14, of the printed bill, as amended, strike out "the use of an electric whip," and insert "by the use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment,".

Amendment No. 3

On page 4, line 23, of the printed bill, as amended, strike out the period, and insert " or

(d) Who wilfully or unjustifiably enters or races any horse in any running or trotting race under any name or designation other than the name or designation assigned to such horse by and registered with The Jockey Club or the United States Trotting Association or who wilfully sets on foot, instigates, engages in or in any way furthers any act by which any horse is entered or raced in any running or trotting race under any name or designation other than the name or designation duly assigned by and registered with The Jockey Club or the United States Trotting Association is guilty of a felony and punishable by imprisonment in the State prison for a period not exceeding five years or by a fine not exceeding five thousand dollars (\$5,000) or by both such fine and imprisonment."

Amendments read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 683

Senator Parkman moved that Assembly Bill No. 683 be withdrawn from Committee on Public Utilities for purpose of amendment.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 619—An act to amend Sections 7302, 7321, 7324, 7330, 7331, 7332, 7334, 7351, 7360, 7372, 7373, 7370, 7382, 7384, 7391, 7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 et. to repeal Article 13, comprising Sections 7456 to 7457, inclusive, of and to add Section 7329 to Article 3 of Chapter 10 of Division 3 of said code, relating to the practice, the training for and government of oenology.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Shelley moved that Senate Bill No. 619 be placed on the inactive file.

Motion carried.

Senate Bill No. 733—An act to repeal Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Luekey moved that Senate Bill No. 733 be placed on the inactive file.

Motion carried.

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Luekey moved that Senate Bill No. 734 be placed on the inactive file.

Motion carried.

Senate Bill No. 755—An act to amend "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Luekey moved that Senate Bill No. 755 be placed on the inactive file.

Motion carried.

Senate Bill No. 1058—An act to amend Section 4271 of the Political Code, relating to compensation for public services in counties of the forty-second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mezzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1020—An act to amend Section 5505 of the Labor Code, relating to proceedings before the Industrial Accident Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1033—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1158—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended March 11, 1941, strike out all of lines 10 to 15, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 150—An act to amend Sections 500, 502, 503 and 505 of, to add Sections 502.1, 502.2 and 516.1 to, and to repeal Section 504 of the Military and Veterans Code, all relating to High School Cadets, and making an appropriation therefor

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 1189

Senate Bill No. 1195

Senate Bill No. 1190

Senate Bill No. 1196

Senate Bill No. 1192

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

MIXTER, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1188

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2

MIXTER, Chairman

Above reported bill ordered to second reading

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 90

Senate Bill No. 169

Senate Bill No. 530

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2

CRITTENDEN, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 532

Senate Bill No. 657

Assembly Bill No. 2433

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2

CRITTENDEN, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 11, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 658

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 951 of the Agricultural Code, relating to one-variety cotton districts, declaring the urgency of this act, to take effect immediately.

Respectfully submitted.

SENATOR CUNNINGHAM

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 12, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
BREID
MYLAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Deuel, Dilling, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Seawell, Shelley, Swan, Swing, Tickle, Wagon, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1295: By Senator Cunningham—An act to amend Section 951 of the Agricultural Code, relating to one-variety cotton districts, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Judah:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 492 of the Fish and Game Code, relating to mutilation of fish.

Respectfully submitted.

SENATOR JUDAH

Recommendation of Committee on Rules

SENATE CHAMBER, SALT LAKE CITY, MARCH 12, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
BRIED
MYRAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Carter, Collier, Coffey, Cummings, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kneass, Kneass, Luckey, Mayo, McBride, Mixer, Mixter, Parkinson, Phillips, Powers, Robt., Seawall, Sherry, Swan, Swing, Tickle, Waggy, and Ward—41.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1296: By Senator Judah—An act to amend Section 492 of the Fish and Game Code, relating to mutilation of fish.

Referred to Committee on Fish and Game.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Tickle:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SALT LAKE CITY, MARCH 12, 1941.

MR. PRESIDENT: In accordance with the provision of Article IV, Section 2 of the Constitution, I request permission to introduce a bill the title of which is as follows:

An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Respectfully submitted

SENATOR TICKLE

Recommendation of Committee on Rules

SENATE CHAMBER, SALT LAKE CITY, MARCH 12, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
BRIED
MYRAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Coffey, Cummings, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kneass, Kneass, Luckey, Mayo, McBride, Mixer, Parkinson, Phillips, Powers, Robt., Seawall, Sherry, Swan, Swing, Tickle, and Ward—41.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1297: By Senator Tickle—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Referred to Committee on Fish and Game.

Senate Concurrent Resolution No. 17: By Senator Wagy—Relative to approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, relating to the granting of franchises, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the twenty eighth day of January, 1941.

Referred to Committee on Rules.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 517—An act to add Section 1,253 to the School Code, relating to assistant county supervisor of attendance.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, after "thereafter", insert ", with the approval of the county board of education,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 12: By Senator Fletcher—Relative to compulsory arbitration and mediation of industrial disputes.

Referred to Committee on Labor.

PERMISSION GRANTED FOR USE OF SENATE CHAMBER

Senator Phillips asked permission to use the Senate Chamber for a meeting of the Committee on Welfare and Institutions on Wednesday, March 12th, at 8 p.m.

Permission granted.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, MARCH 11, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 742

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amended, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 3.28 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 13, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY

SIXTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 13, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Reed, Carter, Collier, Crittenden, Cawichian, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Lamb, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormick, Metzger, Mixer, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swain, Tickle, Wags, and Ward. 46

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Brown, on motion of Senator Foley.

Senator Hays, on motion of Senator Mixer.

Senator Swing, on motion of Senator DeLap.

Senator Myhand, on motion of Senator Tickle.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Maude Goetjen, Elvera Draper, J. B. Knight, Jean Minassian and Mrs. M. Myers, all of Tracy.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to B. F. Grubel of Calipatria, Director of the Imperial Irrigation District.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and

Mrs. Will L. Fowler of Redlands, and Mr. and Mrs. Howard Way of San Bernardino.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisors H. H. Smith, J. W. Poole, J. Lynch and Fred Beer, Chairman, San Mateo County.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. Leo Preisker of Santa Maria, L. E. Blockman of Berkeley, and Jesse H. Chambers of Santa Maria.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge John Moore of Richmond.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Stanfield, chairman, and Supervisors Robert E. Dillon, Ed. Hill and Walter S. Pittman, District Attorney Earl Redwine and Deputy District Attorney Russell Waite, all of Riverside County.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jack Etcheverry and Mrs. J. M. Leonard of Hollister.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor E. J. McCarthy of San Anselmo.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred Rowland of Santa Ana.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lowell Palmer and Harley Morrison of St. Helena; and David York of Napa.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. George Batchelder and Mrs. Everett Esterly of Albany, and Mrs. John Huber of Berkeley.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. R. H. Shive of Los Angeles, and Mrs. H. A. Grossman of Sacramento.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Carl D. Anderson, principal, and the following students of the Sacramento Seventh Day Adventist School: Doris Barnes, Dorothy Russell, Dorothy Risley, Mary Perkins, Nellie Craven, Annie Craven, Leslie Scott, Willard McGee, and Geneva Blackwell.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 221
Assembly Bill No. 659

Assembly Bill No. 1397
Assembly Bill No. 1401

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 28

Assembly Joint Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 221—An act to amend Section 103 of, to renumber Section 103e to be Section 103h of, and to add Sections 103g, 103i, 103j and 103k to, the Code of Civil Procedure, relating to justices of the peace and justices' clerks and assistant clerks in cities of the second class.

Referred to Committee on Judiciary.

Assembly Bill No. 659—An act to amend Section 161a of the Civil Code, relating to interests in community property.

Referred to Committee on Judiciary.

Assembly Bill No. 1397—An act to amend Sections 1703.5, 1704, 1708, 1709 and 1713 of, to repeal Section 1713.8 of the Insurance Code and to add Sections 1708.5, 1708.6 and 1709.2 thereto, relating to the transaction of life and disability insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1401—An act to amend Sections 981, 3016, 3035, 3036, 3039, 3040, 11715 and 12091, and to repeal Section 3017 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Joint Resolution No. 28—Relative to encouragement of sugar beet production in the United States.

Referred to Committee on Agriculture.

Assembly Joint Resolution No. 32—Relative to Kings River flood control.

Referred to Committee on Water Resources.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1262

Senate Bill No. 310

Senate Bill No. 1140

Senate Bill No. 302

Senate Bill No. 421

Senate Bill No. 29

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 517

Senate Bill No. 1158

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1250

Senate Bill No. 188

Senate Bill No. 907

Senate Bill No. 590

Senate Bill No. 662

Senate Bill No. 589

Senate Bill No. 506

Senate Bill No. 407

Senate Bill No. 1206

Senate Bill No. 964

Senate Bill No. 351

Senate Concurrent Resolution No. 13

Senate Bill No. 26

And reports the same correctly engrossed.

RICH, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 845

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

WAGY, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 78

Senate Bill No. 373

Senate Bill No. 319

Senate Bill No. 524

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 748

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 60

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 780

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 180

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; noes 3; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 276

Senate Bill No. 315

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 63

Senate Bill No. 495

Senate Bill No. 496

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1135

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 30

Senate Bill No. 666

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 65

Senate Bill No. 338

Senate Bill No. 86

Senate Bill No. 339

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 72

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 66

Senate Bill No. 68

Senate Bill No. 69

Senate Bill No. 73

Senate Bill No. 74

Senate Bill No. 75

Senate Bill No. 264

Senate Bill No. 306

Senate Bill No. 1278

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1191—An act to add Section 2765 to the Penal Code and to repeal Section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to forfeiture by prisoners of moneys earned by them.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1189—An act to add Sections 2745 and 2746 to the Penal Code and to repeal Sections 6 and 7 of an act entitled "An act providing for the erection and operation of rock-crushing plants at the State prisons, for the preparation of highway material for the benefit of the people of the State, and providing for the necessary advances and appropriation of money to carry out said work," approved March 28, 1895, making an appropriation for the operation by prison labor of rock-crushing plants.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1190—An act to add Section 2056 to the Penal Code and to repeal Section 1595 of the Penal Code as added in 1907, relating to the rebuilding of buildings destroyed by fire.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1192—An act to add Sections 2004 and 2006 to the Penal Code and to repeal an act entitled "An act relating to the first unit of the Southern California Prison and making an appropriation therefor," approved May 28, 1937, relating to an appropriation for the Southern California Prison.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1195—An act to add Section 2710 to the Penal Code and to repeal an act entitled "An act to create a revolving fund for the manufacturing departments at the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, appropriating a revolving fund for the maintenance of the manufacturing departments of the State Prison at San Quentin.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1196—An act to add Section 2720 to the Penal Code and to repeal an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to a revolving fund for the purchase of jute.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1188—An act to add Section 2722 to the Penal Code and to repeal Section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute goods.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "1800", and insert "2720".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 90—An act to add Sections 775 and 776 to the Agricultural Code, relating to grapes for by-products purposes.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the period, and insert "and notifies the agricultural commissioner of each county in which the association operates a winery or wineries of such election."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 169—An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of line 4 after "insanitary," strike out lines 5 to 8, inclusive, and insert a period.

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "and unnecessary".

Amendment No. 3

On page 1, line 14, of the printed bill, strike out "five", and insert "3".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 15 after "owner," and strike out line 16.

Amendment No. 5

On page 1 of the printed bill, strike out lines 17 and 18, and insert "and these two members shall select another."

Amendment No. 6

On page 1 of the printed bill, strike out lines 26 and 27, and insert "parties in equal proportion. Each party shall bear his own attorney fees."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 530—An act to add Section 28.7 to Article 1 of Chapter 1 of Division 1 of the Agricultural Code, relating to bonds and licenses.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the period following "canceled", and insert " ; provided, that when the director is satisfied that the licensee is solvent he may continue in force, the license in question for a period not to exceed 30 days to enable the licensee to secure a new bond."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 532—An act to repeal Chapter 7 of Division 6 of the Agricultural Code, relating to deciduous fruit dealers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 657—An act to amend Sections 1268, 1268.1, 1268.5 and 1269 of the Agricultural Code, relating to produce dealers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 658—An act to amend Sections 1299.18, 1299.20 and 1300.4 of, and to add a new section, to be numbered 1300.4a, to the Agricultural Code, relating to processors.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 10 to 12, inclusive, and insert "milk and milk products not subject to the licensing and bonding provisions of Chap

ter 10 of Division 4 of this code, but shall not include flinty and heavy potter's clay, field grains, dried beans and seeds."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 742—An act to add Article 21 to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the filing, publication, and publication of the rules and regulations of officers, boards, authorities, and commissions, and creating a Civil Service Board.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 19 of the printed bill after the words "and" "The amendments shall become effective on the thirtieth day after the date of being taken to be printed by the State agency to be an emergency regulation in which case it becomes effective immediately upon being."

Amendment No. 2

On page 2 of the printed bill, strike line 34, insert "725.7 The provisions of this article do not apply to any order issued by a State agency to a specifically named person, firm, partnership, or corporation, or group thereof, which order does not apply generally throughout the State."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 683—An act regulating travel on certain described State highway routes to take effect immediately.

Bill read second time.

Motion to Amend

Senator Parkman moved the adoption of the following amendments:

Amendment No. 1

Strike out line 2 of the title of the printed bill, and insert "An act regulating the granting of certificates of public convenience and necessity for passenger service thereon prior to January 30, 1943, to take effect immediately."

Amendment No. 2

Strike out lines 1 to 5 of the printed bill, and insert "SECTION 1. It is unlawful for any motor vehicle of greater weight, when unladen 3,000 pounds or more and designed and so constructed as to be used for transportation of property to travel upon".

Amendment No. 3

On page 1 of the printed bill, strike out line 7 to 10, inclusive, and insert "State Highway Route 205 between its intersection with Route 163 near the Los Angeles River and its intersection with Center".

Amendment No. 4

On page 1 of the printed bill, strike out lines 12 to 19, and insert "Sec. 2. Prior to January 30, 1943, the Railroad Commission shall not grant any certificate of public convenience and necessity authorizing passenger transportation service by buses or stages over the highway described in Section 1 herein."

Amendment No. 5

On page 1, line 20, of the printed bill, strike out "2", and insert "3".

Amendment No. 6

On page 1, line 22, of the printed bill, strike out "3", and insert "4".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

Assembly Bill No. 2433—An act to amend Section 89 of the Agricultural Code, relating to moneys of district agricultural associations.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 407—An act to add Section 203.5 to the Streets and Highways Code, relating to funds paid to cities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Rich, Shelley, Slater, Swan, Tickle, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 590—An act to amend Section 465 of the Vehicle Code, relating to signs, signals and traffic control devices.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An act to amend Section 995 of the Penal Code, relating to causes for which indictment or information must be set aside.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310—An act to add Section 369h to the Penal Code, relating to the erection and maintenance of lights and signs which interfere with the operation of railroad trains and declaring such lights and signs a public nuisance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Swan, Tuckle, Wagg, and Ward—*ayes*.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 29—An act to add Section 6543, to the Penal Code, relating to installation of dotographs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Collier, Cuthbertson, Cunningham, DeLay, Doud, Dillinger, Fletcher, Foley, Garrison, Gorman, Harpster, Jankin, Keating, Keady, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tuckle, Wagg, and Ward—*ayes*.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1262—An act to amend Section 2 of an act entitled "An act to establish an institution for the confinement, care and reformation of women misdemeanants and women convicted of a felony the punishment for which is less than death, to provide for its maintenance, conduct and government, and to make an appropriation therefor," approved May 9, 1929, relating to the confinement and care of women convicted of crime, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Broad, Collier, Cuthbertson, Cunningham, DeLay, Doud, Dillinger, Fletcher, Foley, Garrison, Gorman, Harpster, Jankin, Keating, Keady, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tuckle, Wagg, and Ward—*ayes*.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Collier, Cuthbertson, Cunningham, DeLay, Doud, Dillinger, Fletcher, Foley, Garrison, Gorman, Harpster, Jankin, Keating, Keady, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tuckle, Wagg, and Ward—*ayes*.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 302—An act to amend Section 29 of the Civil Code, relating to rights of unborn children, and providing for limitation of actions for prenatal injuries and injuries sustained in the course of birth.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Collier, Cuthbertson, Cunningham, DeLay, Doud, Dillinger, Fletcher, Foley, Garrison, Gorman, Harpster, Jankin, Keating, Keady, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tuckle, Wagg, and Ward—*ayes*.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1206—An act to add Article 6.5 to Chapter 7 of Part 2 of Division 6 of the Health and Safety Code, relating to use of county assessment rolls for sanitary district taxes.

Bill read third time.

Motion to Refer Bill to Inactive File

Senator Keating moved that Senate Bill No. 1206 be placed on the inactive file

Motion carried.

Senate Bill No. 1140—An act to add Section 8733.5 to the Health and Safety Code, relating to perpetual care funds of cemeteries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 907—An act relating to the payment of interest on and principal of bonds, and the holding of funds for such payment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None

Bill ordered transmitted to the Assembly.

Senate Bill No. 964—An act to amend Section 688 of the Political Code and to add two new sections, to be numbered 688.1 and 688.2, to the Political Code, relating to claims and actions against the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1158—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 517—An act to add Section 1,253 to the School Code, relating to assistant county supervisor of attendance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Cunningham, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Kenny, Luckey, McReels, McCormick, Mixer, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wag—22.

NOES—Senators Bred, Crittenden, DeLap, Judith, Rachel, Mayo, Metzger, Parkman, Phillips, Powers, and Tickle—11.

Bill ordered transmitted to the Assembly.

Senate Bill No. 688—An act to add Section 46 to the California Irrigation District Act, relating to property sold for delinquent irrigation district assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judith, Keating, Kenny, Rachel, Luckey, Mayo, McCormick, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wag—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 693—An act to add Section 725 to the California Irrigation District Act, relating to court proceedings brought by and against irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judith, Keating, Kenny, Rachel, Luckey, Mayo, McCormick, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wag—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An act to add Chapter 7, comprising Sections 860 to 867, inclusive, to Part 2 of Division 2 of the Labor Code, relating to time of labor of persons employed as household employees.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 23, of the printed bill, after the period add "The fact that the employee lives on the premises of the employer shall not be grounds for any presumption as to the hours of employment of such employee. The number of hours of employment of an employee living on the premises of the employer shall be determined only by proof of the hours provided in an express agreement, oral or written, between the employee and the employer, or his lawful representative."

Amendment No. 2

On page 2, line 9, of the printed bill, after the period, insert "In the enforcement of this chapter, the principle of the sanctity of the home and its protection from all unnecessary encroachments shall be respected. No labor representative and no public officer or employee shall demand entrance into any home for the purpose of conducting an investigation arising out of this chapter, unless in possession of a court order justifying such entrance."

Amendments read.

Motion to Re-refer Bill

Senator Metzger moved that Senate Bill No. 47 be re-referred to Committee on Labor.

Roll Call Demanded

Senators Kenny, Shelley and Swan demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators DeLap, Phillips, Rich, and Triet—4.

NOES—Senators Besset, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Wagy—27.

Motion to Strike Bill from File

Senator Metzger moved that Senate Bill No. 47 be stricken from the file.

Previous Question

Senator Cunningham moved the previous question.

Roll Call Demanded

Senators Kenny, Shelley and Swan demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senator Phillips—1.

NOES—Senators Besset, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—32.

Amendments adopted.

Bill ordered printed, engrossed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 721

Senator DeLap moved that Senate Bill No. 721 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 24

Senator Kenny moved that Senate Bill No. 24 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

THIRD READING OF SENATE BILLS—INACTIVE FILE

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Bill read third time.

Motion to Amend

Senator Luckey moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "but exclusive of any compensation and expenses for services rendered other than as a director,".

Amendment No. 2

On page 1, line 13, of the printed bill, after "month", insert "and the board of directors may fix an additional sum to be paid to the president of the board which

additional compensation shall be subject to termination or change from time to time at the will of the board."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 755 An act to amend "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Bill read third time.

Motion to Amend

Senator Luckey moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the present bill, strike "and", strike out "to".

Amendment No. 2

On page 1, line 19 of the present bill, after "board?" insert "and that board that one director may be appointed or serve as a department head or in any executive position during the same period, provided further, that if an additional salary is being paid to the president of the board, no other director shall be appointed a department head or to an executive position."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 1226 An act to amend Section 7332 of the Business and Professions Code, relating to cosmetology, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Motion to Re-refer Bill

Senator Jespersen moved that Senate Bill No. 1226 be re-referred to Committee on Business and Professions.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to repeal Section 3661 of and to add Section 3661 to the Revenue and Taxation Code, relating to property taxation, including the proceeds from tax-delinquent property, and making an appropriation.

Respectfully submitted,

SENATOR FLETCHER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 13, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swann, Tickle, and Wagy—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1298: By Senator Fletcher—An act to repeal Section 3661 of and to add Section 3661 to the Revenue and Taxation Code, relating to property taxation, including the proceeds from tax-delinquent property, and making an appropriation.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman
TICKLE
BREED
DEUEL

Above reported resolution ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 756

Senate Bill No. 534

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 117

Senate Bill No. 215

Senate Bill No. 757

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred

Senate Bill No. 915

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 142

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 448

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; nays 2; absent 2.

POWERS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred

Senate Bill No. 1197

Senate Bill No. 447

Senate Bill No. 105

Senate Bill No. 529

Senate Bill No. 1294

Senate Bill No. 498

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 220

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4:43 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1:30 p.m., March 14, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

SIXTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER SACRAMENTO

Friday, May 14, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Chief Assistant Secretary John F. Lea at the desk

ROLL CALL

The roll was called, and the following answered to their names:

Senators Buggar, Breed, Brown, Carter, Calkins, Callahan, Cummings, David, Dillinger, Foley, Garrison, Gordon, Jasperse, Jones, Keating, Keating, Lester, Mayo, McBride, Mixter, Michael, Phillips, Rock, Seawall, Sisson, Sisson, Sweeney, Tickle, Wagy, and Ward. 30

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Oppenheimer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Seawell

Senator Metzger, on motion of Senator Seawell.

Senator Fletcher, on motion of Senator Seawell.

Senator Kuchel, on motion of Senator Seawell.

Senator McCormack, on motion of Senator Seawell.

Senator Powers, on motion of Senator Seawell.

Senator Quinn, on motion of Senator Seawell.

Senator Parkman, on motion of Senator Myhand.

Senator Swing, on motion of Senator Seawell.

Senator DeLap, on motion of Senator Seawell.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. C. Fulmor, County Engineer, Riverside.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. N. Quayle and W. W. Edwards, Oakdale Irrigation District, Oakdale.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. D. Thompson, Director, and L. E. Bither, Secretary, Modesto Irrigation District, Modesto.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. G. Hitchcock, City Attorney and State Highway Commissioner; and Judge Wm. Rutherford of Santa Rosa.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Russell Troutner, Hanford.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John H. Lubkin, Chairman of the Board of Supervisors of Inyo County, Lone Pine; Supervisors Mark Lacey of Olancho and Earl Hurlbut of Independence.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Francis, District Attorney, Inyo County, Independence.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Presley Lancaster, Jr., Secretary-Manager, Chamber of Commerce, Santa Barbara.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Frank Kelley of Eureka.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wayne Switzer of Visalia.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. E. Reichert, Lower Lake; James R. Tocher, Middletown, and Ray Kern of Napa.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

March 14, 1941

*Honorable Ellis E. Patterson and Honorable Members of the Senate
of the State of California
Senate Chambers, State Capitol
Sacramento, California*

DEAR MR. PRESIDENT: I am directed to inform your honorable body that the Assembly cordially invites you and the members of the Senate and their wives and families to the Assembly Chambers on Monday, March 17, at 11 a.m., to participate in the annual St. Patrick's Day celebration to commemorate the Feast Day of Ireland's Patron Saint, St. Patrick.

The members of the Senate who have been present at the St. Patrick's Day celebrations in the past will remember with pleasure the splendid entertainment and educational program presented by the Assembly, and it is the hope of the committee that each member of the Senate and his family will be present to enjoy the entertainment.

Yours very sincerely,

ARTHUR A. OHNIMUS, Chief Clerk

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 964	Assembly Bill No. 1100
Assembly Bill No. 962	Assembly Bill No. 896
Assembly Bill No. 963	Assembly Bill No. 945
Assembly Bill No. 1398	Assembly Bill No. 1273
Assembly Bill No. 1089	Assembly Bill No. 1767
Assembly Bill No. 2265	Assembly Bill No. 133
Assembly Bill No. 129	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 964—An act to add Part 7, comprising Sections 12001 to 13113, inclusive, to Division 2 of, and to add Section 50013 to, the Revenue and Taxation Code, thereby consolidating and recasting the law relating to taxation and the raising of revenue, including the taxation of insurance companies and associations and the collection of taxes from such companies and associations, and repealing acts and parts of acts specified herein.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 962—An act to amend Section 3669c of the Political Code, relating to the taxation of insurance companies and the collection of taxes from such companies, including the suspension of corporate rights, privileges and powers.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 963—An act to add Section 1283 to the Insurance Code, relating to the taxation of insurers, including reciprocal or interinsurance exchanges.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1398—An act to amend Sections 760, 781 and 1706.8 of, and to add Section 760.5 to, the Insurance Code, relating to insurance, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1089—An act to amend Section 121 of the Agricultural Code, relating to moneys to be paid into the Department of Agriculture Fund.

Referred to Committee on Agriculture.

Assembly Bill No. 2265—An act to amend Section 744 of the Vehicle Code, relating to records of convictions to be reported to the Department of Motor Vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 129—An act to add Section 2700.5 to, and to amend Sections 2701, 2702 and 2843 of the Elections Code, relating to primary elections and county central committees.

Referred to Committee on Elections.

Assembly Bill No. 1100—An act to amend Section 545 of the Agricultural Code, relating to cheese.

Referred to Committee on Agriculture.

Assembly Bill No. 896—An act to add a new section to Chapter 6 of Division 4 of the Agricultural Code, to be numbered 721.5, relating to proceedings to enjoin violation of certain provisions thereof.

Referred to Committee on Agriculture.

Assembly Bill No. 915—An act to repeal Article 4 of Chapter 1 of Division 3 of the Agricultural Code, relating to poultry brands.

Referred to Committee on Agriculture.

Assembly Bill No. 1273—An act to amend Section 130.1 of the Vehicle Code, relating to the use of the records of the department.

Referred to Committee on Transportation.

Assembly Bill No. 1757—An act to amend Section 11001 of the Revenue and Taxation Code and to add thereto Section 11003.5, relating to Vehicle License Fee Funds.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 133—An act to amend Sections 2604 and 2617 of the Elections Code, relating to nominations and sponsors' certificates.

Referred to Committee on Elections.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 742

Senate Bill No. 169

Senate Bill No. 755

Senate Bill No. 47

Senate Bill No. 1188

Senate Bill No. 530

Senate Bill No. 90

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 532

Senate Bill No. 1191

Senate Bill No. 657

Senate Bill No. 1192

Senate Bill No. 1189

Senate Bill No. 1195

Senate Bill No. 1190

Senate Bill No. 1196

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 17

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 734

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 12, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred

Senate Constitutional Amendment No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9, committee vote: Ayes 7, absent 2

JENSEN, Chairman

Above reported resolution ordered to second reading

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 613

Has had the same under consideration, and reports the same back with amendments and the recommendation: Amendments be adopted, and be re-referred to Committee on Local Government.

Committee membership 11, committee vote: Ayes 6, absent 5

PHILLIPS, Vice Chairman

Above reported bill re-referred to Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 238

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11, committee vote: Ayes 7, absent 4

PHILLIPS, Vice Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 402

Has had the same under consideration, and reports the same back with amendments, with the recommendation: Amend, and do pass as amended.

Committee membership 11, committee vote: Ayes 8, absent 3

PHILLIPS, Vice Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 320

Senate Bill No. 449

Senate Bill No. 436

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11, committee vote: Ayes 7, absent 4

PHILLIPS, Vice Chairman

Above reported bills ordered to second reading

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 287

Senate Bill No. 549

Senate Bill No. 288

Senate Bill No. 551

Senate Bill No. 289

Senate Bill No. 606

Senate Bill No. 541

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Joint Resolution No. 22

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 626

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 167

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 13: By Senator Biggar—Relative to memorializing the President and Congress to enact legislation proposed by U. S. Senate Bill 710, providing a basis of recovery for claims of California Indians based on early treaty arrangement.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 845—An act to amend Section 2313 of the Public Resources Code, relating to mining claims, tunnel locations and mill sites, and the recording of notice of location, markings of boundaries, and performance of discovery work.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 78—An act to add Section 651.7 to the Fish and Game Code, relating to salmon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 319—An act to amend Section 651 of the Fish and Game Code, relating to salmon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 373—An act to amend Section 651.6 of the Fish and Game Code, relating to fish, including salmon.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 524—An act to amend Section 612 of the Fish and Game Code, relating to steelhead trout fishing.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 60—An act to amend Sections 660 and 660.5 of the Fish and Game Code, relating to salmon.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "March 1" and insert "April 1".

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "August 15" and insert "August 1".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 780—An act to provide for the purchase by the Fish and Game Commission of the State of California of lands, lands and water or lands and water rights or easements or shooting rights upon lands for a public shooting grounds; to provide for the regulation, operation, maintenance and administration thereof; appropriating funds for the purchase of said lands, easements or shooting rights; and appropriating funds for the regulation, maintenance, operation and control therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, strike out "on shooting rights upon lands for a", and insert "for".

Amendment No. 2

In the title of the printed bill, strike out lines 7 to 9, inclusive, and insert "of such lands, water, water rights, or easements and for the regulation, maintenance, operation, and control of such shooting grounds."

Amendment No. 3

On page 1, lines 4 and 5, of the printed bill, strike out "shooting rights or privileges".

Amendment No. 4

On page 1, line 7, of the printed bill, strike out "in the Sacramento Valley".

Amendment No. 5

On page 1 of the printed bill, strike out lines 8 to 20, inclusive, and on page 2, strike out lines 1 and 2.

Amendment No. 6

On page 2, line 3, of the printed bill, strike out "3", and insert "2".

Amendment No. 7

On page 2 of the printed bill, strike out lines 6 to 8, inclusive, and insert "fornia. The".

Amendment No. 8

On page 2, line 17, of the printed bill, strike out "4", and insert "3".

Amendment No. 9

On page 2 of the printed bill, strike out lines 30 to 48, inclusive, and insert "Sec. 4. There is hereby appropriated from the Fish and Game Preservation Fund the sum of two hundred ten thousand dollars (\$210,000) to be expended by the Fish and Game Commission in carrying out the provisions of this act; of which sum the Fish and Game Commission shall expend not more than two hundred thousand dollars (\$200,000) for the acquisition of public shooting grounds at a site or sites determined by said commission, and not more than ten thousand dollars (\$10,000) for the patrol, operation, management and control of the public shooting grounds acquired under this act."

Amendment No. 10

On page 2, line 49, of the printed bill, strike out "7", and insert "5".

Amendment No. 11

On page 3, line 1, of the printed bill, strike out "8", and insert "6".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Senate Bill No. 180—An act to protect the property by making criminal certain unlawful entries on, injuries to and interferences with property, authorizing the closing of streets, and to provide penalties for the violation thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 276—An act to amend Section 1550 of the Probate Code, relating to the inventory and appraisal of estates of wards, and the delivery of a copy thereof to the county assessor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 315—An act to amend Section 942 of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 63—An act to add Section 6141.1 to the Business and Professions Code, relating to waiver of fees of members of the State Bar of California, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 495—An act to amend Sections 396 and 439 of the Code of Civil Procedure, relating to transfer of cases.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 496—An act to amend Section 164 of the Civil Code, relating to property acquired after marriage.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1135—An act to amend Section 631 of the Code of Civil Procedure, relating to waiver of jury trial.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "one thousand dollars" (\$5,000) and insert "seven thousand five hundred dollars" (\$7,500).

Amendment No. 2

On page 1, line 6, of the printed bill, after "excepted", insert "and of the compensation of".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 666—An act to amend Section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 17, of the printed bill, strike out the words "thereof included" and insert "includes".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 65—An act to amend Sections 107, 2605, 2696 and 2905 of the Revenue and Taxation Code, relating to property taxation, including the definition of possessory interests, collection of taxes, and computation of taxes, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 86—An act to amend Section 205 of the Revenue and Taxation Code, relating to exemption of property of veterans from taxation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 338—An act to amend Section 4, of The Corporation Income Tax Act of 1937, relating to corporations exempt from tax.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 339—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to corporations exempt from tax.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 66—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of property taxes, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 19 to 21, inclusive; and in line 22, strike out "Sec. 3", and insert "Sec. 2".

Amendment No. 2

On page 2, lines 7 and 8, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 2 of the printed bill, strike out lines 11 to 13, inclusive, and insert "into effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that".

Amendment No. 4

On page 1, line 15, of the printed bill, strike out "by the United"; strike out all of line 16, and in line 17, strike out "other political subdivision", and insert "by any county or school district".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 72—An act to amend Section 454 and the title of Article 2 of Chapter 3, Part 2, Division 1 of, and to add Sections 408, 466 and 467 to the Revenue and Taxation Code, relating to property taxation, including inspection of information and records in the county assessor's office, subpoenaing and examining of persons by the assessor, and the filing of statements pertaining to specified property subject to taxation, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2 of the printed bill, strike out lines 30 to 32, inclusive; and, in line 33, strike out "Sec. 7", and insert "Sec. 6".

Amendment No. 2

On page 2, lines 44 and 45, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 2 of the printed bill, strike out lines 48 to 50, inclusive, and insert "into effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 68—An act to amend Section 1138 and the title of Article 5, Chapter 5, Part 2, Division 1 of, to repeal Sections 1139, 1140 and 1141 of, and to add Sections 1139, 1140, 1141 and 1142 to the Revenue and Taxation Code, relating to property taxation and the assessment of special types of property, including vessels and aircraft, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2 of the printed bill, strike out lines 14 to 16, inclusive, and in line 17, strike out "Sec. 9", and insert "Sec. 8"

Amendment No. 2

On page 2, line 28, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 2 of the printed bill, strike out lines 32 to 34, inclusive, and insert "long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible, in order that the transit".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 69—An act to amend Section 611 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 10, inclusive, and in line 11, strike out "Sec. 3", and insert "Sec. 2"

Amendment No. 2

On page 1, lines 22 and 23, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 1 of the printed bill, strike out lines 26 and 27, and insert "into effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the".

Amendment No. 4

On page 2, line 1, of the printed bill, after "Code", insert "as is possible".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 73—An act to amend Sections 447 and 1060 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, including matters shown on the property statement and on supplemental statements thereto, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 14 to 16, inclusive; and in line 17, strike out "Sec. 4.", and insert "Sec. 3."

Amendment No. 2

On page 2, lines 3 and 4, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 2 of the printed bill, strike out lines 7 to 9, inclusive, and insert "into effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 74—An act to amend Section 110 of the Revenue and Taxation Code, relating to property taxation and the determination of the actual value of intangibles, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 12, inclusive; and in line 13, strike out "Sec. 3.", and insert "Sec. 2."

Amendment No. 2

On page 1, line 24, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 2 of the printed bill, strike out lines 2 to 4, inclusive, and insert "long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that the transi-".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 75—An act to amend Section 114 of the Revenue and Taxation Code, relating to property taxation and the definition of "debts" as appertaining thereto, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 9, inclusive; and in line 10, strike out "Sec. 3.", and insert "Sec. 2."

Amendment No. 2

On page 1, lines 21 and 22, of the printed bill, strike out "takes effect", and insert "became effective".

Amendment No. 3

On page 1 of the printed bill, strike out lines 25 and 26, and insert "effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective".

Amendment No. 4

On page 2, line 1, of the printed bill, after "Code", insert "as is possible".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 264—An act to amend Sections 3101, 3105 and 3110 of the Revenue and Taxation Code, relating to property taxation and to the registration of vessels to enforce the payment of property taxes to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2 of the printed bill, strike out lines 3 to 5, inclusive, and in line 6, strike out "Sec. 5", and insert "Sec. 4".

Amendment No. 2

On page 2, lines 17 and 18, of the printed bill, strike out "when effective", and insert "became effective".

Amendment No. 3

On page 2 of the printed bill, strike out lines 21 to 23, inclusive, and insert "effect long after the lien date. Also, it is essential that the provisions of this act take effect as soon after the effective date of the Revenue and Taxation Code as is possible in order that the".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 306—An act to amend Section 264 of the Retail Sales Tax Act of 1933 and Section 207 of the Use Tax Act of 1941, relating to priority of the sale and use taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, after "amend", insert "Section 6756 of the Revenue and Taxation Code and to amend".

Amendment No. 2

On page 2 of the printed bill, after line 10, insert

"Sec. 3. Section 6756 of the Revenue and Taxation Code is hereby amended to read as follows:

6756. The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases:

- (a) Whenever the person is insolvent.
- (b) Whenever the person makes a voluntary assignment of his assets.
- (c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the decedent.
- (d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any person's lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

Sec. 4. Section 3 of this act takes effect only if Part 1 of Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its Fifty-fourth Session, and, in such case, at the same time as said Part 1 takes effect. It which this Section 264 of the Retail Sales Tax Act of 1933 and Section 207 of the Use Tax Act of 1935 amended by this act are hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 1278 be placed on the inactive file.

Motion carried.

Senate Bill No. 1278—An act to amend Section 3358 of the Revenue and Taxation Code, relating to property taxation, and the sale of property for delinquent taxes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "collector", and insert "sold".

Amendment read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 117—An act to repeal Sections 2.464, 2.465, 6.383 and 6.384 of, to amend Sections 2.505, 3.301 and 4.250 of, and to add Sections 3.321, 3.322, 3.323, 3.324 and 3.325 to, the School Code, all relating to the payment of the costs of providing for the education of high school pupils not residing in a high school or unified school district.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 215—An act to amend School Code Sections 2.230, 2.231, 2.232, 2.250, 2.251 and 2.252, all relating to union and joint union elementary school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 757—An act to add a new article to Chapter 1 of Part 2 of Division 2 of the School Code, to be known as Article 10, relating to the attendance of school members of governing boards of school districts of State-wide educational meetings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 756—An act to add Section 2.1521 to the School Code, relating to educational societies.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "shall be", and insert "are".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 534—An act to add Article 11 to Chapter 2 of Part 1 of Division 2 of the School Code, relating to the inclusion in school districts of lands owned by the United States of America.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "military reservation or other lands", and insert "land".

Amendment No. 2

On page 1, line 9, of the printed bill, strike out "are", and insert "is".

Amendment No. 3

On page 1, line 11, of the printed bill, strike out "lands", and insert "land".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 915—An act to amend Section 5.667 of the School Code, relating to certificated employees of school districts which are formed by the uniting of two or more school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 5.667", and insert "Sections 5.500 and 5.501".

Amendment No. 2

In the title of the printed bill strike out all of lines 2 and 3, and insert "persons employed by school districts in positions requiring certification qualifications".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 1 to 25, both inclusive, and on page 2, strike out all of lines 1 to 47, both inclusive, and insert in lieu thereof the following:

"SECTION 1. School Code Section 5.500 is hereby amended to read as follows:

5.500. Every employee of a school district of any type or class, except a joint union or union high school district with an average daily attendance of \$50 or more, maintaining eight or more schools, lying not less than six miles apart, who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications shall, except as hereinafter otherwise provided, at the commencement of said succeeding school year be classified as and shall become a permanent employee of the district.

Every employee of a joint union or union high school district, having an average daily attendance of \$50 or more, who after having been employed by the district has served for three complete consecutive school years in a position, or positions, requiring certification qualifications, in a school having an average daily attendance of \$50 or more, is reelected for the next succeeding school year to a position requiring certification qualifications shall, except as hereinafter otherwise provided, at the commencement of said succeeding school year, be classified as and shall become a permanent employee of the district.

At the discretion of the governing board of a district with 60,000 average daily attendance or more every employee of the district who, after having been employed by the district for two consecutive school years in a position or positions requiring certification qualifications, is reelected for the next succeeding school year to a position requiring certification qualifications may, at the commencement of the succeeding school year, be classified as and become a permanent employee of the district.

Nothing in these parts shall be construed to give permanent classification to a person in the evening school who is already classified as a permanent employee in the day school. In case a teacher obtains permanent classification in the evening school and later is eligible for the same classification in the day school by reason of having served the probationary period therein, he shall be given his choice as to which he shall take. Nothing in this section contained shall be construed to affect the classification of any employee as it exists at the time this act takes effect.

SEC. 2. School Code Section 5.501 is hereby amended to read as follows:

5.501. Every employee of a school district of any type or class, having an average daily attendance of less than \$50 pupils, who, after having been employed by the

district for three complete consecutive school years in a position, or positions, requiring certification qualifications and is reelected for the next succeeding school year to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If said classification be not made the employee shall not attain permanent status and may be reelected from year to year thereafter without becoming a permanent employee until said classification is made.

Every employee of a joint union or a union high school district having an average daily attendance of \$50 or more, maintaining eight or more high schools lying not less than six miles apart, who, after having been employed by the district has served for three complete consecutive school years in a position, or positions, requiring certification qualifications in a school having an average daily attendance of less than \$50, and is reelected to a position requiring certification qualifications, may be classified by the governing board of the district as a permanent employee of the district. If said classification be not made the employee shall not attain permanent status and may be reelected from year to year thereafter without becoming a permanent employee until said classification is made.

Nothing in this section shall be construed as affecting the classification of any employee as it exists at the time this act takes effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 142—An act to amend Section 862a of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to organization, incorporation and government of cities of the sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 862a of", and insert "add Section 862ab to".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 46, inclusive, and insert

"SECTION 1. Section 862ab is hereby added to the act cited in the title hereof, to read as follows:

Sec. 862ab. The city council of any city of the sixth class may acquire or construct and maintain and operate a municipal hospital. In acquiring or constructing any such hospital the council may issue bonds and provide for the payment thereof in accordance with the provisions of the act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements and regulating the acquisition, construction and completion thereof," approved February 25, 1901, as amended.

The council may provide for the operation and maintenance through tenants of the whole or any part of any hospital acquired or constructed by it pursuant to this act, and for such purpose may enter into any lease agreement which it believes will best serve the interests of the city. No such lease shall run for a term in excess of 10 years.

The authority and procedure contained in this section for the acquisition or construction and maintenance and operation of a municipal hospital are in addition and alternative to those contained in Section 862a."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 448—An act to amend Section 737tt of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Sierra.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 4, of the printed bill, after "thousand", strike out "five".

Amendment No. 2

On page 1, line 5, of the printed bill, strike out "hundred", and "\$5,500" and insert "\$5,000".

Amendments read.

Roll Call Demanded

Senators Seawell, Biggar and Gordon demanded a roll call.

The roll was called, and the amendments were refused adoption by the following vote:

AYES—Senators Rich, and Wagy—2.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Dillinger, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Keson, Kordahl, McElife, Mixter, Myhand, Phillips, Seawell, Slater, Swan, Tackie, and Ward—24.

Bill ordered engrossed, and to third reading.

Senate Bill No. 1197—An act to amend Section 4174a of the Political Code, relating to the duties of sheriff.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 105—An act to amend Section 737ccc of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Tuolumne.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1294—An act to amend Section 737s of the Political Code, relating to superior court judges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 447—An act to amend Section 4265 of the Political Code, relating to compensation for public services in counties of the thirty-sixth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 529—An act to add Section 4056g to the Political Code, relating to officers, deputies, assistants and employees of the counties, and their rights and privileges in relation to their several county offices and employments during, and after termination of, their service in the armed forces or training and service in the land or Naval forces of the United States.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 408—An act to amend Section 4276 of the Political Code, relating to salaries and fees of offices in counties of the forty-seventh class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 220—An act to amend Section 737uu of the Political Code, relating to the salary of superior judges in and for the County of Siskiyou.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "five hundred".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 721—An act to amend Section 842 of the Probate Code, relating to the leasing of real property belonging to the estate of a deceased person.

Bill read second time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out the sentence commencing in line 8, and ending in line 10.

Amendment No. 2

On page 1, line 13, of the printed bill, insert "fixed" before "period,"; strike out the comma after "years", and insert "and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased."

Amendment No. 3

On page 1 of the printed bill, strike out lines 14, 15, 16, 17, 18, 19, and the first four words of line 20, and insert "The order shall prescribe the minimum rental or royalty and the period of the lease, and may prescribe other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a bank or trust company as depository, and for the appointment of a common agent to represent the interests of all the lessors. If the lease covers additional property owned by other persons or an undivided interest of the decedent, or other interest of the decedent less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 24—An act to amend Section 12902 of the Insurance Code, relating to the Insurance Commissioner.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "12902 of the Insurance Code,"; and strike out line 2 of the title, and insert "21, to repeal Sections 12901, 12902 and 12906 of the Insurance Code, and to add Sections 12901, 12902 and 12906 thereto, relating to the administration of the laws pertaining to insurance."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 7, inclusive, and insert:

"SECTION 1. Section 21 of the Insurance Code is hereby amended to read as follows:

21. "Division," and "department," in reference to the Government of this State, means the Department of Insurance of this State.

SEC. 2. Sections 12901, 12902 and 12906 of the Insurance Code are hereby repealed.

SEC. 3. Section 12901 is hereby added to the Insurance Code, to read as follows: 12901. The commissioner shall be a person competent and fully qualified to perform the duties of the office. Neither the commissioner nor any deputy or employee shall during his or their tenure of office be an officer, agent or employee of an insurer or directly or indirectly interested in any insurer or licensee under this code, except as a policyholder.

If the commissioner or any deputy or employee holds any license or permit issued under this code, he shall surrender it for cancellation within 10 days after appointment and qualification. Upon termination of his office or employment such license or permit shall be reissued for the balance of the then current license or permit year without fee or penalty.

SEC. 4. Section 12902 is hereby added to the Insurance Code, to read as follows: 12902. The annual salary of the commissioner is ten thousand dollars (\$10,000).

SEC. 5. Section 12906 is hereby added to the Insurance Code, to read as follows:

12906. The governmental agency heretofore known as the Department of Insurance of the Department of Investment is hereby designated the Department of Insurance and is not a part of the Department of Investment. The Department of Insurance remains under the control of the Insurance Commissioner to the same extent as it was under his control prior to the taking effect of this section. The change in name and removal from the Department of Investment of the governmental agency heretofore known as the Division of Insurance, effected by this section, shall not affect in any manner the deputies or employees of such governmental agency, and their employments and positions are hereby expressly continued in effect. The Insurance Commissioner shall remain a member of the Board of Investment and is not a head of a department within the meaning of Section 349 of the Political Code."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

THIRD READING OF SENATE BILLS

Senate Bill No. 421—An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 3 to 20, inclusive, and insert:

"The department may join associations of highway officials of other States and others which have been established for not less than 10 years, having as their purpose the interchange of information relating to highway construction, improvement, maintenance and administration and may send officers at State expense, subject to the provisions of Section 352 of the Political Code, to meetings of such associations, and also may send officers out of the State to meet with officers or employees of the Federal Government in connection with Federal-State cooperative highway work, provided, however, that traveling expenses outside of the State for officers of the department attending such meetings or conventions, and meetings with officers or employees of the Federal Government, shall not exceed two thousand dollars (\$2,000) in any one year."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Brown moved that Senate Bill No. 174 be taken from the inactive file, and placed on second reading file.

Motion carried.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Keating moved that Senate Bill No. 1194 be taken from the inactive file, and placed on second reading file.

Motion carried.

ADJOURNMENT

At 2.20 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 17, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

SEVENTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 17, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Carter, Collier, Cunningham, Dillinger, Foss, Gordon, Judah, Luckey, Mixer, Myland, Slater, Tickle, and Ward—45.

Call of the Senate

Senator Brown moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2.10 p.m., on motion of Senator Brown, further proceedings under the call of the Senate were dispensed with.

Roll Call

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mosinger, Mixer, Myland, Packman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day :

Senator Hays, on motion of Senator Seawell.

Senator Phillips, on motion of Senator Mixter.

Senator McBride, on motion of Senator Ward.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Biggar and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. Walter Rapaport of Mendocino State Hospital, Talmage.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Paul P. Wettstein of Santa Cruz.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Isaac Schlatter, Chairman, Imperial County Board of Supervisors.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Dave Hunt of Woodland.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adelaide Messner of Montague.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Florence Blunt and J. S. Perry, both of San Diego.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Idal Reynolds and Mrs. William Welsh, both of Pasadena.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Vera Amaral of Mountain View.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. May Nolan of San Francisco.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Helen McCants, teacher, and Rose Kipp, Evelyn Kipp, Thelma Kipp, Annabel Tsujimoto, San Tsujimoto, and Stanley Gladney, pupils of the Rumsey Grammar School.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sam Maggio of El Centro.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 905
 Assembly Bill No. 1090
 Assembly Bill No. 100
 Assembly Bill No. 176
 Assembly Bill No. 177
 Assembly Bill No. 198
 Assembly Bill No. 1022
 Assembly Bill No. 1023

Assembly Bill No. 1614
 Assembly Bill No. 1136
 Assembly Bill No. 795
 Assembly Bill No. 1967
 Assembly Bill No. 843
 Assembly Bill No. 376
 Assembly Bill No. 2000
 Assembly Bill No. 112

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 33
 Assembly Constitutional Amendment No. 6

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 905—An act to amend Section 118 of the Agricultural Code, relating to the admissibility of the hosts of fruit flies.

Referred to Committee on Agriculture.

Assembly Bill No. 1090—An act to add a new section to the Agricultural Code to be numbered 120.5, relating to plant registrations and certifications.

Referred to Committee on Agriculture.

Assembly Bill No. 100—An act to amend Sections 5 and 6 of, and to add Sections 8 and 9 to "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to the abatement of nuisances.

Referred to Committee on Agriculture.

Assembly Bill No. 176—An act to amend Section 15 of an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal bankruptcy courts therein," approved June 5, 1933, as amended, relating to credits in making the reassessment.

Referred to Committee on Local Government.

Assembly Bill No. 177—An act to amend Section 17 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the Bankrupt Laws of the United States of America in any refunding," approved July 20, 1935, as amended, relating to credits in making the assessment.

Referred to Committee on Local Government.

Assembly Bill No. 198—An act to add Part 3, consisting of Chapters 1 and 2 consisting of Sections 8300 to 8308 and 8320 to 8324, to Division 9 of the Streets and Highways Code, relating to the vacation of city streets.

Referred to Committee on Transportation.

Assembly Bill No. 1022—An act to amend Section 853 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to bonds of city clerks and city treasurers.

Referred to Committee on Local Government.

Assembly Bill No. 1023—An act to amend Section 855 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the compensation of city clerks and city treasurers.

Referred to Committee on Local Government.

Assembly Bill No. 1614—An act to add Section 38.5 to the Alcoholic Beverage Control Act, relating to certificates of compliance.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1136—An act to amend Sections 6.195, 6.198 and 6.199 of the School Code, relating to payment by governing boards of commissions for the sale or lease of property.

Referred to Committee on Education.

Assembly Bill No. 795—An act to add Section 22140 to the Streets and Highways Code, relating to assessments levied to defray the cost of the planting, maintenance and removal of trees.

Referred to Committee on Transportation.

Assembly Bill No. 1967—An act to add Section 4.368-1 to the School Code, relating to school district funds, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 843—An act to amend Section 170 of the School Code, relating to transportation of pupils.

Referred to Committee on Education.

Assembly Bill No. 376—An act to amend Section 212 of the Agricultural Code, relating to bringing goats into this State.

Referred to Committee on Agriculture.

Assembly Bill No. 2000—An act making an appropriation to meet a deficiency in the appropriation for compensation benefits to State officers and employees during the Ninety-first and Ninety-second Fiscal Years, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 112—An act to amend Section 4 of an act entitled "An act to provide for the issuance of duplicates of bonds, warrants, and other evidences of indebtedness of counties and municipal and other public corporations," approved June 10, 1937, relating to duplicate bonds, warrants and other evidences of indebtedness, including the filing thereof.

Referred to Committee on Local Government.

Assembly Joint Resolution No. 33—Relative to the extension of flood control works in the Los Angeles River and the construction of such works in the San Fernando Valley.

Referred to Committee on Water Resources.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California to amend Section 6 of Article IV of the State Constitution, relating to the membership of the Reapportionment Commission.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1135
Senate Bill No. 276
Senate Bill No. 180
Senate Bill No. 63
Senate Bill No. 447
Senate Bill No. 1294
Senate Bill No. 315
Senate Bill No. 496
Senate Bill No. 495
Senate Bill No. 845
Senate Bill No. 78
Senate Bill No. 319
Senate Bill No. 373
Senate Bill No. 524

Senate Constitutional Amendment No. 4
Senate Bill No. 748
Senate Bill No. 86
Senate Bill No. 338
Senate Bill No. 339
Senate Bill No. 117
Senate Bill No. 215
Senate Bill No. 757
Senate Bill No. 1197
Senate Bill No. 105
Senate Bill No. 408
Senate Bill No. 529
Senate Bill No. 448
Senate Bill No. 65

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 72	Senate Bill No. 306
Senate Bill No. 264	Senate Bill No. 534
Senate Bill No. 69	Senate Bill No. 666
Senate Bill No. 66	Senate Bill No. 756
Senate Bill No. 73	Senate Bill No. 1278
Senate Bill No. 74	Senate Bill No. 68
Senate Bill No. 75	Senate Bill No. 60
Senate Bill No. 142	Senate Bill No. 30
Senate Bill No. 220	

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 421

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 14, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Constitutional Amendment No. 13

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 760

Senate Bill No. 1274

Assembly Bill No. 562

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 77

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 15, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 196

Senate Bill No. 198

Senate Bill No. 197

Senate Bill No. 201

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

PHILLIPS, Chairman

Above reported bills re-referred to Committee on Finance.

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 748—An act to amend Section 670 of the Fish and Game Code, relating to sale of canned salmon.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "or by an angler".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 613—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, after "is", insert "seven thousand".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 402—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to deposits of money belonging to or in the custody of the State.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 17, of the printed bill, following "surplus", insert "However, the State Treasurer shall first deposit such moneys in the amount of the paid up capital of any bank making application for all or any part thereof and shall only deposit in excess thereof as herein provided, when such applications have been satisfied."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 320—An act authorizing the appointment and prescribing the powers and duties of special policemen for the protection and preservation of public property, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 449—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's Office.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 436—An act to add Section 83.5 to the State Civil Service Act, relating to qualifications of applicants for civil service positions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 287—An act to amend Section 43 of the California Irrigation District Act, relating to irrigation district assessments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 288—An act to amend Section 39e of the California Irrigation District Act, relating to irrigation district assessments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 289—An act to amend Sections 7055, 7057 and 7058 and the article heading of Article 2, Chapter 2, Part 6 of the Water Code, and Section 4 of the Central Valley Project Act of 1933, relating to the changing of the name of Kennett Dam to Shasta Dam.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 541—An act to add Section 1.5 to the California Irrigation District Act, relating to publication of notices pursuant to laws relating to irrigation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 606—An act to amend the title of an act entitled "An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency hereof and providing that this act shall go into immediate effect," approved February 1, 1935, relating to cooperation between irrigation districts and county water districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 626—An act to amend Section 19e of the California Irrigation District Act, relating to the selection of the officers of irrigation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 21 to 26, inclusive; and on page 2, strike out lines 1 to 8, inclusive, and insert "a board of directors to consist of three members each of whom shall be an owner of land within the district, but need not be a resident of the district. The directors so appointed shall take office as soon as they shall have qualified in accordance with the provisions of this act, and shall hold office for a period of four years and thereafter until their successors are elected or appointed and qualified.

Upon its organization as a board, the board so appointed shall fill by appointment the".

Amendment No. 2

On page 2 of the printed bill, after line 11, insert

"Not more than 60 nor less than 30 days before the first Wednesday in February of any odd numbered year a majority of the electors in a district then having a board of directors appointed pursuant to this section, may petition the board of directors that an election be held, and showing in such petition that there are persons who could qualify under Section 26 of this act as directors representing each division in the district, that there are more than five owners of land in the district who are residents and electors thereof, and that there are sufficient electors in the district to conduct an election. If the board of directors finds the facts alleged in the petition to be true it shall order that a general election be held, as provided in this act, at which election a director for each division and all other elective officers shall be elected. The directors elected shall at their first meeting classify themselves into two groups in the same manner and with the same effect as is provided in Section 13 of this act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 549—An act to repeal Sections 62 and 63 of the California Irrigation District Act, relating to apportionment of water by water commissioners and flow of water through irrigation district ditches in times of high water.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 551—An act to repeal Section 24 of an act entitled "An act to provide for the dissolution of irrigation districts, the assumption and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, relating to the dissolution of irrigation districts having no indebtedness not barred by the statute of limitations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 167—An act to amend Sections 5, 7 and 17 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof, and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 29, 1901, relating to drainage districts, including the qualifications of district directors, the qualifications of electors, the qualifications of directors when such directors are elected to represent divisions of the district, and the qualifications of electors entitled to vote for directors who are elected by divisions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 174—An act to amend Section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1194—An act to amend Section 1 of an act entitled "An act empowering any State institution to advance to the Napa

State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use," approved July 1, 1937, relating to the purchase of meat from the Napa State Farm.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 238—An act to amend Section 1 of the California Maritime Academy Act, relating to the California Nautical School and the place of its maintenance; declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 589—An act to amend Sections 345, 466 and 612 of the Streets and Highways Code, relating to descriptions of certain State highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wag, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 421—An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wag, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188—An act to amend Section 688 of the Code of Civil Procedure, relating to property subject to execution.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wag, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 351—An act to repeal Title 11a of Part 3 of the Code of Civil Procedure, relating to conciliation proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, DeLap, Dond, Garrison, Gordon, Keating, Kuehl, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Swing, Tickle, Wagy, and Ward—22

NOES—Senators Bigger, Collier, Crittendon, Cunningham, Fletcher, Foley, Jepsen, Judah, Kenny, Luckey, Seawell, Shelley, Slater, and Swan—14

Bill ordered transmitted to the Assembly.

Senate Bill No. 506—An act to amend Sections 8931, 8938, 8939, 8963 and 9000 of the Health and Safety Code, relating to cemeteries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittendon, Cunningham, DeLap, Dond, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, Kuehl, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 662—An act to amend Section 8560 of the Health and Safety Code, relating to cemeteries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittendon, Cunningham, DeLap, Dond, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuehl, Luckey, Mayo, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An act to add Chapter 7, comprising Sections 860 to 867, inclusive, to Part 2 of Division 2 of the Labor Code, relating to time of labor of persons employed as household employees.

Bill read third time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, after "labor", insert "and compensation for overtime labor".

Amendment No. 2

On page 1, line 25, of the printed bill, before the period, insert ", unless he receives compensation for his employment in excess of said 54 hours at a rate not less than one and a half times the regular rate at which he is employed".

Amendment No. 3

On page 2, line 11, of the printed bill, before the period, insert ", unless he receives compensation for his employment in excess of eight hours a day, 48 hours a week or six days a week at a rate not less than one and a half times the regular rate at which he is employed".

Amendment No. 4

On page 2, line 12, of the printed bill, after "who", insert ", without paying the additional compensation provided for herein,".

Amendment No. 5

On page 2, line 14, of the printed bill, after "who", insert ", without paying the additional compensation provided for herein,".

Amendments read and adopted.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 18, of the printed bill, strike out "act.", and insert "chapter. "Household employee" does not include an employee on the farm in the service of a person engaged in agriculture."

Amendment No. 2

On page 1, lines 23 and 24, of the printed bill, strike out "nor permitted to labor more than 54", and insert "more than 54 working".

Amendments read and adopted.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 26, of the printed bill, strike out the period, and insert "and no action at law or by the division shall be commenced hereunder after 60 days following any violation of this chapter."

Amendment read and adopted.

Motion to Re-refer Bill to Committee

Senator Deuel moved that Senate Bill No. 47 be re-referred to Committee on Judiciary for consideration of amendments.

Roll Call Demanded

Senators Kenny, Shelley and Swan demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Brown, Collier, DeLap, Deuel, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Swing, Tickle, and Wagy—17.

NOES—Senators Biggar, Carter, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Quinn, Seawell, Shelley, Slater, and Swan—17.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 18: By Senator Phillips—Relative to securing a survey of the potential industrial development of the West.

Request for Unanimous Consent

Senator Deuel asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 18, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 18

Senate Concurrent Resolution No. 18—Relative to securing a survey of the potential industrial development of the West.

Above resolution ordered to unfinished business file.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Swing:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2 of the Constitution, I request permission to introduce a bill the title of which is as follows:

An act to amend Sections 69, 24, 242, 243, 27, 33e, 34, 51 and 67.5, and to repeal 24.5, 24.7, 27a, 27b, 27c, 27d, 33, 33a, 33b, 33c and 33d of the Alcoholic Beverage Control Act, and to add thereto new sections to be designated 24.1, 24.5, 24.6, 27a, 27b, 27c, 33, 33a, 33b, 33c, 33d, 33e, 33f, 33g, 34, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i and 34j, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Respectfully submitted.

SENATOR SWING

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYLAND
DEUEL
TICKLE
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brod, Brown, Gentry, Gurnea, Harbo, DeLoe, Dillinger, Fletcher, Foley, Garrison, Gordon, Johnson, Jones, Keith, Kitch, Lester, Mayo, Metzger, Mixer, Myland, Parlman, Powers, Quinn, Ross, Seppala, Sorey, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1299: By Senator Swing—An act to amend Sections 69, 24, 242, 243, 27, 33e, 34, 51 and 67.5, and to repeal 24.5, 24.7, 27a, 27b, 27c, 27d, 33, 33a, 33b, 33c and 33d of the Alcoholic Beverage Control Act, and to add thereto new sections to be designated 24.1, 24.5, 24.6, 27a, 27b, 27c, 33, 33a, 33b, 33c, 33d, 33e, 33f, 33g, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i and 34j, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 15, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 133

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 15, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 194

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 1.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 56

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 425

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 682

Senate Bill No. 753

Senate Bill No. 932

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 679

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, March 10, 1941; Tuesday, March 11, 1941; Wednesday, March 12, 1941; Thursday, March 13, 1941; Friday, March 14, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 131

Senator Kuchel moved that Senate Bill No. 131 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.
Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 420

Senator Kuchel moved that Senate Bill No. 420 be withdrawn from Committee on Local Government for purpose of amendment.
Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 741

Senator Ward moved that Senate Bill No. 741 be withdrawn from Committee on Business and Professions for purpose of amendment.
Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1250—An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 657, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crutcher, DeLoach, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Jespersen, Joch, Keating, Kuchel, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swang, Tickle, and Wagy. 34.
NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1941.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day adopted as amended:

Senate Joint Resolution No. 4

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress to take the steps necessary to permit meat and meat products prepared under California State inspection to be sold on the same basis as meat and meat products under Federal inspection.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 4?

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "equal in all respects", and strike out line 5, and insert "equivalent in all essential respects to Federal meat inspection; and".

Amendment No. 2

On page 1, line 7, of the printed bill, strike out "10", and insert "5".

Amendment No. 3

On page 1 of the printed bill, strike out lines 15 to 18, inclusive.

Amendment No. 4

On page 1, line 27, of the printed bill, strike out "may be extended to the small", and insert "in California should be extended to".

Amendment No. 5

On page 2 of the printed bill, strike out line 1, and insert "all State inspected packing plants and can be done without in any way diminishing".

The roll was called, and the Senate concurred in Assembly amendments to Senate Joint Resolution No. 4 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—34.
 NOES—None.

Above resolution ordered enrolled.

Senate Bill No. 1192—An act to add Sections 2004 and 2006 to the Penal Code and to repeal an act entitled "An act relating to the first unit of the Southern California Prison and making an appropriation therefor," approved May 28, 1937, relating to an appropriation for the Southern California Prison.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, strike out "California State Prison at Chino", and insert "Southern California Prison".

Amendment No. 2

On page 1, line 24, of the printed bill, strike out "taxes", and insert "takes".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1190—An act to add Section 2056 to the Penal Code and to repeal Section 1595 of the Penal Code as added in 1907, relating to the rebuilding of buildings destroyed by fire.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, after "Governor," insert "Attorney General, and Secretary of State,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

ADJOURNMENT

At 4.04 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 18, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY

SEVENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 18, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoach, Douel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagay, and Ward—22.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary announced the absentees:

Time, 2.02 p.m.

The President directed the Sergeants-at-Arms to close the doors and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2.06 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoach, Douel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagay, and Ward—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Hays, on motion of Senator Mixter.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Garrison and Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Boyd Garrison, Jr., of Berkeley.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. V. Meek of Yreka.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Sarah E. Cureton of Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ernest L. Finley and Mrs. Madeline Noonan, both of Santa Rosa.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. A. McNicol, J. H. Wade and Hugh Griswold, all of Merced.

On request of Senators Wagy and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator and Mrs. William E. Harper of San Diego.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Anne Margrave, Inyo County Librarian, of Independence.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Argyle Campbell, City Attorney, and John Thompson, City Councilman, both of Monterey.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Elizabeth Topping, Ventura County Librarian, of Ventura.

On request of Senators Keating and McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superior Judge Andrew L. Pierovich, of Amador County.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chester Robinson and Horace Dryden, both of Modesto.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Virginia Vail, Marin County Librarian, and Mrs. Gene Tracy, Assistant Librarian, of San Rafael.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Caroline Waters, San Bernardino County Librarian, of San Bernardino.

On request of Senators Gordon and McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Oliver of Suisun.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Har-

riet Davids and Mrs. Ray Morrow, both of Hanford, and Mrs. Frank Buckman and Mrs. Marjorie Bonnetti, both of Sacramento.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. A. Alcorn of Merced.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. R. A. French of Alturas, and Al Freeman of San Francisco.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tony Szyvick of Sacramento.

On request of Senators Kenny and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the distinguished American actress, Billie Burke, of Santa Monica.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 57

Relative to the death of Mr. and Mrs. George R. Harrison.

Joining in the state-wide expression of sincere regret at the passing of George R. Harrison's honored and venerable citizens, Mr. and Mrs. George R. Harrison of Sebastopol, the former for a number of years master of the State Congress of California and one who took great interest in legislation in State and Nation affecting agriculture; therefore be it

Resolved by the Senate of the State of California: That when it adjourns the eighteenth day of March, 1941, it do so out of respect to the memory of Mr. and Mrs. Harrison; and be it further

Resolved: That the Secretary of the Senate be requested to forward a suitable copy of this action to the bereaved family as a token of commendation of the very fine public service they rendered both in the State Congress and in their agricultural and in founders and president and secretary respectively of the Senate County Garden Wedding Club.

Resolution read, and unanimously adopted by a rising vote.

CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS

Senate Concurrent Resolution No. 18—Relative to securing a survey of the potential industrial development of the West.

Resolution read.

Motion to Re-refer Bill to Committee

Senator Phillips moved that Senate Concurrent Resolution No. 18 be re-referred to Committee on Finance.

Motion carried.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Concurrent Resolution No. 13—Relative to the addition of Rule 5.5 to the Joint Rules of the Senate and the Assembly, to provide for the form and introduction of joint resolutions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Broad, Brown, Carter, Collier, Crittendon, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jospenson, Judd, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy. 27

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1191—An act to add Section 2765 to the Penal Code and to repeal Section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of Prisoners Recreation and Educational Fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to forfeiture by prisoners of money earned by them.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1191:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 15, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 1191

"An act to add Section 2765 to the Penal Code and to repeal Section 1 of an act entitled 'An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of Prisoners Recreation and Educational Fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith,' approved June 9, 1923, relating to forfeiture by prisoners of moneys earned by them",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1191 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deneb, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixner, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1189—An act to add Sections 2745 and 2746 to the Penal Code and to repeal Sections 6 and 7 of an act entitled "An act providing for the erection and operation of rock-crushing plants at the State prisons, for the preparation of highway material for the benefit of the people of the State, and providing for the necessary advances and appropriation of money to carry out said work."

approved March 28, 1895, making an appropriation for the operation by prison labor of rock crushing plants.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1189:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 16, 1941.

To the Honorable Members of the Senate,
Sacramento, California.

GREETINGS.

SENATE BILL NO. 1189.

"An act to add Sections 2445 and 2446 to the Penal Code and to amend Sections 6 and 7 of an act entitled 'An act providing for the erection and operation of rock crushing plants at the State Prison, for the payment of highway money for the benefit of the people of the State and providing for the necessary emergency expenditures of money in public and other work,' approved March 28, 1895, relating to appropriation for the operation of prison labor of rock crushing plants."

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Senate Bill.

I, therefore, recommend consideration of Senate Bill No. 1189 as an emergency measure.

Respectfully submitted,

CLUBERT L. OLSON, Governor, California.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggall, Reed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Foley, Garrison, Gowan, Johnson, Keith, Keweenaw, Kenny, Kachel, Luskens, Major, McHardy, McQuinn, Murray, Quinn, Myers, Parkman, Phillips, Powers, Quinn, Rich, Seager, Smith, Stone, Stone, Wagon, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1192—An act to add Sections 2004 and 2005 to the Penal Code and to repeal an act entitled "An act relating to the first unit of the Southern California Prison and making an appropriation therefor," approved May 28, 1937, relating to an appropriation for the Southern California Prison.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1192:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE.

SACRAMENTO, March 16, 1941.

To the Honorable Members of the Senate,
Sacramento, California.

GREETINGS:

SENATE BILL NO. 1192.

"An act to add Sections 2004 and 2005 to the Penal Code and to repeal an act entitled 'An act relating to the first unit of the Southern California Prison and making an appropriation therefor,' approved May 28, 1937, relating to an appropriation for the Southern California Prison."

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Senate Bill.

I, therefore, recommend consideration of Senate Bill No. 1192 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1190—An act to add Section 2056 to the Penal Code and to repeal Section 1595 of the Penal Code as added in 1907, relating to the rebuilding of buildings destroyed by fire.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1190:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 15, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 1190

"An act to add Section 2056 to the Penal Code and to repeal Section 1595 of the Penal Code as added in 1907, relating to the rebuilding of buildings destroyed by fire".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1190 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1195—An act to add Section 2710 to the Penal Code and to repeal an act entitled "An act to create a revolving fund for the manufacturing departments at the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, appropriating a revolving fund for the maintenance of the manufacturing departments of the State Prison at San Quentin.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1195:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 15, 1941.

To the Honorable Members of the Senate

Sacramento, California

GREETINGS:

SENATE BILL NO. 1195.

"An act to add Section 2710 to the Penal Code and to repeal an act entitled 'An act to create a revolving fund for the manufacturing departments of the State Prison at San Quentin and to appropriate money therefor,' approved June 12, 1915, appropriating a revolving fund for the maintenance of the manufacturing departments of the State Prison at San Quentin.

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1195 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenbender, Cunningham, DeLain, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Jochet, Keating, Kenny, Kuebel, Luckey, Mayo, McCormick, Metzger, Miller, Myhrland, Parkman, Powers, Quinn, Senwell, Shelley, Slater, Swan, Sweng, Tacke, Wagy, and Ward—45.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1196—An act to add Section 2720 to the Penal Code and to repeal an act entitled "An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to a revolving fund for the purchase of jute.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1196:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 15, 1941.

To the Honorable Members of the Senate

Sacramento, California

GREETINGS:

SENATE BILL NO. 1196

"An act to add Section 2720 to the Penal Code and to repeal an act entitled 'An act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin,' approved March 9, 1885, relating to a revolving fund for the purchase of jute".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1196 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES.—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dilling, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES.—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1188.—An act to add Section 2722 to the Penal Code and to repeal Section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute goods.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1188:

STATE OF CALIFORNIA, Governor's Office

SACRAMENTO, March 15, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS:

SENATE BILL NO. 1188

"An act to add Section 2722 to the Penal Code and to repeal Section 1 of an act entitled 'An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same,' approved May 19, 1927, relating to the sale of jute goods";

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 44, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1188 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES.—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, DeLoe, Dilling, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Robt, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES.—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1197.—An act to amend Section 4174a of the Political Code, relating to the duties of sheriff.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, DeLoe, Dilling, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Robt, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES.—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1194 An act to amend Section 1 of an act entitled "An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use," approved July 1, 1937, relating to the purchase of meat from the Napa State Farm.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jaspensen, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90 An act to add Sections 775 and 776 to the Agricultural Code, relating to grapes for by products purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspensen, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 169 An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspensen, Judah, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator McBride Presiding

At 2:52 p.m., Hon. James J. McBride, of the Thirtieth District, presiding.

Senate Bill No. 530 An act to add Section 28.7 to Article 1 of Chapter 1 of Division 1 of the Agricultural Code, relating to boats and licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspensen, Judah, Keating, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 532—An act to repeal Chapter 7 of Division 6 of the Agricultural Code, relating to deciduous fruit dealers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 657—An act to amend Sections 1268, 1268.1, 1268.5 and 1269 of the Agricultural Code, relating to produce dealers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An act to add Article 21 to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the filing, codification, and publication of the rules and regulations of officers, boards, authorities, and commissions, and creating a Codification Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78—An act to add Section 651.7 to the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—38.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 319—An act to amend Section 651 of the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating,

Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Minor, Moland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swain, Tickle, Tinkle and Wagy—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 373—An act to amend Section 651.6 of the Fish and Game Code, relating to fish, including salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Beed, Carter, Collier, Critchfield, Cunningham, Delap, Denel, Dillingner, Fletcher, Fogarty, Gorman, Granger, Jackson, Keith, Kuchel, Luckey, Mayo, McBride, McCormack, Motson, Myster, Moland, Parkinson, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swain, Tickle and Wagy—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 524—An act to amend Section 612 of the Fish and Game Code, relating to steelhead trout fishing.

Motion to Refer Bill to Inactive File

Senator Tickle moved that Senate Bill No. 524 be placed on the inactive file.

Motion carried.

Senate Bill No. 60—An act to amend Sections 660 and 660.5 of the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Beed, Brown, Carter, Collier, Critchfield, Cunningham, Delap, Denel, Dillingner, Fletcher, Foley, Gorman, Granger, Keith, Kuchel, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Motson, Moland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swain, Tickle and Wagy—36.

NOES—None.

Bill ordered transmitted to the Assembly.

President of the Senate Presiding

At 4:32 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

Senate Bill No. 180—An act to protect the property by making criminal certain unlawful entries on, injuries to and interferences with property, authorizing the closing of streets, and to provide penalties for the violation thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 32, of the printed bill, strike out the period, and insert "and nothing in this act shall be construed to impair, curtail, or destroy the rights of employees, former employees, and their representatives to strike, to assemble, to distribute leaflets and to picket upon any abutting highways which may have been otherwise closed to the public under Section 9 of this act."

Amendment read.

Motion to Table Amendment

Senator Myhand moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Shelley, Kenny and Swan demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES.—Senators Baggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Donel, Dullinger, Fletcher, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Myer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, and Ward—32.

NOTES.—Senators Carter, Foley, Jepsen, Kenny, Seawell, Shelley, and Swan—7.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES.—Senators Baggar, Breed, Brown, Collier, Carter, Crittenden, Cunningham, DeLap, Donel, Dullinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Myer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—37.

NOTES.—Senators Kenny and Swan—2.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Baggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Donel, Dullinger, Fletcher, Garrison, Gordon, Jepsen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Myer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—44.

NOTES.—Senators Carter, Foley, Kenny, Shelley, and Swan—5.

Bill ordered transmitted to the Assembly.

Explanation of Vote

I am in entire sympathy with the purpose of Senate Bill No. 180. I am opposed to sabotage at any time, in time of peace and in time of war. But in my opinion Senate Bill No. 180 leaves room for propaganda for the hard won and new universal peace and rights of man. National defense is impossible if labor's rights are not safeguarded. For this reason I can not conscientiously support Senate Bill No. 180 without amendments correcting its defects.

JOHN HAROLD SWAN

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Tickle:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act creating a public airport district designated "Monterey Peninsula Airport District"; defining its boundaries; providing for its organization, government, and maintenance; prescribing its powers, duties, and liabilities; providing for the alteration of its boundaries; and the dissolution of said district.

Respectfully submitted

SENATOR TICKLE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TUCKER
BREED
MYHRE
DILL

The roll was called, and permission granted by the following vote:

AYES. Senators Bigger, Breed, Brown, Carter, Colquhoun, Cummings, DeLoe, Deuel, Dillinger, Fletcher, Feltz, G. Jones, G. Jones, Ingraham, Irwin, Kenna, Kenny, Kuebel, Luckey, Marr, McHenry, Mendenhall, Miller, Mitchell, Parnell, Phillips, Powers, Quinn, Rich, Scowell, Shaffer, Slater, Spear, Stone, Tamm, Ward and Ward 37.

NOES. None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1300: By Senator Tucker.—An act creating a public airport district designated "Monterey Peninsula Airport District", defining its boundaries, providing for its organization, government, and maintenance; prescribing its powers, duties, and liabilities, providing for the alteration of its boundaries, and the dissolution of said district.

Referred to Committee on Local Government

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 760—An act to amend Sections 7110 and 7111 of the Business and Professions Code, relating to the regulation of contractors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1274—An act to amend Section 17025 of the Business and Professions Code and Section 6 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including less tender selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair competition and discrimination.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 77—An act to amend Section 12416 of, and to add Sections 12418.5 and 12421 to, the Business and Professions Code, relating to measurement of logs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "and to add Sections 12418.5 and 12421 to,".

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 22, inclusive, and insert "12416. There shall be but one standard for the measurement of logs throughout this State; provided, however, that the parties to any contract may agree upon the use of any other table, scale, or method for the measurement of logs under the contract."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 133—An act to amend Sections 2500, 2555 and 2556 of, and to add Section 2557 and Article 2.5, comprising Sections 2560 to 2570, inclusive, Article 6, comprising Sections 2625 to 2632, inclusive, and Article 7, comprising Sections 2650 to 2654, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations; declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "State", and insert "public".

Amendment No. 2

On page 3, line 51, of the printed bill, strike out the period, and insert a semicolon and "except as otherwise provided in Section 2501 of the Welfare and Institutions Code".

Amendment No. 3

On page 4, line 13, of the printed bill, strike out "immediately contiguous to the United States".

Amendment No. 4

On page 4 of the printed bill, strike out lines 27 to 34, inclusive.

Amendment No. 4-A

On page 4, line 45, of the printed bill, strike out the period, and insert "or other expenditures".

Amendment No. 5

On page 4, line 50, of the printed bill, following the word "law", strike out the rest of that line; and strike out all of lines 51 and 52, and insert a period.

Amendment No. 6

On page 5, line 15, of the printed bill, following the word "Federal", insert "or State".

Amendment No. 7

On page 6, line 47, of the printed bill, strike out "Not more"; and strike out lines 48, 49 and 50, and insert

"From money appropriated by other provisions of law, the State, in accordance with the procedure provided by this article, shall pay two-thirds of all expenses, direct and administrative incurred; provided, however, that in no event shall the total monthly cost to any county, under this chapter, exceed the amount expended by such county for indigent relief, and the administration thereof, for the corresponding month of the county fiscal year of 1939-1940, and any monthly cost in excess thereof shall be borne 95 per cent by the State and 5 per cent by the county."

Amendment No. 8

On page 7, line 3, of the printed bill, strike out the period, and insert ", reduced or increased, as the case may be, by any sum by which he finds in his estimate for any prior quarter was greater or less than the amount which should have been paid to the county for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by him for such prior quarter."

Amendment No. 8

On page 7 of the printed bill, strike out lines 23 and 24.

Amendment No. 9

On page 7 of the printed bill, strike out lines 29 to 31, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 194—An act to provide aid to the counties in addition to the aid otherwise provided, for maintaining and supporting aged persons under the provisions of the Old Age Security Law, and to provide for the payment of such aid to the counties, declaring the urgency thereof to take effect as provided therein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "-----", and insert "sixteen million dollars (\$16,000,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Senate Bill No. 56—An act to amend Sections 4, 6, 8, 12, 13 and 14 of, and to add Sections 3.5, 6.5, 11.4, 11.6, 11.8, 13.5, 13.6 and 20 to, an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to the regulation and licensing of horse racing and the administration of the act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4, 6, 8, 12, 13 and 14 of, and to", and insert "19437, 19437.7, 19438, 19485, 19562, 19597 and 19621 of, to add Sections 19437.5, 19437.7, 19484.5, 19490, 19564, 19565, 19566, 19567, 19598, 19662.5, and Article 8.5, consisting of Section 19610, to, the Business and Professions Code,".

Amendment No. 2

In the title of the printed bill, strike out lines 2 to 10, inclusive, and "sions," in line 11.

Amendment No. 3

In line 12 of the title of the printed bill, strike out "the administration of the act", and insert "wagering on the result thereof".

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendment is indicated by being inclosed within heavy brackets.

Amendment No. 4

On page 1 of the printed bill, strike out line 1, and insert
"SECTION 1. Section 19433 of the Business and Professions Code is hereby amended to read as follows:

19433. The board shall appoint a secretary who shall receive a salary of six thousand dollars (\$6,000) a year. The secretary shall be placed under bond, the cost of the bond to be charged as a part of the necessary expenses of the board.
SEC. 2. Section 19437 of said code is hereby amended to read as follows:

19437. The board shall appoint such employees as may be necessary to carry out the provisions of this chapter. No employee of the board shall receive any sum of money or compensation from any person licensed to conduct a horse racing meeting.

SEC. 3. Section 19438 of said code is hereby amended to read as follows:

19438. The salaries of the secretary and of the other employees of the board, and the necessary traveling expenses and other expenses of the secretary, the track censors, and members of the board shall be paid monthly by the State Treasurer on the warrant of the State Controller and the certification of the chairman of the board out of the money appropriated to be used therefor.

SEC. 4. Section 19485 of said code is hereby amended to read as follows:

19485. Every Class A licensee [under this article conducting a horse racing meeting] shall pay a license fee consisting of (1) 5 per cent of [all money] the first ten million dollars (\$10,000,000) handled in the pari-mutuel pool[s] operated by him and 6 per cent of all sums in excess of ten million dollars (\$10,000,000) handled in the pari-mutuel pool operated by him.

Every Class B licensee shall pay a license fee consisting of 4 per cent of all money handled in the pari-mutuel pool operated by him.

[The] Payment on account of the license fee shall be made by the licensee daily on each day on which racing is conducted by the licensee, during each racing meeting.

SEC. 5. Section 19562 of said code is hereby amended to read as follows:

19562. It is hereby declared that since the purpose of this chapter is the encouragement of agriculture and the breeding of horses in this State, an amount equal to (3) 4 per cent of the first money of every purse won by an animal bred in this State shall be paid to the breeder of such animal by the licensee conducting the horse racing meeting.

Every licensee shall run at least [one] two races each racing day which shall be limited to horses foaled in California. [If however sufficient competition can not be had among such class of horses, the race may be eliminated for the day and a substitute race provided.]

SEC. 6. Section 19597 of said code is hereby amended to read as follows:

19597. The [commission] total amount deducted by any Class A licensee from pari-mutuel pools shall not exceed (8) 10 per cent of the gross amount of money handled, and the odd cents [of all] on redistributions [made on all mutual contributions exceeding a sum equal to the next lowest multiple of 10]. The total amount deducted by any Class B licensee from the pari-mutuel pools shall not exceed 12 per cent of the gross amount of money handled and the odd cents on redistributions. [The amount deducted by the licensee shall be in addition to the license fee required by this chapter.]

SEC. 7. Section 19621 of said code is hereby amended to read as follows:

19621. There is hereby appropriated annually out of the fund the following: [Thirty thousand dollars (\$30,000)] three hundred thousand dollars (\$300,000) to the board to defray the expenses of the officers and employees provided for herein; and ten thousand dollars (\$10,000) to the Department of Finance for supervision and auditing of district agricultural fairs and district agricultural associations.

SEC. 8. Section 19435.5 is hereby added to said code, to read as follows:

19435.5. The board shall employ track censors who shall enforce the rules of the board regulating the content of telegraphic messages sent to and from the inclosure where a horse racing meeting is conducted.

SEC. 9. Section 19435.5 is hereby added to said code, to read as follows:

19435.5. The board shall employ public weighmasters, licensed and bonded under this code, to weigh all hay, grain and bedding delivered within any inclosure where a horse racing meeting is conducted.

SEC. 10. Section 19484.5 is hereby added to said code, to read as follows:

19484.5. A Class A licensee is a person licensed to conduct a horse racing meeting who operates a pari-mutuel pool in which is handled more than thirty million dollars (\$30,000,000) during the period of the license.

Every other person licensed to conduct a horse racing meeting is a Class B licensee.

SEC. 11. Section 19490 is hereby added to said code, to read as follows:

19490. Every license issued under this article for more than 30 racing days shall require (i) that the purse of each race under the license shall be not less than one thousand dollars (\$1,000), if the amount of money handled in the pari-mutuel pool at the racing meeting held by such licensee during the period of his next preceding license was less than ten million dollars (\$10,000,000); or (ii) that the purse for each race under the license shall be not less than one thousand five hundred

Senate Bill No. 753 An act to repeal the Joint Highway District Act.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 932—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 425—An act to add Section 1628 to the Streets and Highways Code, relating to expenditures by a county out of its special road improvement fund on streets, roads and highways in cities within the county.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 1628 to", and insert "amend Section 1623 of".

Amendment No. 2

In line 3 of the title of the printed bill, strike out "on streets, roads and highways", and insert "for streets, bridges and culverts".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "1628 is hereby added to", and insert "1623 of".

Amendment No. 4

On page 1, line 2, of the printed bill, after "Code", strike out the comma and insert "is hereby amended".

Amendment No. 5

On page 1 of the printed bill, strike out lines 3 to 11, inclusive, and insert "1623. The board of supervisors of any county may expend any portion of the amounts thus received by that county in the construction, maintenance, improvement or repair of streets, bridges, and culverts within those cities in the county the governing bodies of which by ordinance or resolution authorize such work of acquisition of any real property or interest therein, or rights of way, construction, maintenance, improvement or repair. For this purpose each board of supervisors shall provide by ordinance the basis and conditions upon which allocations will be made from its special road improvement fund for expenditure upon streets, bridges, and culverts in cities within the county."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 679—An act to amend Section 820 of the Streets and Highways Code, relating to cooperation with the United States.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert "An act to amend Sections 820, 822 and 823 of, and to add Section 820.5 to, the Streets and Highways".

Amendment No. 2

In line 2 of the title of the printed bill, strike out the period, and insert "declaring the urgency thereof, and providing that this act shall take effect immediately."

Amendment No. 3

On page 1 of the printed bill, after line 16, insert "SEC. 2. Section 820.5 is hereby added to the Streets and Highways Code, to read as follows:

820.5. The department may enter into agreements with the authorized officers of the United States for the performance of such street or highway construction or improvement projects, including the acquisition of necessary rights of way therefor, for military streets or highways, including but not restricted to access and arterial highways, regardless of whether or not such military highways are within the State Highway System. As to any project not on the State Highway System, such agreement must provide for complete reimbursement to the department, except for general administrative and engineering charges.

As to any such military street or highway, the department and the California Highway Commission are, and each of them is, authorized to do any and all things in connection therewith as may be done with reference to the State highways. The commission may adopt resolutions authorizing construction of property necessary for such highways with like effect as it may with reference to State highways. All provisions of this article shall apply to any work done by the department under any such agreement.

In the event any act of Congress so provides, the department may acquire title to any property necessary for such military facilities in the name of the United States, and on behalf of the United States may commence and prosecute eminent domain proceedings in the appropriate Federal courts.

If desired by the United States, title to any real property or interest therein acquired by the department in connection with any military street or highway which is not a part of the State Highway System may be transferred to the United States or any agency thereof by a conveyance executed on behalf of the State of California by the Director of Public Works. Such conveyance shall only be made if the State has been fully reimbursed for any expenditures made in connection with the acquisition of such property or interest thereon. Upon completion of the construction of any military highway which is not a State Highway, it shall, promptly, be turned over to the United States for maintenance and control if the Federal States will accept the same. If the United States will not accept the maintenance and control thereof, such highway shall become a city street or county highway, as the case may be, upon the passage by the commission of a resolution to that effect.

Sec. 3. Section 822 of the Streets and Highways Code is hereby amended to read as follows:

822. The department is authorized to do any and all acts and things with reference to any military or public street or highway or, or to be constructed in this State necessary to the performance of any such agreement, including but not limited to the construction or improvement of streets, highways or roads which are not a part of the State Highway System.

Sec. 4. Section 823 of the Streets and Highways Code is hereby amended to read as follows:

823. In addition to the purposes for which the moneys in, and to be received in, the State Highway Fund and the State Highway General Fund have been appropriated, all of said moneys, or so much thereof as may be necessary, is hereby appropriated to, and may be expended by the department for, the performance of such street or highway construction or improvement projects as are agreed upon with the properly authorized officers of the United States (including projects on public or military highways in the State of California which are not a part of the State Highway System). As to such projects on streets or highways which are not a part of the State Highway System, such expenditures shall be limited to those items for which the Government of the United States has agreed and is obligated to reimburse the State in full, except that the general administrative and engineering expense for which the Federal Government will not repay the State is primarily chargeable to the general administration of the Division of Highways.

Sec. 5. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution. The facts constituting such urgency are as follows:

This Nation is at this time engaged in a large program of National defense. Included in such program are many projects of a military nature within the State of California and it is necessary that adequate highway facilities be immediately constructed to serve such projects and to facilitate the movement of personnel and supplies throughout the State of California. The United States has indicated that a large share of the actual acquisition and construction of such highways should be done by the State highway departments of the various States and it is therefore necessary that this act take immediate effect to assure that adequate highway facilities can be made available as soon as possible to meet the defense needs.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 131—An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, and portions of the lands granted to the City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon certain trusts and conditions," approved May 25, 1919, and granted to the said City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions," approved April 5, 1927, which have been and which may be hereafter improved, filled, and reclaimed, unavailable and unuseful for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions may be irrevocably alienated and conveyed free of public use and trust by the said county or the said city to the owner or owners of uplands contiguous thereto.

Bill read second time.

Motion to Amend

Senator Kuechel moved the adoption of the following amendments:

Amendment No. 1

In the last line of the title of the printed bill, after "thereto", insert ", or otherwise sold as herein provided".

Amendment No. 2

On page 2, line 50, of the printed bill, strike out "necessary", and insert "of such owner or owners necessary or desirable".

Amendment No. 3

On page 2, line 51, of the printed bill, strike out "or on such other", and insert "on such".

Amendment No. 4

On page 3 of the printed bill, between lines 2 and 3, insert "Sec. 4. That any and all of said portions of said lands heretofore referred to which have been or which shall hereafter be improved, filled, and reclaimed, as hereinbefore provided, if and when so improved, filled, and reclaimed, may be otherwise sold and conveyed free of the various uses and trusts in said acts on such terms as may be deemed by the legislative body of said county or said city to be in the public interest. No such sale and conveyance shall be made under this section unless a notice of intention of the board of supervisors of said county or of the council of said city to make such sale and conveyance, describing the property to be sold and conveyed, the price to be paid therefor, to whom it is proposed to sell and convey, and fixing the time when the board or council will meet to consummate such sale and conveyance has been published for at least three weeks in some newspaper of general circulation published in said county or city, a copy thereof has been posted for at least three weeks in a conspicuous place on the lands proposed to be sold and conveyed, and a copy thereof has been mailed to the owner or owners of land lying contiguous to the lands proposed to be sold and conveyed at the address or addresses of such owner or owners as shown on the assessment rolls of said County of Orange. At the time and place specified in such notice, such lands may be sold and conveyed to the person named in such notice unless a higher bid accompanied by the full consideration offered for such lands is received, in which event the same shall be sold and conveyed to the highest bidder."

Amendment No. 5

On page 3, line 3, of the printed bill, strike out "4", and insert "5".

Amendments read and adopted

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 420—An act to amend Section 862.2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to sales and conveyances of real property.

Bill read second time.

Motion to Amend

Senator Kuehel moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "The portion thereof sold or" and insert "The waterfront sold and"

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "The portion thereof sold or" and insert "The waterfront sold and"

Amendment No. 3

On page 1, line 14, of the printed bill, after "purposes," strike out the period and insert "; and which are no longer in fact tide lands or submerged lands."

No sale and conveyance of any portion of the waterfront shall be made unless a notice of intention of the council of said city to make such sale and conveyance, describing the waterfront to be sold and conveyed, the price to be paid therefor, to whom it is proposed to be sold and conveyed, and fixing the time when the council will meet to consummate such sale and conveyance, has been published for at least three weeks in some newspaper of general circulation published in said city, and a copy thereof has been posted for at least three weeks at a conspicuous place on the waterfront proposed to be sold and conveyed, and a copy thereof has been mailed to the owner or owners of lands lying contiguous to the waterfront proposed to be sold and conveyed at the address or addresses of such owner or owners as shown on the assessment rolls of the county in which said city is situated. At the time and place specified in such notice, such waterfront may be sold and conveyed to the person named in such notice unless a higher bid accompanied by the full consideration offered is received for such waterfront, in which event the same shall be sold and conveyed to the highest bidder."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 741—An act to amend Sections 20743, 20744, 20746, 20751, 20880, 20888, 20910 and 20930 of, to repeal Sections 20800, 20826, 20840, 20849, 20860, 20866, 20892, 20911 and 20950 of, and to add Sections 20704, 20705, 20706, 20707, 20708, 20800, 20826, 20840, 20849, 20860, 20866, 20882.5, 20892, 20911 and 20950 in the Business and Professions Code, relating to sales of petroleum products.

Bill read second time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after the comma following "20888," strike out "20910 and"; and after "20930," insert "and 20950"; and in line 3 of the title, after the comma following "20892," insert "20910."

Amendment No. 2

On page 1, line 23, of the printed bill, after "includes," strike out the remainder of the line, and all of line 24, and insert "attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery or offer for delivery, trade, barter or expose for sale."

'Manufacturer' includes manufacturer, refiner, producer or importer.

'Petroleum products' includes gasoline, liquefied petroleum gas when used as a motor fuel, distillate, kerosene, other motor fuel or lubricating oil or motor oil."

Amendment No. 3

On page 2, line 7, of the printed bill, after "was," insert "not".

Amendment No. 4

On page 2, line 44, of the printed bill, strike out "distributed", and insert "distributes".

Amendment No. 5

On page 3, line 3, of the printed bill, after "department", strike out period, and insert "and shall be sealed by the department in the importer's tanks or containers until such time as a court of competent jurisdiction shall order and direct the final disposition of the confiscated product."

Amendment No. 6

On page 3, line 15, of the printed bill, strike out "D96-35", and insert "D96-40".

Amendment No. 7

On page 3, line 17, of the printed bill, strike out "1936", and insert "1940".

Amendment No. 8

On page 3, line 22, of the printed bill, strike out "1936", and insert "1940".

Amendment No. 9

On page 3, line 26, of the printed bill, strike out "Cup Method", and insert "Tester".

Amendment No. 10

On page 3 of the printed bill, between the lines 39 and 40, insert

"The minimum flash point for a 10W grade motor oil or lubricating oil shall not be less than 290 degrees Fahrenheit when tested in accordance with the American Society for Testing Materials, Pensky-Martens Closed Tester, Standards Designation D93-40, as published in "American Society for Testing Materials Standards," 1940.

The minimum flash point for a 20W grade motor oil or lubricating oil shall not be less than 320 degrees Fahrenheit when tested in accordance with the American Society for Testing Materials, Pensky-Martens Closed Tester, Standards Designation D93-40, as published in "American Society for Testing Materials Standards," 1940."

Amendment No. 11

On page 4 of the printed bill, between lines 25 and 26, insert

"On any container with a net content of one U. S. gallon or less, the letters S.A.E. and the grade classification number may be painted, printed, embossed or otherwise firmly affixed on such container in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section."

Amendment No. 12

On page 6 of the printed bill, between lines 2 and 3, insert

"(a) Nothing in this article shall be construed to apply to the price signs referred to in Article Six (6) of this chapter."

Amendment No. 13

On page 6, line 27, of the printed bill, after "size", strike out the remainder of line 27, and all of lines 28 and 29, and insert ". type and design and may be of any convenient height except that the height shall not be more than twice the dimension of the width of each such letter, figure or numeral."

Amendment No. 14

On page 6, line 33, of the printed bill, after "size", strike out the remainder of line 33, and all of lines 34 and 35, and insert ". type and design and shall not be less than one-half the size nor greater than the size, either in height or width, of any letters, figures or numerals designating the brand name of the motor oil or lubricating oil being advertised."

Amendment No. 15

On page 6, line 36, of the printed bill, strike out "(c)", and all of lines 36, 37, 38, 39, 40 and 41.

Amendment No. 16

On page 6, line 42, of the printed bill, strike out "(d)", and insert "(c)"

Amendment No. 17

On page 6, line 48, of the printed bill, strike out "(e)", and insert "(d)"

Amendment No. 18

On page 7, line 1, of the printed bill, strike out "(f)", and insert "(e)"

Amendment No. 19

On page 7, line 4, of the printed bill, strike out "(g)", and insert "(f)"

Amendment No. 20

On page 7, line 8, of the printed bill, strike out "(h)", and insert "(g)".

Amendment No. 21

On page 7, line 11, of the printed bill, after "buried" strike out "and" and "remained" is read as follows: ", and (insert) "remained" and strike out all of lines 12, 13, 14, 15, 16, 17, 18 and 19.

Amendment No. 22

On page 7, line 24, of the printed bill, after "I", strike out "shall be", and insert "is".

Amendment No. 23

On page 7, line 25, of the printed bill, after "I", strike out "shall be", and insert "is".

Amendment No. 24

On page 7, line 38, of the printed bill, after "motor fuel", insert "or motor oil or lubricating oil".

Amendment No. 25

On page 7, line 43, of the printed bill, strike out all of lines 43, 44 and 45, and insert "There to be the produce mentioned in the foregoing or assumed purchase".

Amendment No. 26

On page 7, line 46, of the printed bill, after "I", strike out "shall be", and insert "is".

Amendment No. 27

On page 8, after line 25, of the printed bill, insert:

Sec. 35. Section 3000 of the Economic and Professional Code is hereby amended to read as follows:

Upon at least 24 hours written notice from the owner, manager or operator of the container, receptacle, pump or storage tank, which has been placed, on the department or to the city council of the city in which the premises are situated, or if said premises be not situated in a city or if such city has no leader, then to the seal of the county in which the premises are situated, stating that the contents of such container, receptacle, pump or storage tank will be removed on said date and time, receptacle, pump or storage tank is taken out of the bill upon demand will be properly returned to the proper person. It is further provided that the hours of 9 a.m. and 4 p.m. of a day specified in the notice, when there is a holiday, next officer shall at the time specified, cause the seal to be removed from the container, preventing the removal of such contents, unless an operator of the container or such owner, manager, receptacle, pump or storage tank concerned therein or the seal thereof after proper labeling.

The removal of contents in proper labeling of the container, receptacle, pump storage tank or kept out of the bill upon demand will be properly returned to the proper person at the time specified and to the person at the office receiving the same.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 562—An act to Authorize nonprofit membership medical service corporations organized under Division 1, Part 4, Title 12 of the Civil Code, to enter into and perform medical service contracts and to contract with Federal agencies and to receive and administer, in trust, Federal funds, and to authorize nonprofit hospital service corporations organized under Division 2, Part 2, Chapter 11a of Article 3 of the Insurance Code to enter into and perform contracts with Federal agencies and to receive and administer, in trust, Federal funds.

Bill read second time, and ordered to third reading.

Motion to Re-refer Bills to Committee

Senator Kenny moved that Senate Bills Nos. 65, 72 and 68 be re-referred to the Committee on Revenue and Taxation.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, MARCH 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 212
 Assembly Bill No. 721
 Assembly Bill No. 569
 Assembly Bill No. 1618
 Assembly Bill No. 1805
 Assembly Bill No. 1345
 Assembly Bill No. 2005
 Assembly Bill No. 543
 Assembly Bill No. 315
 Assembly Bill No. 2201

Assembly Bill No. 1160
 Assembly Bill No. 1971
 Assembly Bill No. 345
 Assembly Bill No. 1648
 Assembly Bill No. 455
 Assembly Bill No. 1109
 Assembly Bill No. 1199
 Assembly Bill No. 1108
 Assembly Bill No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 212—An act to amend Sections 6621, 6622 and 6623 of the Streets and Highways Code, relating to the foreclosure and cancellation of street improvement bonds.

Referred to Committee on Transportation.

Assembly Bill No. 721—An act to add Section 1048 to the Streets and Highways Code, relating to the custody of evidences of title to property acquired for State highway purposes.

Referred to Committee on Transportation.

Assembly Bill No. 569—An act to add Section 795.8 to the Agricultural Code, and to repeal Section 795.6 of said code, relating to standards for field picking boxes for citrus fruits.

Referred to Committee on Agriculture.

Assembly Bill No. 1618—An act to amend Section 1034 of the Political Code, relating to date of receipt of communications by mail.

Referred to Committee on Judiciary.

Assembly Bill No. 1805—An act relating to the relief of debtors and guarantors; permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust, or contracts of purchase of real property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 1345—An act to amend Section 15 of the "Reclamation Board Act," approved December 24, 1911, as amended, relating to assessments and to amend Section 5765 of the Water Code, relating to assessments.

Referred to Committee on Water Resources.

Assembly Bill No. 2005—An act to amend School Code Section 3.93, relating to the maintenance of public school classes on Saturday

and declaring the necessary license and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 543—An act to add Sections 3123, 3174, 3302 and 3372 to the School Code, all relating to the admission of persons to the public schools of this State.

Referred to Committee on Education.

Assembly Bill No. 315—An act to amend School Code Section 4180 and to add Section 4322 to the School Code, relating to schools and classes of school districts.

Referred to Committee on Education.

Assembly Bill No. 2201—An act to amend School Code Sections 3103 and 3332, relating to district educational centers.

Referred to Committee on Education.

Assembly Bill No. 1160—An act to amend School Code Section 3409, relating to differences in elementary and secondary schools.

Referred to Committee on Education.

Assembly Bill No. 1971—An act amending a transmission of jurisdiction from the United States to Mexico and certain rights of navigation to the State of California over a route used by the President of San Francisco Military Reservation.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 345—An act to amend Section 142 of the California Fisheries District Act, relating to annual statements by the board of directors.

Referred to Committee on Water Resources.

Assembly Bill No. 1648—An act to repeal Section 482 of the California Fisheries District Act, relating to property sold or leased in an irrigation district for different purposes.

Referred to Committee on Water Resources.

Assembly Bill No. 455—An act to amend Section 6304 of the Code of Civil Procedure, relating to exemption from execution of attachment.

Referred to Committee on Judiciary.

Assembly Bill No. 1199—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, as amended, by adding a new section thereto to be numbered Section 2, relating to the conversion of registered bonds into coupon bonds.

Referred to Committee on Local Government.

Assembly Bill No. 1199—An act to amend Sections 7921 and 7961 of the Elections Code, relating to the canvass of returns by the registrar of voters.

Referred to Committee on Elections.

Assembly Bill No. 1108—An act relating to poor litigants.

Referred to Committee on Judiciary.

Assembly Bill No. 34—An act to add Section 12700.5 to the Business and Professions Code, relating to public weighmasters.

Referred to Committee on Business and Professions.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 606

Senate Bill No. 288

Senate Bill No. 287

Senate Bill No. 549

Senate Bill No. 551

Senate Bill No. 320

Senate Bill No. 435

Senate Bill No. 449

Senate Bill No. 541

Senate Bill No. 289

Senate Bill No. 167

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 13

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 626

Senate Bill No. 402

Senate Bill No. 748

Senate Concurrent Resolution No. 18

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 47

Senate Bill No. 1190

Senate Bill No. 1192

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 13, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 810

Senate Bill No. 812

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 841

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Joint Resolution No. 13

Has had the same under consideration, and reports the same back with the recommendation: **Be adopted.**

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman.

Above reported resolution ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 18, 1941.

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred Senate Bill No. 24

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 9; yeas 1; absent 4.

DELAFF, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941.

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred

Assembly Bill No. 1398

Assembly Bill No. 1401

Has had the same under consideration, and reports the same back with recommendations with the recommendation: **Amended and do pass as amended.**

Committee membership 11; committee vote: Ayes 7; absent 4.

DELAFF, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941.

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred Assembly Bill No. 1397

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 7; absent 4.

DELAFF, Chairman.

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 18, 1941.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 527

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1266

Senate Bill No. 1287

Assembly Bill No. 221

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 650

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 13; committee vote: Ayes 9; noes 1; absent 3.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 262

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 176

Senate Bill No. 889

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; noes 2; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 8

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 327

Senate Bill No. 460

Senate Bill No. 453

Senate Bill No. 461

Senate Bill No. 454

Senate Bill No. 462

Senate Bill No. 459

Senate Bill No. 980

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 457

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 687

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Assembly Bill No. 1111

Has had the same under consideration, and reports the same back with amendments with the recommendation: *Assent*, and the same be amended.

Committee membership: 13; committee vote: Ayes 8; dissent 5.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 888

Has had the same under consideration, and reports the same back with amendments with the recommendation: *Assent*, and the same be amended.

Committee membership: 13; committee vote: Ayes 12; dissent 1.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 841

Has had the same under consideration, and reports the same back with amendments with the recommendation: *Assent*, and the same be amended.

Committee membership: 13; committee vote: Ayes 7; dissent 6.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 708

Has had the same under consideration, and reports the same back with amendments with the recommendation: *Assent*, and the same be amended.

Committee membership: 9; committee vote: Ayes 8; dissent 1.

METZGER, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 861

Senate Bill No. 144

Senate Bill No. 150

Senate Bill No. 145

Has had the same under consideration, and reports the same back with the same recommendation: *Do pass*.

Committee membership: 9; committee vote: Ayes 8; dissent 1.

METZGER, Chairman.

Above reported bills ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1260

Senator Keating moved that Senate Bill No. 1260 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1261

Senator Keating moved that Senate Bill No. 1261 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Senator Fletcher:

Senate Resolution No. 58

Relative to memorializing and petitioning Congress to enact adequate legislation to regulate the presentation of radio programs dealing with crime

WHEREAS, During the past few years radio stations throughout the Nation have been broadcasting, without discretion or restraint, programs romanticizing the nefarious exploits of criminals; and

WHEREAS, These broadcasts are swaying many persons of impressionable, tender, and immature minds to emulate the deeds of the characters they portray, inciting them to crime and general moral disintegration; and

WHEREAS, The Government of the United States has no effective legislation entitling it to supervise, regulate or control these programs, and the several States themselves are powerless to act in that respect; and

WHEREAS, Proper legislation by the Congress of the United States would have a salutary effect and would tend to raise the quality and moral tone of these presentations; and

WHEREAS, The protection and welfare of the public now demands that the United States of America extend its legislation to this field; now therefore, be it

Resolved, That the Senate of the State of California hereby memorializes and petitions the Congress of the United States to enact adequate legislation for the regulation of radio programs dealing with crime; and be it further

Resolved, That copies of this resolution be forwarded by the Secretary of the Senate to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, to the members of the Federal Communications Commission, and to each of the Senators and Congressmen from California in the Congress of the United States; and be it further

Resolved, That the Senators and Congressmen from California in the Congress of the United States are hereby respectfully requested to urge such legislation.

Resolution read, and referred to Committee on Rules.

COMMUNICATIONS

The following communications were received and read, and ordered printed in the Journal:

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION, WASHINGTON, March 11, 1941

*Mr. Joseph A. Beek, Secretary of the Senate, California Legislature,
Balboa Island, P. O. Box 537, Balboa, California*

DEAR MR. BEEK: A copy of your letter of January 28th, addressed to the President, together with a copy of Senate Joint Resolution No. 7, urging that continued and enlarged appropriations be made available to enable greater speed in completion of the Central Valley Project, has been referred to the Bureau of Reclamation by the War Department.

This bureau realizes the importance of completing the project at the earliest possible date and is working toward that end.

Very truly yours,

H. W. BASHORE, Acting Commissioner

STATE OF NEVADA, DEPARTMENT OF STATE
CARSON CITY, NEVADA, March 17, 1941

*Mr. Ellis E. Patterson,
President of the Senate, Sacramento, California*

DEAR MR. PATTERSON: Enclosed herewith please find certified copy of Senate Joint Resolution No. 5, approved by the Governor on March 15, 1941.

Very truly yours,

MALCOLM McEACHIN, Secretary of State

STATE OF NEVADA, }
DEPARTMENT OF STATE } ss.

I, MALCOLM McEACHIN, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the annexed is a true, full and correct

copy of the original Senate Joint Resolution No. 5 approved by the Governor March 15, 1941, now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the Great Seal of State, at my office, in Carson City, Nevada, this 17th day of March, A. D. 1941.

MALCOLM M. FACHIN, Secretary of State.

[SEAL]

Senate Joint Resolution

No. 5

INTRODUCED BY SENATOR HUEHMAN

FEBRUARY 17, 1941

Rules suspended, reading as far as amended time reading, same further suspended, read second time by title and referred to the Committee on Public Highways.

SENATE JOINT RESOLUTION

Memorializing the legislature of the State of California to hasten passage of state route 24 in California state highway program for completion at an early date.

WHEREAS, Two decades ago, when a movement first in creating a trans-continental route for highway travel was being formulated throughout the Nation, the residents of Nevada and California, being neighbors, are more interested in the movement, and as a result of such correspondence between the officials of both states regarding the location of such proposed and potential routes connecting the states, a meeting was arranged between California officials headed by the then Governor of that state, the Hon. William D. Stephens, and a group of others representing the interests of Nevada, and

WHEREAS, After studying the possibility of various suggested routes, Governor Stephens gave his consent to a route designed to connect the primary trans-continental route passing through the city of Reno in Nevada with a secondary highway from that point to a connection with the Sacramento valley and coastal route, and declared that it was that the State of Nevada had completed the Nevada part to the extent it would be put upon an adequate connecting in California; and

WHEREAS, Since the date of that original agreement such transportation Nevada has found it necessary to complete such a route, and later to reconstruct it to a higher standard, while the State of California has neglected thus far from constructing such a connection. In the interim, across the lowest elevation of the Sierra range, and the section between Humboldt station on U. S. route 395 and Redwood City, there is now about 24 miles to be run on the old alignment built as a wagon road by pioneer days by Lassen County, in that state, and which is regarded as both dangerous and unsatisfactory in the light of present day standards, therefore be it

Resolved by the Senate and Assembly of the State of Nevada, That the legislature of the State of California be memorialized to hasten the proposed portion of the state route 24, to complete the project of an being dangerous and inadequate, in the California state highway program for completion at an early date, to the end that the agreement entered into in 1921 between them be carried out and for the best interests of the residents of both states; and be it further

Resolved, That duly certified copies of this resolution be promptly forwarded by the secretary of state to the governor of the State of California, to the president of the California senate, to the speaker of the assembly, and to the board of supervisors of Plumas County, California.

MAURICE J. SULLIVAN
WAITE BRUCE

Secretary of the Senate
WILLIAM J. CASHILL
E. C. MULCAHY
Chief Clerk of the Assembly

State of Nevada, Executive Department—APPROVED March 15, 1941 10 35 a.m.

E. P. CARVILLE, Governor

THE COUNCIL OF STATE GOVERNMENTS
CHICAGO, ILLINOIS, March 12, 1941

*Hon. Ellis F. Patterson, Lieutenant Governor
State Capitol, Sacramento, California*

MY DEAR GOVERNOR: As you know, the elimination of barriers to interstate trade has been a major activity of the Council of State Governments for the past three years. With this objective in mind, the council called the National Conference on Interstate Trade Barriers which met in Chicago, April 5-7, 1939. Since that time by holding individual State conferences, by correspondence, and by field visits, the council and the Commissions on Interstate Cooperation have continued to work with Governors and State Legislators in an effort to bring about the elimination of interstate trade barriers.

We are writing to urge that you consider bills before your Legislature in the light of their possible effect on interstate commerce and that you call those provisions, which constitute trade barriers, to the attention of the members of your State Legislature in order that they may be defeated.

It would also be very helpful if you would bring about the repeal of existing trade barriers which have been called to the attention of your Legislature.

Your cooperation in this program will be very helpful.

With kindest personal regards, I am,

Very sincerely,

FRANK BANE, Executive Director

A communication from Dr. Aaron J. Rosanoff, State Director of Institutions, relative to legislation pertaining to the proposed inebriate colony, was received, and referred to the Committee on Rules.

A communication from the Mexican Chamber of Commerce, by the Union Mutualista de San Jose, Chino, relative to a bill providing for the repatriation of Mexican citizens, was received, and referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 17, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Chris Merchant, Dr. W. Earle Smith, Hugh Lovett Spears and George A. Briggs as members of the State Board of Prison Directors, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 14: By Senator Foley—Relative to memorializing Congress to allocate funds in surplus marketing budget for 1942 to California fruit growers because of loss of normal export markets due to the war.

Without reference to committee.

ADJOURNMENT

At 4.50 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 19, 1941, out of respect to the memory of the late Mr. and Mrs. George R. Harrison.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

TWENTY-NINTH LEGISLATIVE DAY

SEVENTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, March 19, 1941

The Senate met at 2 p.m.

Hon. Eddis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Becht, Becht, Decker, Decker, Fisher, Garrison, Heath, Lacey, May, McHugh, McCormick, Moxley, Myers, Phillips, Powers, Rank, Searall, Slater, Tabor, and Waggoner—19.

Call of the Senate

Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary announced the absentees:

Time, 2:05 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2:10 p.m., on motion of Senator Tickle, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Bigger, Becht, Brown, Carter, Collier, Critchfield, Cunningham, DeLong, Derel, Dillenger, Fletcher, Fisher, Garrison, Gordon, Jorgensen, Keith, Kestine, Kenny, Knobel, Lacey, Mayo, McHugh, McCormick, Moxley, Myers, McHugh, Parkman, Phillips, Powers, Quinn, Rank, Searall, Slater, Swen, Swing, Tabor, Waggoner, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Hays, on motion of Senator Mixter.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Ed Talbot, Riverside County, and C. B. Gibbs, County Welfare Director, of Riverside.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Tom Henderson of Los Angeles, and L. D. Pratt of San Diego.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Barnes of Madera, Jack Silva and John D. Haley of Gustine.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Lantz Smith, Secretary, Chamber of Commerce, and Floyd Bridges, all of Eureka.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Johnson and Choir Director Mrs. Ivalyn Law-Biloff and the following members of the A Cappella Choir, Pacific Union College, Angwin, Napa County: Betty Jean Babbler, Earnest Lutz, Hulda Hayms, Mildred Smith, John Hoffman, Dorothy Ferren, Evelyn Procter, Wilfred Olmstead, Laurence Caviness, Iona Clark, June Coffey, Esther Olsen, Frieda Wangerin, Helen Bond, Lolita Newman, Evelyn Kraft, Melba McCort, Rose Seofield, Iris Powers, Judith Steinbach, Mabel Thompson, Reuben Biloff, Donald Bower, Erwin Crawford, Romain Dixon, Ernest Perry, Jack Provonska, Wayne Rouse, Verlyn Bond, Elden Chalmers, Elman Folkenberg, Oliver Jacques, Glen Bowen and Donald Pearce.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor B. M. Graham of Imperial County, and L. E. Hartnett of Brawley.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Felix Signorotti of Patterson.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Enid Ellis, Roy C. Donally, and Margaret Peyton, all of Marysville.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. B. Sarasin, General Supervisor, Solano County Schools; Robert A. Schmidt, Principal; Mrs. L. Grotheer, Mrs. C. Roberts, K. N. Schmidt, and the following seventh and eighth grade students: Grace Dias, Buelah Eaton, Juanita Geiger, Dorothy Gonçalves, Mayne Mauldin, Chris Eng, George Eng, Max Geiger, Bill Gilbreath, Eddie Gonçalves, Lloyd Grotheer, Robert Huffman, Joe Inn, William Inn, Bill Nicholson, Charles Okell and Charles Roberts.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 1274

Senate Bill No. 755

Senate Bill No. 3992

Senate Bill No. 682

Senate Bill No. 760

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, MARCH 19, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 133

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, MARCH 19, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 77

Senate Bill No. 191

Senate Bill No. 425

Senate Joint Resolution No. 14

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, MARCH 19, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Joint Resolution No. 13

And reports the same correctly engrossed.

RICH, Chairman

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, MARCH 18, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 1300

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; nays 3.

POWERS, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, MARCH 17, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 974

Has had the same under consideration, and reports the same back with recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; nays 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MARCH 17, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 877

Senate Bill No. 975

Senate Bill No. 976

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; nays 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 59

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning March 18, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

*Six days
per week*

A. H. Weiger, Assistant Sergeant-at-Arms----- \$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Seawell, Slater, Tickle, and Waggoner—27.

NOES—None.

By Senator Tickle:

Senate Resolution No. 60

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, as of March 22, 1941:

Noma Browning, Stenographer----- \$5 00

Resolution read and adopted.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Constitutional Amendment No. 23: By Senators Rich, Seawell, Cunningham, DeLap, McCormack, Mixter, Powers, Keating, Garrison, Phillips, Judah, Myhand, Metzger, Slater and Quinn—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 22 to Article V, relating to the compensation of State officers.

Referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 810—An act to amend Sections 2, 3, 4, 7, 10 and 11 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting such boxing contests to 12 rounds; to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under Section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases where an admission fee is charged spectators to witness such amateur boxing contests," approved by electors on November 4, 1924, relating to boxing and wrestling.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 6, line 41, of the printed bill, insert and "and" delete and read 44 to 46, inclusive, and in line 47, delete and "other members, two hundred and fifty cents (\$2.50), and insert "corporation, treasurer, tax collector, \$300; no person for shall be required to make public account, unless in any other respect."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 812—An act to amend Sections 18676, 18673, 18674, 18676, 18680, 18714, 18731, 18737 and 18740 of the Insurance and Professions Code, relating to the regulation of book and vending.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 31, of the printed bill, delete and "any person" and insert and read 32 to 33, inclusive, and insert "corporation, treasurer, tax collector, \$300; no person for shall be required to make public account, unless in any other respect."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 841—An act to add Section 44 to the act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with those," approved April 28, 1933, relating to deposit of public money, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 24—An act to amend Section 21, to repeal Sections 12901, 12902 and 12906 of the Insurance Code, and to add Sections 12901, 12902 and 12906 thereto, relating to the administration of laws pertaining to insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 527—An act to repeal certain obsolete or superseded acts, all relating to appropriations of money from the State Treasury, and matters incidental thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1266—An act to amend Section 131.5 of the Code of Civil Procedure, relating to probating, and including probating committees and probating officers and deputies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1287—An act to add Section 65 to the Penal Code, relating to solicitations on behalf of initiative petitions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 176—An act to amend Section 690.3 of the Code of Civil Procedure, relating to exemptions from execution and attachment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 889—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1060.15 to, the Code of Civil Procedure, relating to declaratory relief.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 8—An act to add Section 603 to the Penal Code, relating to unlawful entry.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3, 4 and 5, and insert "603. Every person other than a peace officer who forcibly and without the consent of the owner or lessee thereof, enters a dwelling house, cabin, or other building occupied or constructed for occupation by humans, and who damages, injures or destroys any property of value in, around or appertaining to such dwelling house, cabin or other building, is guilty of a misdemeanor."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 327—An act to amend Section 1861a of the Civil Code, relating to liens.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 453—An act to add Section 1554.1 to the Probate Code, relating to waiver of notice by the Attorney General.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 454—An act to add Section 1406.5 to the Probate Code, relating to nomination of guardians.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 459—An act to add Section 586.5 to the Probate Code, relating to distribution of assets held by depositaries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 460—An act to add Section 469 to the Probate Code, relating to compensation to attorneys for extraordinary services rendered to special administrators.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 461—An act to amend Section 442 of the Probate Code, relating to opposition to petition for letters of administration.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 462—An act to add Section 328.5 to the Probate Code, relating to notice of hearing on a petition for probate.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 980—An act to amend Section 1871 of the Code of Civil Procedure, relating to appointment of experts by court.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 457—An act to amend Sections 771, 1341 and 1344 of the Probate Code, relating to sales of securities.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 7, of the printed bill, strike out everything after the word "and"; strike out lines 8 to 12, inclusive, and strike out "foregoing" in line 13.

Amendment No. 2

On page 2, line 25, of the printed bill, strike out everything following "Section 1871"; strike out lines 26 to 30, inclusive, and strike out line 31 to and including "foregoing", and insert "sales".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 687—An act to amend Section 16f of the Bank Act, relating to adverse claims to bank deposits and the contents of safe deposit boxes standing in the name of one other than the defendant and to add two new sections, Sections 519a and 682, to the Code of Civil Procedure, relating to the attachment of and the levy of execution upon bank accounts and the contents of safe deposit boxes standing in the name of one other than the defendant or judgment debtor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 4 of the title of the printed bill, following "and" first appearing, there insert "to amend the title of the Bank Act and to amend Section 1 of the Bank Act and".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2, and insert:

"Section 1. The title of the Bank Act, constituting Chapter 76 of the Statutes of 1909, is hereby amended to read as follows:

An act to define and regulate the business of banking and governing adverse claims to the contents of safe deposit boxes.

Sec. 2. Section 1 of the Bank Act is hereby amended to read as follows:

Section 1. This act shall be known as the "Bank Act" and shall be applicable to all corporations specified in the next section and to such other corporations as shall subject themselves to special provisions and sections thereof, to corporations conducting a safe deposit business, when expressly made applicable thereto, and to such other persons, associations, partnerships or corporations who shall, by violating any of its provisions, become subject to the penalties provided therein.

Sec. 3. Section 16f of the Bank Act is hereby amended to read as follows:

Amendment No. 3

On page 1, line 3, of the printed bill, following "company", insert "organized under the laws of, or doing business in, this State".

Amendment No. 4

On page 1, line 5, of the printed bill, strike out "authorized and empowered to conduct", and insert "conducting".

Amendment No. 5

On page 1, line 6, of the printed bill, strike out ", doing business".

Amendment No. 6

On page 3, line 5, of the printed bill, following "name", insert "without any qualifying or descriptive term or in his or its name".

Amendment No. 7

On page 3, line 10, of the printed bill, strike out "2", and insert "3".

Amendment No. 8

On page 3, line 19, of the printed bill, strike out "The provisions of this section".

Amendment No. 9

On page 3 of the printed bill, strike out all of lines 50, 51 and 52.

Amendment No. 10

On page 4 of the printed bill, strike out all of lines 1, 2 and 3.

Amendment No. 11

On page 4, line 19, of the printed bill, strike out "3", and insert "4".

Amendment No. 12

On page 5, line 6, of the printed bill, strike out "The provisions of this section".

Amendment No. 13

On page 5 of the printed bill, strike out all of lines 7, 8, 9, 10, 11 and 12.

Amendment No. 14

On page 5, line 13, of the printed bill, strike out "or box."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 888—An act to add Article 5, comprising Sections 1935e to 1935h, inclusive, to Chapter 2, Title 2, Part 4 of the Code of Civil Procedure, relating to business records as evidence.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 7, of the printed bill, before "shall", insert "as used in this article".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 341—An act to add Section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out the comma, and insert "for necessary expenses."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 863—An act to add Section 443.5 to the Health and Safety Code, relating to the feeding or polluting of water.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 350—An act to amend Section 461 of the Health and Safety Code, relating to the county health officer.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 143—An act to add Section 2801 to the Health and Safety Code, relating to amputation of foot to pest control districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 144—An act to amend Section 2871 of, and to add Sections 2822.5, 2871.5, 2871.7 and 2876 to the Health and Safety Code, relating to pest abatement districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 145—An act to amend Sections 2822 and 2871 of, and to add Section 2803 to the Health and Safety Code, relating to pest abatement districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1260—An act to amend Section 107 of the Penal Code, relating to pythons and primates.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike the words "Section 107," and insert "add Article 5, comprising Sections 2780 to 2783, relating to Chapter 7, Title 1, Part 3."

Amendment No. 2

In line 2 of the title of the printed bill, after "primates," strike out the period, and insert "and their employment in pythons, snakes and all other things."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out the words "Section 1," and strike out lines 2 to 38, inclusive, and insert "Article 5, comprising Sections 2780 to 2783, inclusive, is hereby added to Chapter 5, Title 1, Part 3, of the Penal Code, to read as follows:

Article 5. Employment in Public Parks, Forests, Etc.

2780. The Director of Forestry, Parks, and Fish and Game, or the Department of Natural Resources, may employ in State Parks or State Forests, or the Department of Forestry may employ on lands to be employed on lands owned by the State, persons to perform work necessary and proper to be done by those persons, or others to be established under this article.

2781. Upon the expiration of any agency mentioned in Section 2780, the State Board of Prison Directors may send to the prison and at the time mentioned the number of convicts hospitalized or such number thereof as may be in judgment available, but not less than one hundred to one thousand.

2782. The board may fix a daily rate to be expended for each convict, food, and when so fixed, the agency shall monthly set aside funds to pay for such items. The board, by regulation, may authorize any or all convicts to be taken from the paid due convicts as provided for convicts in prison under Section 2762. The board, by regulation, may also fix the maximum amount, over and above all amounts, that a convict may receive.

2783. Whenever convicts are paid for their labor under this article and whenever any convict escapes from any camp, the agency, after obtaining the number of the convicts in the camp from which the escape is made, shall set aside the sum of two hundred dollars (\$200) and at any time within four years after such escape shall pay the award to the person entitled thereto. No such award can be claimed or paid more than four years after the escape to which it relates.

2784. Whenever convicts are paid for their labor under this article, the agency shall monthly pay two-thirds of the net credit to each convict's account to his dependents who are receiving State aid, and if his dependents are not receiving State aid, such convict, by written order signed by him, may direct the agency to pay not to exceed two-thirds of his net credit to such dependents as he designates. If a convict is discharged while at a camp, all sums due him shall be paid upon release. If a convict is returned to prison or released on parole, his net credits shall be paid to the warden of his prison and by him paid to the convict as prescribed by the board.

2785. Whenever convicts are paid for their labor under this article and a convict willfully violates the terms of his employment, or the rules of the camp or the terms of his parole, the board may in its discretion determine what portion of all moneys earned by the convict shall be forfeited by the convict and such forfeiture shall be deposited in the State Treasury in the fund known as the Prisoners' Fund.

2786. All money in said fund is hereby appropriated for educational and recreational purposes at the various prison camps established under this article or Article 4 of this chapter, and shall be expended by the board upon warrants drawn upon the State Treasury by the State Controller after approval of the claims by the State Board of Control.

2787. The agency providing work for convicts under this act shall designate and supervise all work done under the provisions of this article. The agency shall provide, supervise and maintain necessary camps and commissariat.

2788. The board shall have full jurisdiction at all times over the discipline and control of the convicts performing work under this act.

2789. The expenses of transportation of labor, necessary guarding, commissariat, camps, and all other expenses incident to such work shall be borne by the agency.

2790. The board is hereby empowered and directed to adopt a special rule applicable solely to convicts employed in such camps whereby convicts so employed shall be granted additional good time allowance in addition to any compensation provided, conditioned upon their loyal obedience and efficient cooperation with the agency in the work which they are performing and in the maintaining of discipline and good conduct in the prison camps, but such additional good time allowance shall not exceed one day for each two calendar days that the convict is absent from prison.

2791. Any person, who, without authority, interferes with or in any way interrupts the work of any convict employed pursuant to this article and any person not authorized by law, who gives or attempts to give to any State prison convict so employed any opium, cocaine or other narcotics, or any intoxicating liquors of any kind whatever, or firearms, weapons or explosives of any kind is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State prison for a term of not less than one year nor more than five years and shall be disqualified from holding any State office or position in the employ of this State. Any person who interferes with the discipline or good conduct of any convict employed pursuant to this article, while such convict is in such camps is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a term not more than six months or by a fine of not more than two hundred dollars (\$200) or by both such fine and imprisonment. Any peace officer or any officer or guard of any State prison, or any superintendent of such work, having in charge the convicts employed in such camps, may arrest without a warrant any person violating any provisions of this article.

2792. This article is not intended to restore, in whole or in part, the civil rights of any convict used hereunder and said article shall not be so construed. No convict so employed shall be considered as an employee or be employed by the agency involved, nor shall any such convict come within any of the provisions of the Workmen's Compensation, Insurance and Safety Act of 1917 or be entitled to any benefits thereunder whether on behalf of himself or that of any other person."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1261—An act to amend Section 109 of the Penal Code, relating to prisons and prisoners.

Bill read second time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 109", and insert "add Article 5, comprising Sections 2780 to 2785, inclusive, to Chapter 5, Title 1, Part 3."

Amendment No. 2

In line 2 of the title of the proposed bill, after "game", strike out "and insert" and then insert "and their dependents in game lands and fish and game ranges."

Amendment No. 3

On page 1, line 1, of the proposed bill strike out all words "Sections 1779 and 1780" and strike out lines 2 to 12, inclusive, and insert:

"Article 5, comprising Sections 2780 to 2785, inclusive, to be added to Chapter 5, Title 1, Part 3, of the Penal Code, to read as follows:

Article 5. Employment in Park, Forest, Fish and Game, Etc., Camps

2780. In order to provide appropriate training for the training of inmates of the State prisons who are amenable to discipline while there on some sentence, to secure a better classification and supervision of such inmates according to their capacities, interests, and propensities to control and compensate, as judged, the necessity of expanding the existing prison and training system for the confinement of such prisoners, and to give better consideration for the reform and encouragement of self-discipline in such prisoners, park, forest, fish and game ranges may be established as penitentiaries in the future.

2781. The board may establish such camps and penitentiaries may be transferred from any State prison to such camps and penitentiaries may be transferred from such camps to any State prison for further confinement.

2782. The board may establish such camps independently or in cooperation with the State Board of Forestry, the State Park Commission and the Fish and Game Commission, and the Department of Natural Resources, and such terms as may be agreed upon by the board and the director of the department.

2783. Such camps shall be in charge of a superintendent appointed by the board.

2784. The premises committed to such camps may be located in places on the holdings and grounds of the state, on the waters of park and forest lands, or by the fire prevention or fire fighting or reforestation or forest lands, or by the making of fire trails and fire breaks, or in parks and other such grounds and resources to be done by the Divisions of Parks, Forests and Fish and Game in the Department of Natural Resources.

2785. The board may provide for the payment of wages to the prisoners for the work they do, the same amount as is paid to the inmates of penitentiaries of the prison, or to the prisoners doing, in such manner and in such place and at such time as the board directs."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Judiciary.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 221—An act to amend Section 103 of, to renumber Section 103a to be Section 103k of, and to add Sections 103b, 103c, 103d and 103e to, the Code of Civil Procedure, relating to justices of the peace and justices' clerks and assistant clerks in offices of the second class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 659—An act to amend Section 161a of the Civil Code, relating to interests in community property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 262—An act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read second time, and ordered to third reading.

Assembly Bill No. 268—An act to amend the chapter heading of Chapter 8 of Division 9 and to amend Sections 10600, 10601, 10602, 10603, 10607, 10625 and 10626 of the Health and Safety Code, relating to vital statistics, including proceedings to establish the fact of birth, death or marriage, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 20, of the printed bill, as amended, strike out "petition the"; and on page 2, strike out line 1, and in line 2, strike out "occurred", and insert "file a petition".

Amendment No. 2

On page 2, line 3, of the printed bill, as amended, strike out the period, and insert "in either of the following courts:

(1) The superior court of the county in which the birth, death or marriage is alleged to have occurred.

(2) The superior court of the county in which the person whose birth or marriage it is sought to establish is residing; or, if such person has died, the superior court of the county in which such person was domiciled at the date of death."

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 15 to 20, inclusive, and insert "Chapter 2 of this division".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1401—An act to amend Sections 981, 3016, 3035, 3036, 3039, 3040, 11715 and 12091, and to repeal Section 3017 of the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2, lines 21 and 22, of the printed bill, strike out "in any one calendar year 7 per cent of".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1397—An act to amend Sections 1703.5, 1704, 1708, 1709 and 1713 of, to repeal Section 1713.8 of the Insurance Code and to add Sections 1708.5, 1708.6 and 1709.2 thereto, relating to the transaction of life and disability insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1398—An act to amend Sections 760, 781 and 1706.8 of, and to add Section 760.5 to, the Insurance Code, relating to insurance, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out lines 36 and 37, and insert "A person shall not make any representation or comparison of insurers or policies to an insured which is misleading, for the pur-".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1111—An act to amend Section 1600 of Chapter 13 of the Probate Code, relating to request for approval after the issuance of letters of guardianship.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 3, of the printed bill, after "used" insert and "inserted for approval notice."

Amendment read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Chris Marshland of San Francisco as a member of the State Board of Prison Directors.

The President put the question: "Will the Senate confirm and consent to the appointment of Chris Marshland?"

The roll was called, with the following result:

AYES—Senators Ruggar, Brown, Caine, Collier, Cunningham, DeLeon, Donel, Dillingen, Fletcher, Fisher, Gaudin, Johnson, Larkin, Keating, Kuehl, Luckey, Mayo, Morgan, Myers, Michael, Parkman, Powers, Quinn, Rich, Swavel, Slater, Tickle, and Wagy—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Chris Marshland.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Dr. W. Earle Smith of San Francisco as a member of the State Board of Prison Directors.

The President put the question: "Will the Senate confirm and consent to the appointment of Dr. W. Earle Smith?"

The roll was called, with the following result:

AYES—Senators Ruggar, Brown, Caine, Collier, Cunningham, DeLeon, Donel, Dillingen, Fletcher, Fisher, Gaudin, Johnson, Larkin, Keating, Kuehl, Luckey, Mayo, McClelland, Morgan, Myers, Michael, Parkman, Powers, Quinn, Rich, Swavel, Slater, Swartz, Tickle, and Wagy—37.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Dr. W. Earle Smith.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Hugh Lovett Spears of Grapevine as a member of the State Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of Hugh Lovett Spears?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Latham, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Meyer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagz—32

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Hugh Lovett Spears

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of George A. Briggs of Los Angeles as a member of the State Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of George A. Briggs?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Latham, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Meyer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagz—33.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of George A. Briggs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1083
Assembly Bill No. 1084
Assembly Bill No. 1016
Assembly Bill No. 1443
Assembly Bill No. 1629
Assembly Bill No. 587
Assembly Bill No. 1031

Assembly Bill No. 499
Assembly Bill No. 1798
Assembly Bill No. 844
Assembly Bill No. 192
Assembly Bill No. 54
Assembly Bill No. 824
Assembly Bill No. 1767

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Joint Resolution No. 34—Relative to memorializing the President and the Congress in connection with legislation to provide marine hospitalization for fishermen.

Without reference to committee.

Assembly Bill No. 1083—An act to add Section 542.1 to the Code of Civil Procedure relating to attachments and sale on execution of licenses issued under the Alcoholic Beverage Control Act.

Referred to Committee on Judiciary.

Assembly Bill No. 1084—An act to add a new section to the Alcoholic Beverage Control Act to be numbered 7.1 relating to transfer of license by operation of law.

Referred to Committee on Judiciary.

Assembly Bill No. 1016—An act to amend Section 2701a of the Civil Code, relating to certain actions pertaining to real property.

Referred to Committee on Judiciary.

Assembly Bill No. 1443—An act to amend Sections 2600a and 2600b of the Political Code, relating to the revival and restoration of corporate powers, rights and privileges heretofore suspended or forfeited for nonpayment of taxes and penalties due the State.

Referred to Committee on Judiciary.

Assembly Bill No. 1629—An act to provide for the sale and conveyance of certain lands lying within the abandoned river channel of the American River lying in the County of Sacramento, State of California.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 587—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section, designated Section 164, relating to the power of the Los Angeles County Flood Control District to condemn or acquire property and to use or exchange same for other property required by the district.

Referred to Committee on Judiciary.

Assembly Bill No. 1031—An act to amend Section 500 of the Vehicle Code, relating to negligent homicide.

Referred to Committee on Transportation.

Assembly Bill No. 499—An act to amend Section 21 of the California Irrigation District Act, relating to irrigation district elections.

Referred to Committee on Water Resources.

Assembly Bill No. 1798—An act to add Section 52.5 to the California Irrigation District Act, relating to the surrender of obligations to irrigation districts.

Referred to Committee on Water Resources.

Assembly Bill No. 844—An act to amend Section 6.210 of the School Code, relating to the sale of personal property belonging to one school district to another.

Referred to Committee on Education.

Assembly Bill No. 192—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Referred to Committee on Fish and Game.

Assembly Bill No. 54—An act to amend Sections 79 and 83a of the State Employees' Retirement Act, relating to the retirement of members of the California Highway Patrol.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 824—An act to amend Section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1767—An act to add Section 22.1 to an act entitled "An act to provide for the planting, protection, maintenance and removal of trees, shrubs, and other ornamental vegetation within municipalities, and providing a method for the assessment of the costs and expenses thereof, authorizing the municipality to contribute to the cost thereof and providing for the establishment of a city forester and describing his duties and fixing his compensation," approved June 19, 1931, providing an alternative method for collecting assessments to cover the cost of the improvements therein provided for.

Referred to Committee on Local Government.

REQUEST FOR UNANIMOUS CONSENT

Senator Tickle asked for, and was granted, unanimous consent to take up Senate Bill No. 1300, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 1300

Senate Bill No. 1300—An act creating a public airport district designated "Monterey Peninsula Airport District"; defining its boundaries; providing for its organization, government and maintenance; prescribing its powers, duties, and liabilities; providing for the alteration of its boundaries, and the dissolution of said district.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Tickle:

Resolved, That Senate Bill No. 1300 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating,

Kuchel, Larkin, Mayr, McCracken, McHenry, Moore, Myhrum, Parkman, Quinn, Rich, Sawwell, Senter, Strong, Tamm, Young, and Wagoner.
None. None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF SENATE BILL NO. 1300

Senate Bill No. 1300—An act providing a public harbor district designated "Monteary Peninsula Alameda District", defining its boundaries, providing for its organization, government and administration, prescribing its powers, duties, and liabilities, providing for the alteration of its boundaries, and the dissolution of said district.

Bill read third time.

Urgency Clause

Urgency clause read and adopted in the following vote:

Ayes: Senator Bogan, Paul, Carson, Fisher, Cummings, Cummings, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenna, Kuchel, Larkin, Mayr, McHenry, McCracken, McHenry, Moore, Myhrum, Parkman, Quinn, Rich, Sawwell, Senter, Strong, Young, and Wagoner.
None. None.

The roll was called, and the bill passed in the following vote:

Ayes: Senator Bogan, Paul, Carson, Fisher, Cummings, Cummings, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenna, Kuchel, Larkin, Mayr, McHenry, McCracken, McHenry, Moore, Myhrum, Parkman, Quinn, Rich, Senter, Strong, Young, and Wagoner.
None. None.

Roll ordered transmitted to the Assembly.

WITHDRAWAL AND RE REFERENCE OF SENATE BILL NO. 1188

Senator Quinn moved that Senate Bill No. 1188 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 729

Senator Crittenden moved that Senate Bill No. 729 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion carried.

MOTION TO SET SPECIAL ORDER

Senator Phillips moved that Senate Bill No. 115 be made a special order of business for Monday, March 24, 1941, at 2:40 p.m.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 47—An act to add Chapter 7, comprising Sections 860 to 867, inclusive, to Part 2 of Division 2 of the Labor Code, relating to time of labor of persons employed as household employees.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 2.57 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
THIRD READING OF SENATE BILLS (RESUMED)

Motion to Refer Bill to Inactive File

Senator Dillinger moved that Senate Bill No. 845 be placed on the inactive file.

Motion carried.

Senate Bill No. 276—An act to amend Section 1550 of the Probate Code, relating to the inventory and appraisal of estates of wards, and the delivery of a copy thereof to the county assessor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 315—An act to amend Section 942 of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 63—An act to add Section 6141.1 to the Business and Professions Code, relating to waiver of fees of members of the State Bar of California, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—35.
NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey,

Mayo, McBride, McCormack, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagz, and Ward—41.
NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3 10 p.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 3.13 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 495—An act to amend Sections 396 and 439 of the Code of Civil Procedure, relating to transfer of cases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuehn, Luckey, Mayo, McBride, McCormack, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagz, and Ward—41.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496—An act to amend Section 164 of the Civil Code, relating to property acquired after marriage.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuehn, Luckey, Mayo, McCormack, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagz, and Ward—41.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1135—An act to amend Section 631 of the Code of Civil Procedure, relating to waiver of jury trial.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuehn, Luckey, Mayo, McCormack, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagz, and Ward—41.
NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Re-refer Bill to Committee

Senator Kenny moved that Senate Bill No. 30 be re-referred to Committee on Finance.

Motion carried.

Senate Bill No. 666 An act to amend Section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 86 An act to amend Section 205 of the Revenue and Taxation Code, relating to exemption of property of veterans from taxation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 338 An act to amend Section 4, of The Corporation Income Tax Act of 1937, relating to corporations exempt from tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339 An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to corporations exempt from tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of property taxes, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Collier moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 17, of the printed bill, in amended words, and "of", and insert a comma and "any city located within said county or by any".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senator Powers Presiding

At 4:40 p.m. Hon. Harold J. Powers, of the First District, presiding.

Senate Bill No. 69—An act to amend Section 611 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, Delap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBrate, McCormack, Morgan, Quinn, Powers, Quinn, Rich, Sewall, Slater, Swan, Swing, Tuckie, Wagon and Ward—41.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, Delap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBrate, McCormack, Morgan, Quinn, Powers, Quinn, Rich, Sewall, Slater, Swan, Swing, Tuckie, Wagon, and Ward—41.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 73—An act to amend Sections 447 and 1090 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, including matters shown on the property statement and on supplemental statements thereto, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, Delap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBrate, McCormack, Morgan, Quinn, Powers, Quinn, Rich, Sewall, Slater, Swan, Swing, Tuckie, Wagon, and Ward—41.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cunningham, Delap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuebel, Luckey,

Moyle, M. F. Park, McQuinn, Nye, Nye, Hays, Michael, Parkman, Powers, Quinn, Rich, Seawell, Slater, South, Swank, Tabor, Wagner and Waters—*all*
 Nays—None

Bill ordered transmitted to the Assembly

Motion to Reconsider Bill to Committee

Senator Kenny moved that Senate Bill No. 76 be re-referred to the Committee on Revenue and Taxation.

Motion carried

Senate Bill No. 75—An act to amend Section 114 of the Revenue and Taxation Code, relating to property taxation and the collection of debts, as appearing therein, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES. Senators Egerton, Brand, Brown, Cullen, Cummings, Cummings, DeLoach, Donald, Haggerty, Hays, Hays, Hays, Hays, Hays, Hays, Hays, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Slater, South, Swank, Tabor, Wagner and Waters—*all*
 Nays—None

The roll was called, and the bill passed by the following vote:

AYES. Senators Egerton, Brand, Brown, Cullen, Cummings, Cummings, DeLoach, Donald, Haggerty, Hays, Hays, Hays, Hays, Hays, Hays, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Slater, South, Swank, Tabor, Wagner and Waters—*all*
 Nays—None

Bill ordered transmitted to the Assembly.

Senate Bill No. 264—An act to amend Sections 1103, 1105 and 1110 of the Revenue and Taxation Code, relating to property taxation and to the registration of vessels to reduce the payment of property taxes, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES. Senators Egerton, Brand, Brown, Cullen, Cummings, Cummings, DeLoach, Donald, Haggerty, Hays, Hays, Hays, Hays, Hays, Hays, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, South, Swank, Tabor, Wagner and Waters—*all*
 Nays—None

The roll was called, and the bill passed by the following vote:

AYES. Senators Egerton, Brand, Brown, Cullen, Cummings, Cummings, DeLoach, Donald, Haggerty, Hays, Hays, Hays, Hays, Hays, Hays, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, South, Swank, Tabor, Wagner and Waters—*all*
 Nays—None

Bill ordered transmitted to the Assembly

Senate Bill No. 306—An act to amend Section 264 of the Retail Sales Tax Act of 1935 and Section 207 of the Use Tax Act of 1936, relating to priority of the sale and use taxes.

Bill read third time

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoe, Donald, Dillingham, Fitchner, Folsom, Garrison, Gorman, Jordan, Keating, Koser, Leach, Mayo, McElroy, McHenry, McInerney, Morgan, Myers, Myhrum, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wager, and Ward—36.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 117—An act to repeal Sections 2464, 2465, 6384 and 6384 of, to amend Sections 2406, 2407 and 2490 of, and to add Sections 3371, 3372, 3373, 3374 and 3375 to, the School Code, all relating to the payment of the costs of providing for the education of high school pupils not residing in a high school or unified school district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoe, Donald, Dillingham, Fitchner, Folsom, Garrison, Gorman, Jordan, Keating, Koser, Leach, Mayo, McElroy, McHenry, McInerney, Morgan, Myers, Myhrum, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wager, and Ward—36.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215—An act to amend School Code Sections 2220, 2231, 2232, 2250, 2251 and 2252, all relating to union and joint union elementary school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoe, Donald, Dillingham, Fitchner, Folsom, Garrison, Gorman, Jordan, Keating, Koser, Leach, Mayo, McElroy, McHenry, McInerney, Morgan, Myers, Myhrum, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wager, and Ward—36.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 534—An act to add Article 11 to Chapter 2 of Part 1 of Division 2 of the School Code, relating to the inclusion in school districts of lands owned by the United States of America.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLoe, Donald, Dillingham, Fitchner, Folsom, Garrison, Gorman, Jordan, Keating, Koser, Leach, Mayo, McElroy, McHenry, McInerney, Morgan, Myers, Myhrum, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wager, and Ward—36.
 NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4:42 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

Senate Bill No. 448—An act to amend Section 7374 of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Sierra.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Swing, and Ward—26.

NOES—Senators Biggar, Metzger, Powers, Rich, and Tickle—5.

Bill ordered transmitted to the Assembly.

Senator Powers Presiding

At 4.47 p.m., Hon. Harold J. Powers, of the First District, presiding.

Senate Bill No. 105—An act to amend Section 737ccc of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Tuolumne.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—31.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.53 p.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 47 refused passage by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Powers, Quinn, Seawell, Slater, Swan, and Swing—20.

NOES—Senators Collier, Cunningham, DeLap, Deuel, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, Waggy, and Ward—18.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1294—An act to amend Section 737s of the Political Code, relating to superior court judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, and Swing—27.

NOES—Senators Biggar, Phillips, Tickle, and Waggy—4.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 1037

Senator Foley moved that Senate Bill No. 1037 be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Welfare and Institutions.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Mixer moved that Senate Bill No. 2000 be placed on the inactive file.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2000

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership: 11; committee vote: Ayes 9; absent 2.

MIXER, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Concurrent Resolution No. 18

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership: 11; committee vote: Ayes 9; absent 2.

MIXER, Chairman.

Above reported resolution ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 882

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership: 11; committee vote: Ayes 8; absent 3.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 84

Senate Bill No. 740

Senate Bill No. 85

Senate Bill No. 881

Senate Bill No. 644

Senate Bill No. 897

Senate Bill No. 673

Senate Bill No. 639

Assembly Bill No. 241

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership: 11; committee vote: Ayes 10; absent 1.

KEATING, Vice Chairman.

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 257

Senate Bill No. 1181

Has had the same under consideration and reports the same back with the recommendation: Ayes 10; do pass as amended.

Committee membership: 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 18, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 258

Senate Bill No. 654

Senate Bill No. 652

Senate Bill No. 655

Senate Bill No. 653

Senate Bill No. 1056

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 7

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported resolution ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 40

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 5.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 20, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY

SEVENTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 20, 1941

The Senate met at 2 p.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Brown, Collier, Cunningham, DeLong, Dodd, Donaghy, Fincher, Garrison, Gordon, Jepsen, Judah, Keene, Keith, Lester, Metzger, Morgan, Myers, Myland, Parkman, Rich, Seppell, Suter, Swain, and Swing. 24

Call of the Senate

Senator Metzger moved a call of the Senate.

Motion carried.

The Secretary announced the absences.

Time, 2:05 p.m.

The President pro tempore directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Mixer.

Senator Shelley, on motion of Senator Swan.

Senator Kenny, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. E. Isham of Redlands.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Professor Celestine J. Sullivan, Jr., Department of Philosophy, University of Oregon.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Lucille Wolf of Chicago.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Eugene Daney, Jr., of San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following county school superintendents: Agnes Weber Meade, Yuba; E. P. Mapes, Glenn; T. C. McDaniel, Solano; Elwyn Gregory, Placer; Charles Schwoerer, Calaveras, and Lillian Anderson, Napa.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leo B. Hart, County Superintendent of Schools, of Bakersfield.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kenneth McDaniels, Solano County, and Elwyn Gregory, Roseville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. G. H. Offerman, Sacramento, Mr. and Mrs. C. H. Offerman, San Francisco, and Mrs. E. S. Reid of Corvallis, Oregon.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superintendent of Schools John R. Williams, San Joaquin County.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. P. Mapes, Superintendent of Schools, Glenn County, Willows.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles F. Schwoerer of San Andreas.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank C. Sykes of San Francisco.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. K. Steward of Rio Vista.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. F. S. Marnell of Stockton.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Darling, head of the Adult Education Department, Wilson Evening School, San Jose, and the following new United States citizens and future citizens: Mesdames Piccarota, A. Vatrana, Ida Filema, B. Genovesi, Iusi, Pullara, Messina, Samelli, Pontier, Hummientt, Stragnalia, Cavaletto, P. Ferrero, Bengieveno, La Torre, Battaglia, Agnelli, D'Innocenti, Le Franco, Veglia, Bournazian, A. Mazzone, Jennie Caputo, Roffinello, Pullizzi, Perry, D. Giacomo, Dinapoli, Ciuccio, Rore Caruso, Marie

Gregorio and Luis Leano; Messrs. A. Donapoli, Roman Mariano, Paul Mazzone and B. Genovese.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jay S. Ream of Los Angeles.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 144	Senate Bill No. 460
Senate Bill No. 145	Senate Bill No. 461
Senate Bill No. 176	Senate Bill No. 462
Senate Bill No. 227	Senate Bill No. 463
Senate Bill No. 360	Senate Bill No. 464
Senate Bill No. 463	Senate Bill No. 465
Senate Bill No. 143	Senate Bill No. 466
Senate Bill No. 24	Senate Bill No. 467
Senate Bill No. 464	Senate Bill No. 468
Senate Bill No. 459	Senate Bill No. 469

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 8	Senate Bill No. 810
Senate Bill No. 341	Senate Bill No. 811
Senate Bill No. 467	Senate Bill No. 812
Senate Bill No. 687	Senate Bill No. 813

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 66

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 4—Relative to demarcating the President and the Congress to limit the steps necessary to publicly assist any foreign government against under California State legislation to be sold to the United States for use and more products under foreign legislation.

And reports that the same has been correctly engrossed and printed in the morning on the nineteenth day of March, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 746

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amended, and to pass as amended.

Committee membership 5; committee vote: Ayes 1; absent 2.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 123	Assembly Bill No. 883
Senate Bill No. 175	Assembly Bill No. 1160
Senate Bill No. 314	Assembly Bill No. 2005
Assembly Bill No. 844	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 508

Senate Bill No. 1018

Senate Bill No. 786

Assembly Bill No. 843

Senate Bill No. 915

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 109

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and place on the inactive file.

Committee membership 11; committee vote: Ayes 8; absent 3.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 120

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 945

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

TICKLE, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 953

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

TICKLE, Chairman

Above reported bill ordered to second reading.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILLS**NOS. 42, 43, 277, 1160 AND 1161**

Senator Breed moved that Senate Bills Nos. 42, 43, 277, 1160 and 1161, all relating to reapportionment, be withdrawn from Committee on Governmental Efficiency, and referred to Committee on Elections.

Motion carried.

MOTION TO RE-REFER BILL TO COMMITTEE

Senator Seawell moved that Senate Bill No. 1278 be taken from the inactive file, and re-referred to the Committee on Revenue and Taxation.

Motion carried.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Dillinger moved that Senate Bill No. 843 be taken from the inactive file and placed on second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 66—An act to amend Section 4786 of the Revenue and Taxation Code, relating to property taxation and the assessment of property taxes, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Broad, Brown, Carson, Collins, Cunningham, DeLoach, Donel, Dillinger, Fletcher, Filer, Garrison, Gordon, Janssen, Keith, Knutson, Kuebel, Lusk, Mayo, McBrink, McCann, McCreary, Meyer, Myers, Myland, Powers, Phillips, Powers, Rich, Sawall, Senter, Sayer, Swing, Tuck, Ward and Ward—36.
 NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Brown, Carson, Collins, Cunningham, DeLoach, Donel, Dillinger, Fletcher, Filer, Garrison, Gordon, Janssen, Keith, Knutson, Kuebel, Lusk, Mayo, McBrink, McCann, McCreary, Meyer, Myers, Myland, Powers, Phillips, Powers, Rich, Sawall, Senter, Sayer, Swing, Tuck, Ward and Ward—36.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 220—An act to amend Section 7470 of the Political Code, relating to the salary of superior judges in and for the County of Siskiyou.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Brown, Carson, Collins, Cunningham, DeLoach, Dillinger, Fletcher, Filer, Garrison, Gordon, Janssen, Keith, Knutson, Kuebel, Lusk, Mayo, McBrink, McCann, McCreary, Meyer, Myers, Myland, Powers, Phillips, Powers, Rich, Sawall, Senter, Sayer, Swing, Tuck, Ward and Ward—37.
 NOES—Senator Bigger—1.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 2:28 p.m., on motion of Senator Garrison, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Bigger, Broad, Brown, Carson, Collins, Cunningham, Cunningham, DeLoach, Donel, Dillinger, Fletcher, Filer, Garrison, Gordon, Janssen, Keith, Knutson, Kuebel, Lusk, Mayo, McBrink, McCann, McCreary, Meyer, Myers, Myland, Powers, Phillips, Powers, Quinn, Rich, Sawall, Senter, Sayer, Swing, Tuck, Ward and Ward—37.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 757—An act to add a new article to Chapter 1 of Part 2 of Division 2 of the School Code, to be known as Article 10, relating to the attendance of school members of governing boards of school districts of state-wide educational meetings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 756—An act to add Section 2.1521 to the School Code, relating to educational societies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—34.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 447—An act to amend Section 4265 of the Political Code, relating to compensation for public services in counties of the thirty-sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 529—An act to add Section 4056g to the Political Code, relating to officers, deputies, assistants and employees of the counties, and their rights and privileges in relation to their several county offices and employments during, and after termination of, their service in the armed forces or training and service in the land or Naval forces of the United States.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An act to amend Section 4276 of the Political Code, relating to salaries and fees of offices in counties of the forty-seventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Kuchel, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 17 Approving a certain amendment to the charter of the City of Hemet, in the County of Wyo., State of California, relating to the granting of franchises, cited for and ratified by the electors of said city of Hemet, at a special election held therein on the twenty-seventh day of January, 1941.

Resolution read

The roll was called, and the resolution adopted by the following vote:

AVENUE. Senators Breed, Brown, Carter, Collier, Cunningham, Delap, Deuel, Felt
Hager, Houser, Jones, G. Brown, Gorman, James, Jones, May, McLean, Mc-
Nee, Morgan, Mott, P. Brown, Pritchard, Powers, R. L. Thomas, Tracy, Swan-
Swang, Tamm, and Wells. 29

1911

Resolution ordered transmitted to the Assembly

Senate Constitutional Amendment No. 4 A resolution to propose to the people of the State of California an amendment to the Constitution of the State by repealing the portion of Section 1 of Article IV relating to the submission of an initiative measure to the Legislature.

Resolution read.

The roll was called, and the resolution received adoption by the following vote:

Ayer, Sandra B. *Human Head, Cattle Horn: Contrasting Female Influence*
Gordon, Kaitling M. *Female Migration, Mating, and Grouping*

Notes: Secondary Collection: David Fairbrother, Virginia Harrison, Kenneth K. Kuhl, L. A. Mack, M. J. McHugh, Michael Patterson, Patricia Pomeroy, Hilda Newell, Susan Saxe, Susan Tinker, and William W. Wines.

Motion to Reconsider

Senator Gordon moved to reconsider the vote whereby Senate Constitutional Amendment No. 4 was refused adoption.

Postponement of Reconsideration

On motion of Senator Gordon, consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 4 was refused adoption, was continued until the next legislative day.

Senate Bill No. 402.—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1911, relating to deposits of money belonging to or in the custody of the State.

Ball read third time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

In line 6 of the title of the posted bill, after "State", insert ", bearing the urgency hereof, to take effect immediately".

Amendment No. 2

On page 2 of the printed bill, after line 11, insert

"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The present time is a period during which unusually high percentages are being received by the State of California. Under the provisions of the act relating to this title heretofore, the State Treasurer may not deposit State funds in banks in excess of the paid-up capital exclusive of surplus of any depository bank. Large banks

throughout the State already have deposits of State funds up to the amount of their capital, and in consequence large sums of State money remain undeposited. By the adoption of this act, the State Treasurer would be permitted to increase these deposits in active accounts in excess of the paid-up capital, but not in excess of the capital and surplus of depository banks. It is, therefore, necessary that this act take immediate effect in order that large sums of money may be so deposited."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 320—An act authorizing the appointment and prescribing the powers and duties of special policemen for the protection and preservation of public property, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's office.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436—An act to add Section 83.5 to the State Civil Service Act, relating to qualifications of applicants for civil service positions.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 10, inclusive, and insert "Sec. 83.5. No educational or professional qualifications whatsoever shall be required as a condition of eligibility to compete in an examination, except that if the possession of a license or certificate is by law a condition precedent to the performance of the duties of the position, such possession shall be required."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 287—An act to amend Section 44 of the California Irrigation District Act, relating to irrigation district assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham-Dillinger, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Miller, Mitchell, Powers, Quinn, Rich, Seaver, Slater, Swain, Swift, Tuckle, and Wagner—20.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288—An act to amend Section 70 of the California Irrigation District Act, relating to irrigation district assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham-Dellap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Miller, Mitchell, Powers, Quinn, Rich, Seaver, Slater, Swain, Swift, Tuckle, and Wagner—20.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289—An act to amend Sections 706, 707 and 708 and the article heading of Article 2, Chapter 2, Part 6 of the Water Code, and Section 4 of the Central Valley Project Act of 1931, relating to the changing of the name of Kesport Dam to Sierra Dam.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham-Dellap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Mayo, McBride, McCormack, Miller, Mitchell, Powers, Quinn, Rich, Seaver, Slater, Swain, Swift, Tuckle, and Wagner—20.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An act to add Section 13 to the California Irrigation District Act, relating to publication of notices pursuant to laws relating to irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham-Dellap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kuchel, Linskey, Mayo, McBride, McCormack, Miller, Mitchell, Powers, Quinn, Rich, Slater, Swain, Swift, Tuckle, and Wagner—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 626—An act to amend Section 19c of the California Irrigation District Act, relating to the selection of the officers of irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, Cunningham-Dellap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Miller, Mitchell, Powers, Quinn, Rich, Slater, Swain, Swift, Tuckle, and Wagner—24.

McBride, McCormack, Metzger, Mixer, Parkman, Rich, Slater, Swan, Swing, Tickle, and Waggy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 167—An act to amend Sections 5, 7 and 17 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof, and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts, including the qualifications of district directors, the qualifications of electors, the qualifications of directors when such directors are elected to represent divisions of the district, and the qualifications of electors entitled to vote for directors who are elected by divisions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Waggy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174—An act to amend Section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Waggy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 549—An act to repeal Sections 62 and 63 of the California Irrigation District Act, relating to apportionment of water by water commissioners and flow of water through irrigation district ditches in times of high water.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Tickle, and Waggy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 551—An act to repeal Section 24 of an act entitled "An act to provide for the Dissolution of Religious Bodies, the Settlement and Discharge of their Indebtedness, and the Distribution of their property," approved February 16, 1893, relating to the dissolution of religious societies having no indebtedness now barred by the statute of limitations.

Bill read third time.

The roll was called, and the bills passed by the following vote:

Author: Shannon David Brown, Center for the Study of the American Indian, University of Illinois, Urbana-Champaign, 601 S. Goodwin Avenue, Urbana, Illinois 61801-2002, USA. E-mail: shannon.david.brown@uiuc.edu

1911-1912

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 13.—*Memorializing the President and Congress to carry legislation proposed by U. S. Senate Bill 110, providing a basis of reciprocity for passage of establishing Indian land on self-treaty arrangement.*

Resolution of

The plot was called, and the resolution adopted by the following vote:

[illegible]

1. 1

Resolution ordered transmitted to the Assembly

Senate Bill No. 682—An act to amend Section 161.5 of the Vehicle Code, relating to stamp duty on highways.

Ball read third time.

The reel was called, and the ball used by the following side.

AYES, Samuel Elwell, 1890, *Phylogeny, Origin, Culture, Environment, Civilization*,
 Peckay, Denver, Colorado. 1900, *Scientific Method, Psychology, Ethics, Religion*,
 Kansas. 1905, *Man, Mind, Methods, Psychology, Philosophy, Science, Spirit*, New
 York. 1910, *Science, Science, Science, Science, Science, Science*, 72.

1. 1. 1. 1.

Bill ordered transmitted to the Assembly.

Motion to Reconsider

Senator Phillips moved to reconsider the vote whereby Senate Bill No. 329 was passed.

Postponement of Reconsideration

On motion of Senator Phillips, consideration of the motion to reconsider the vote whereby Senate Bill No. 213 was passed, was continued until the next legislative day.

Senate Bill No. 932 An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES, Sumner; Baggot, Byron; Beck, Charles; Berman, Channing; Delap, Dillingor; Fletcher, Felix; Gappason, Gordon; Jacob, Knut; Jacob, M.

McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

Not's—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 425—An act to amend Section 1623 of the Streets and Highways Code, relating to expenditures by a county out of its special road improvement fund for streets, bridges and culverts in cities within the county.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

Not's—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 77—An act to amend Section 12416 of, and to add Sections 12418.5 and 12421 to, the Business and Professions Code, relating to measurement of logs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

Not's—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 14—Relative to memorializing Congress to allocate funds in surplus marketing budget for 1942 to California fruit growers because of loss of normal export markets due to the war.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

Not's—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 841—An act to add Section 4a to the act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Carter, Cullen, Cuyamanga, Cunningham, DeLoe, Dilling, Dillinger, Fletcher, Foley, Garrison, Gordon, Jordan, Keating, Knebel, Lester, Meyer, McBride, Mixer, Mitchell, Parkinson, Powers, Quinn, Rich, Seawell, Swann, Tucke, Swann, Tucke, Wagon, and Ward—21.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Cullen, Cuyamanga, Cunningham, DeLoe, Dilling, Dillinger, Fletcher, Foley, Garrison, Gordon, Jordan, Keating, Knebel, Lester, Meyer, Mixer, Mitchell, Parkinson, Powers, Quinn, Rich, Seawell, Swann, Tucke, Swann, Tucke, Wagon, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 527—An act to repeal certain obsolete or superseded acts, all relating to appropriations of money from the State Treasury, and matters incidental thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Cullen, Cuyamanga, Cunningham, DeLoe, Dilling, Dillinger, Fletcher, Foley, Garrison, Gordon, Jordan, Keating, Knebel, Lester, Meyer, Mixer, Mitchell, Parkinson, Powers, Quinn, Rich, Seawell, Swann, Tucke, Swann, Tucke, Wagon, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1266—An act to amend Section 131.5 of the Code of Civil Procedure relating to probation, and including probational committees and probational officers and deputies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Cullen, Cuyamanga, Cunningham, DeLoe, Dilling, Dillinger, Fletcher, Foley, Garrison, Gordon, Jordan, Keating, Knebel, Lester, Meyer, Mixer, Mitchell, Parkinson, Powers, Quinn, Rich, Seawell, Swann, Tucke, Swann, Tucke, Wagon, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Brown:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, MARCH 20, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of said fund by the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund, to take effect immediately.

Respectfully submitted,

SENATOR BROWN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE
MYLAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators: Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mason, McCormack, Mendenhall, Myland, Powers, Quinn, Rich, Seawell, Swain, Tickle, Wagy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1301: By Senator Brown—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund, to take effect immediately.

Referred to Committee on Education.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Brown:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 718 of the Civil Code, relating to the leasing by municipalities, or departments or boards thereof, of property owned thereby, or held thereby, or under the management and control thereof.

Respectfully submitted.

SENATOR BROWN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
MYLAND
DEUEL
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators: Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey,

Mayo, McCormack, Metzger, Murray, M. J. O'Connell, Patterson, Pomeroy, Quinn, R. L.
Seawell, Shaw, Tisdale, Wray, and Wright (all)

Name: _____

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time.

Senate Bill No. 1302: By Senator Brown.—An act to amend Section 718 of the Civil Code, relating to the leasing by municipalities or departments or boards thereof of property owned, owned or held thereby, or under the management and control thereof.

Referred to Committee on Loan Guarantees

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Powers

Request for Permission to Introduce a Bill

SENATE COMMITTEE ON LABOR, 1913-1914.

Mr. President: In accordance with the provisions of Article 15, Section 2 of the Constitution, I request permission to introduce a bill and have it read as follows:

An act to improve reading, writing and numeric outcomes among middle and high school students in six states of education in hopes of progress in some government bodies depend on the the level of achieving the expected allocations or considering of school facilities or resources.

Results of the multivariate model

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Recommendation of Committee on Rules

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The Committee on Rules recommends that provision be struck out of the bill as presented.

(See also 100-101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918

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The roll was called, and permission granted on the following basis:

AMES. Senators Reed, Brown, Cady, Cullen, Cushman, Cummings, DeLoach, Deuel, Dillinger, Fletcher, J. Edgar Hoover, Ladd, Nichols, Rosen, Sullivan, Tavel, Luckey, Mayo, McCormack, Metzger, Mohr, Parsons, Tamm, Trotter, Tele. Room, Rich, Schwall, Swan, Tamm, Waddy and Wicker (4).

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1303: By Senator Powers—An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city for repairs, alterations or construction of school buildings or equipment.

Referred to Committee on Judiciary.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 753—An act to repeal the Joint Highway District Act.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 and 10, and insert "provisions of that act are for all purposes retained in full force".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1262

Senate Bill No. 1300

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bills ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 1001

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 179

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 312

Senate Bill No. 519

Senate Bill No. 412

Senate Constitutional Amendment No. 1

Senate Bill No. 414

Assembly Bill No. 1495

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 343

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred

Senate Bill No. 411

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6, nays 4, absent 1.

GORDON, Chairman

Above reported bill ordered to second reading

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Bill No. 1292

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported bill ordered to second reading

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred

Senate Constitutional Amendment No. 6

Assembly Bill No. 603

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

WAGY, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred

Senate Bill No. 299

Senate Joint Resolution No. 1

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

WAGY, Chairman

Above reported bills ordered to second reading

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 152

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 560

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; noes 3.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 684

Assembly Bill No. 176

Senate Bill No. 420

Assembly Bill No. 177

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 685

Senate Bill No. 101

Senate Bill No. 1051

Senate Bill No. 102

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

POWERS, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 292

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amendments be adopted, and that the bill be placed upon the inactive file.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 877—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134 and 1135 to Part 3, Division 2, of the Labor Code, relating to hot cargo and secondary boycotts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 975—An act to add Chapter 7.5, comprising Sections 1126, 1127, 1128, 1129 and 1130, to Part 3, Division 2, of the Labor Code, relating to enforceability of collective bargaining contracts and prohibiting attempts to cause or induce violations thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 976—An act to amend Section 923 of, and to add Section 924 to, the Labor Code, relating to public policy in connection with collective bargaining and defining labor organizations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 974—An act to add Chapter 7, comprising Sections 1120, 1121, 1122, 1123, 1124 and 1125, to Part 3, Division 2, of the Labor Code, relating to employee discharges and labor agreements.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate on March 7, 1941, strike out lines 11 to 13, inclusive.

Amendment No. 2

On page 1, line 14, of the printed bill, as amended in the Senate on March 7, 1941, strike out "1122", and insert "1121".

Amendment No. 3

On page 1, line 19, of the printed bill, as amended in the Senate on March 7, 1941, strike out "1123", and insert "1122".

Amendment No. 4

On page 1, line 24, of the printed bill, as amended in the Senate on March 7, 1941, strike out "1124", and insert "1123".

Amendment No. 5

On page 2, line 13, of the printed bill, as amended in the Senate on March 7, 1941, strike out "1125", and insert "1124".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 882—An act to amend Section 974 of the Political Code, relating to discharge of sureties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 84—An act to amend Sections 2787 and 2810 of the Civil Code, relating to sureties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 85—An act to amend Sections 3147 and 3150 of the Civil Code, relating to negotiable instruments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 674—An act to add Section 1557.1 to the Probate Code, relating to the investment of funds in guardianship matters.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 675—An act to add Section 1483.2 to the Probate Code, relating to guardian's petition for substitution and discharge of surety.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 743—An act to add Section 1483.1 to the Probate Code, relating to reduction of bond of guardian.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 883—An act to add Section 1483.3 to the Probate Code, relating to order of court substituting sureties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 807—An act to amend Section 36 of the Civil Code, relating to contracts of minors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 639—An act to amend Section 1 of "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to the Commission on Uniform State Laws.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 257—An act to amend Section 380.51 of and to add Section 333.5 to, the Agricultural Code, relating to brands.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 4, of the printed bill, after "animal", strike out the semicolon, insert a period and "An animal may be branded on the neck by the owner, provided the animal already bears a brand recorded by the owner."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1181—An act to add Section 372.5 to the Agricultural Code, relating to reports by railroad corporations as to animals killed by trains.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, lines 5 and 6, of the printed bill, strike out "live stock inspector of the locality in which the event took place," and insert "director,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 258—An act to amend Section 366 of the Agricultural Code, relating to live stock inspection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 652—An act to add Section 334.5 to the Agricultural Code, relating to the branding of live stock.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 653—An act to amend Section 336 of the Agricultural Code, relating to live stock brands.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 654—An act to amend Section 344 of the Agricultural Code, relating to live stock inspection.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 655—An act to amend Section 363 of the Agricultural Code, relating to bills of sale for live stock.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1056—An act to amend Sections 347 and 363 1/2 of the Agricultural Code, relating to live stock sold or slaughtered without consent of the owner.

Bill read second time, ordered engrossed, and to third reading.

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend Sections 7 and 34 of Article IV of the Constitution of said State, relating to the Legislature.
Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 22 to 27, inclusive, and on page 2, strike out lines 1 to 4, inclusive.

Amendment No. 2

On page 2, line 7, of the printed bill, strike out "in the odd numbered years".

Amendment No. 3

On page 2, lines 13 and 14, of the printed bill, strike out "each third year of the ensuing biennial period", and insert "the next year".

Amendment No. 4

On page 2, line 16, of the printed bill, strike out "first third year of the year" and strike out all of lines 17, 18 and 19, and insert "proceeding second year. If the proposed expenditures for the ensuing third year shall".

Amendment No. 5

On page 2, line 30, of the printed bill, strike out "immediately", and insert "during the first five days of the session".

Amendment No. 6

On page 2 of the printed bill, strike out line 17 after the period, and insert "Neither house shall place any bill upon final passage until 15 days after its introduction, and until the".

Amendments read and adopted.

Bill ordered printed, and so referred to Committee on Governmental Efficiency.

Senate Bill No. 40—An act to add Section 1132 to the Penal Code relating to surrender of means of identification.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "surrender", and insert "the use".

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 22, inclusive, and insert "1132. All pictures, photographs, prints, negatives, films and fingerprints taken of or from any person at the time of his arrest or while he is held in custody shall be confidential and neither the originals nor any copy thereof shall be disclosed or delivered to any person other than an identification bureau regularly maintained by a public law enforcement agency; provided that copies thereof may be transmitted or delivered to a law enforcement officer for his use in the investigation, detection, prosecution and punishment of crime. It shall be a misdemeanor for any person to use any such picture, photograph, print, negative, film or fingerprint in

any manner whatsoever for the purpose of personal interest or gain or for the purpose of harassing, degrading or humiliating another."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 729—An act to amend Sections 794 and 828.2 of the Agricultural Code, relating to cherries.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "794 and 828.2", and insert "794, 828.2 and 829.1".

Amendment No. 2

In line 2 of the title of the printed bill, before the period, insert "and containers thereof, declaring the urgency thereof and that this act take effect immediately".

Amendment No. 3

On page 1 of the printed bill, strike out lines 4 to 13, inclusive, and insert "(a) insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, decay and (b) growth cracks, cracks or splits over three-eighths of an inch in length even though well headed, except that well healed shoulder cracks shall be allowed regardless of length and (c) serious damage due to sunburn, shriveling, sponginess, abnormal softening or other causes."

Amendment No. 4

On page 1, line 23, of the printed bill, before the period, insert "excepting the Bing variety when testing not less than 16 per cent, and the Tartarian variety, when testing not less than 14 per cent, soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument".

Amendment No. 5

On page 2 of the printed bill before line 1, insert "All red and black varieties of cherries shall not be considered mature unless at the time of picking the entire surface has attained at least a solid light red color."

Amendment No. 6

On page 2, line 6, of the printed bill, strike out "or larger".

Amendment No. 7

On page 2 of the printed bill, strike out all of lines 7 to 9, inclusive.

Amendment No. 8

On page 2, line 13, of the printed bill, strike out the first comma.

Amendment No. 9

On page 2, line 18, of the printed bill, strike out "on" first appearing in said line.

Amendment No. 10

On page 2 of the printed bill, strike out all of line 20, and insert "'Exceeds tolerance for doubles" in letters three-eighths of an inch in height."

Amendment No. 11

On page 2 of the printed bill, strike out line 34, and insert "letters. All closed containers of loose cherries shall be marked in three-eighths inch numbers and letters with the row size of the cherries in the container followed by the term "row size." When containers of loose cherries are marked with a row size designation all the cherries in the container shall average no smaller than the row size number marked; however, none of the cherries in such container shall be more than two row sizes smaller than that marked on the container. In order to allow for errors in packing and grading, 5 per cent, by count, of the cherries in any one container may be below the minimum size requirement. The row size number shall be deemed to be that number of cherries of uniform size whose aggregate width will equal 11½ inches."

Amendment No. 12

On page 2 of the printed bill, between lines 40 and 41, insert "Standard container number 15, the cherry box 3 inches in depth, 9½ inches in width and 18½ inches in length, inside measurements, and the lug 4 inches in depth,

12 1/2 inches in width and 19 1/2 inches in length, metric measurements shall be considered standard for cherries until January 1, 1942.

PRINTER'S NOTE: There being no 7 point standard type available, the material which should appear in standard type in the following amendment is indicated by being included within brackets.

Amendment No. 13

On page 2 of the printed bill, after line 47, insert:

"Sec. 3. Section 829.1 of the Agricultural Code is hereby amended to read as follows:

829.1. 1. Fresh apricots, numbers 1, 5, 6, 7, 8, 9, 22A, 22B, 24 or 27

2. Strawberries, number 3a

3. Red and blackcap raspberries, blackberries, dewberries and loganberries, numbers 2a or 3b

4. Cherries, numbers 4, 10, 11, 12, 12a, [15,] 22C, [23,] 25 or 27

5. Oranges, grapefruit and tangerines, numbers 11 or 22, number 23 or 36

Sec. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California and its provisions shall take effect immediately. The following is a statement of the facts constituting such necessity:

Improved quality, maturity and methods of packing of cherries required by this act are important factors in the welfare of the cherry industry. Attended as this industry which have taken place during the past several years by the impact of the agricultural industry threaten to cause serious and unnecessary economic losses to the cherry growers of this State who follow present and usual practices. The cherry shipping season will start before this act would normally take effect and therefore, in order to prevent great loss and consequent hardship to a large number of people it is necessary that this act take immediate effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2000—An act making an appropriation to meet a deficiency in the appropriation for compensation benefits to State officers and employees during the Ninety-first and Ninety-second Fiscal Years, and providing that this act shall take effect immediately.

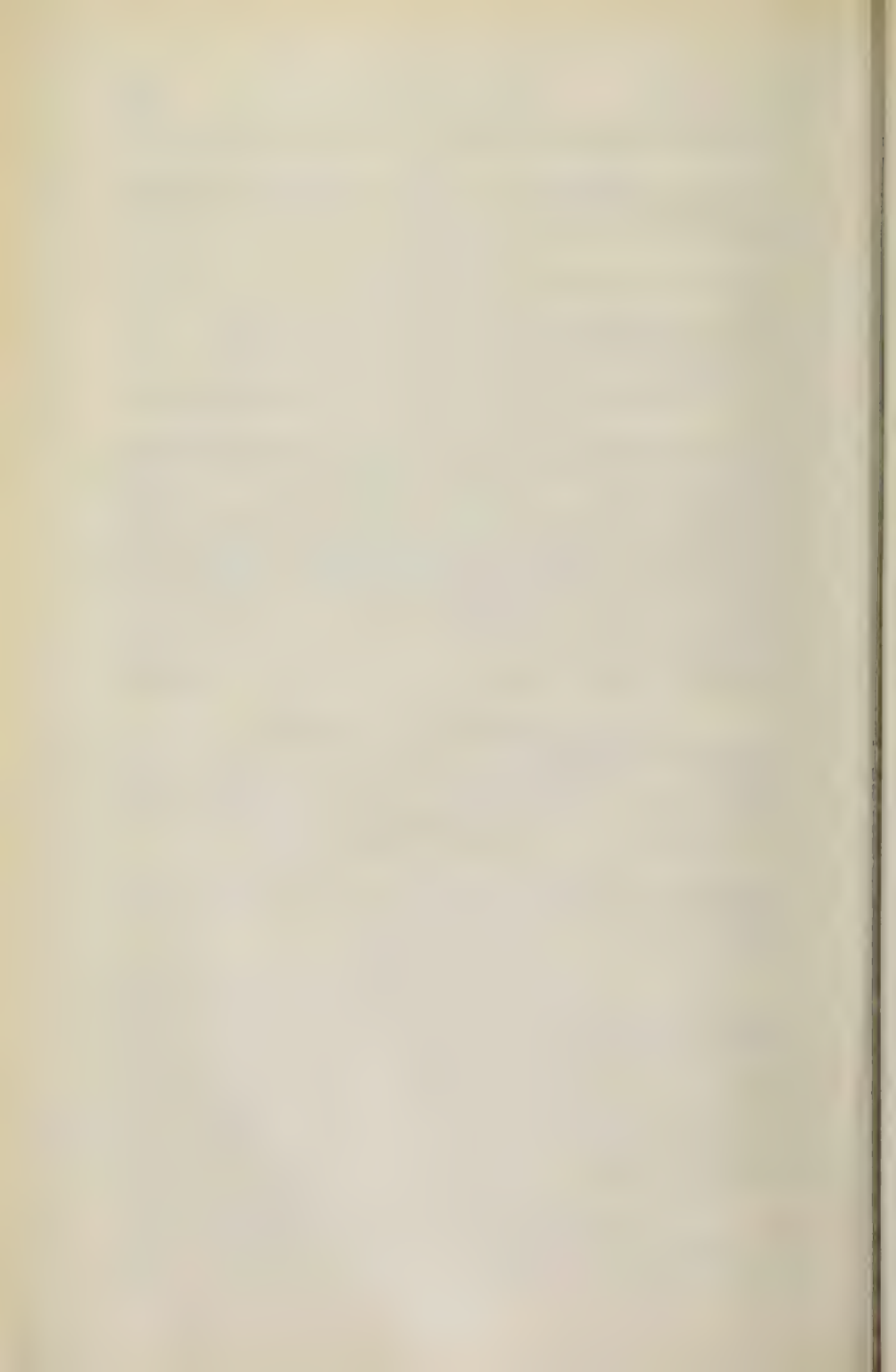
Bill read second time, and ordered to third reading.

Assembly Bill No. 241—An act to amend Section 764 of the Probate Code, relating to sales of real and personal property in probate.

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 5:23 p.m., on motion of Senator Mixter, the President pro tempore declared the Senate adjourned until 1:30 p.m., March 21, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY

SEVENTY-FIFTH CALENDAR DAY

IN SENATE

SOLUBLE POLYMER-BLENDED BLOCK COPOLYMERS

Friday, March 31, 1961

The Scout met at 1:30 p.m.

Hon. Wm. F. Rusk, President pro tempore of the Senate, presiding.
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Scenitors: Biggar, Reed, Brown, Cullen, O'Neil, Callaghan, Cunningham, DeLoe, Deneil, Dillingham, Elliott, Jones, Johnson, Korman, Latta, Riedel, Rieker, Luckey, May, McRae, McQuinn, Myers, Myers, Myrland, Shaver, Mott, Snawell, Shellen, Slater, Sweeney, Wang, and Wood, Jr.

Quorum present

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Oppenheimer.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Hays, on motion of Senator Smith,

Senator Kenny, on motion of Senator I

Senator Tickle, on motion of Senator Collier,

Senator Parkman, on motion of Senator Myer.

Senator Powers, on motion of Senator Seawell.

Senator Quinn, on motion of Senator Slater.

Senator Jespersen, on motion of Senator Dillinger.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myland, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. J. L. Mudd of Merced.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Margaret Keene Whitmore of San Francisco.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Carol Wagers of Healdsburg and Miss Mildred Gould of Antelope.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Otis Leveridge of Martinez.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. V. Custer, in charge; G. E. Mortensen, Irving Waugh, Mrs. F. V. Custer and the following students of Castlemont High School, Oakland: Bob Abney, Ted Bakke, Alice Balatti, Madelyene Bentrim, Winnifred Biddleman, Thelma Bond, Elsie Bonham, Jean Campbell, Eddie Casqueiro, Patricia Chatland, Lillian Christopherson, Bonnie Coates, Joseph Collins, Charlie Combs, Ruth Custer, Clarence Ferguson, Betty Hastings, Jean Heinrich, Marilyn Heuser, Lorraine Hoffman, Lois Jacoby, June Jackson, Larry Kepke, Dorothy Kleiner, Betty Jean Kurtz, Bill Maddox, Billie McKeen, Doris Newgard, Louise Nominee, Dorothy Post, Donald Ross, Laurayne Sainsot, Donald Six, Jeanette Stenling, Walter Vargus, Vera Vucinich, Johanna Welschmeyer, Walt White, Marion Windle, and Audrey Young.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Berna Pond and Edna Brown, both of Calipatria.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. O. Reavis and C. M. Hall of Bakersfield.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Warden Clinton T. Duffy of San Quentin Prison.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Viola Swan, Northridge; Donna L. Adams, Los Angeles, and Jennette Skartum of Santa Monica.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 253

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 388

Assembly Bill No. 510

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 253—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to

the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 388—An act to add Section 590 to the Probate Code, relating to the employment of attorneys for estates.

Referred to Committee on Judiciary.

Assembly Bill No. 510—An act to amend Section 1082 of the Military and Veterans Code, relating to the Woman's Relief Corps Home of California.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1056	Senate Bill No. 974
Senate Bill No. 976	Senate Bill No. 655
Senate Bill No. 975	Senate Bill No. 954
Senate Bill No. 884	Senate Bill No. 664
Senate Bill No. 882	Senate Bill No. 662
Senate Bill No. 877	Senate Bill No. 659
Senate Bill No. 807	Senate Bill No. 278
Senate Bill No. 743	Senate Bill No. 85
Senate Bill No. 675	Senate Bill No. 84

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 21, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 40	Senate Bill No. 974
Senate Bill No. 257	Senate Bill No. 1181

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 21, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 1
Senate Constitutional Amendment No. 1

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 21, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 402
Senate Bill No. 436
Senate Bill No. 753

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 21, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1262—An act to amend Section 9 of an act entitled "An act to establish an institution for the punishment, treatment, supervision, custody and care of females convicted of felonies; to provide for its government, charge and superintendence, and to make an appropriation therefor," approved May 9, 1929, relating to the confinement and care of women convicted of crime, to take effect immediately.

Senate Bill No. 1300—An act creating a public airport district designated "Monterey Peninsula Airport District"; defining its boundaries; providing for its organization, government and maintenance; prescribing its powers, duties, and liabilities; providing for the alteration of its boundaries, and the dissolution of said district. And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of March, 1941, at 2 p.m.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1066

Senate Bill No. 1067

Has had the same under consideration, and reports the same back without recommendation except that they be re-referred to the Committee on Military and Veterans Affairs.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills re-referred to Committee on Military and Veterans Affairs.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1614

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 181

Senate Bill No. 1062

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 371

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 824

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 300

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 2

Assembly Bill No. 2144

Assembly Bill No. 2145

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9; absent 0.

FLETCHER, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 318

Senate Bill No. 761

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman.

Above reported bills ordered to second reading.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Senate Bill No. 1071

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman.

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 540

Senate Bill No. 919

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and report to the committee.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 754

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 776

Senate Bill No. 1182

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman.

Above reported bills ordered to second reading.

MOTION TO SET SPECIAL ORDER

Senator Gordon moved that Senate Bills Nos. 877, 974, 975 and 976 be made a special order of business for Tuesday, March 25, 1941, at 2 p.m.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 61

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of \$1,306.67 in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses incurred during the Fifty-fourth Session of the Senate, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

State Department of Finance.....	\$239 26
State Supply Department.....	103 07
Pacific Telephone and Telegraph Co.....	168 70
Schwabacher-Frey Stationery Co.....	48 07
Sam S. Frieden, Signs.....	29 61
Art Morris.....	2 50
Capital City Planing Mill.....	64 52
Western Union.....	52 71
Postage.....	300 00
Railway Express Co.....	14 87
Remington-Rand Co.....	4 12
H. S. Crocker Co.....	270 24

RICH, Chairman

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Rich, Seawell, Slater, Swing, and Wagy—21.

NOES—None.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 760—An act to amend Sections 7110 and 7113 of the Business and Professions Code, relating to the regulation of contractors.

Bill read third time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 13, inclusive.

Amendment No. 2

On page 1, line 22, of the printed bill, strike out "valid".

Amendment No. 3

On page 1, line 25, of the printed bill, after "contract", insert "which, upon investigation by the registrar, are found to have been properly filed,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Call of the Senate

Senator DeLap moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Knobel, Lusk, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Rich, Seawell, Slater, Swan, Swing, Wagy, 26.

The Secretary announced the absences:

Time, 1.55 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF SENATE BILLS (RESUMED)****Motion to Re-refer Bill to Committee**

Senator Mayo moved that Senate Bill No. 733 be re-referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 402—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of moneys belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to deposits of money belonging to or in the custody of the State.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Knobel, Lusk, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Knobel, Lusk, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436—An act to add Section 83.5 to the State Civil Service Act, relating to qualifications of applicants for civil service positions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Knobel, Lusk, Mayo, McBride, Metzger, Mixer, Myhand, Phillips, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 176—An act to amend Section 690.3 of the Code of Civil Procedure, relating to exemptions from execution and attachment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Rich, Seawell, Slater, Swan, Swing, Wagly, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Re-refer Bill to Committee

Senator Mayo moved that Senate Bill No. 8 be re-referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 327—An act to amend Section 1861a of the Civil Code, relating to liens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Slater, Swan, Swing, Wagly, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Swing Presiding

At 2.40 p.m., Hon. Ralph E. Swing, of the Thirty-sixth District, presiding.

Senate Bill No. 453—An act to add Section 1554.1 to the Probate Code, relating to waiver of notice by the Attorney General.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McBride, Metzger, Mixter, Myhand, Rich, Seawell, Slater, Swan, Swing, Wagly, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 2.45 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

Senate Bill No. 454—An act to add Section 1406.5 to the Probate Code, relating to nomination of guardians.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagly, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An act to add Section 586.5 to the Probate Code, relating to distribution of assets held by depositaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, Mixer, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460—An act to add Section 469 to the Probate Code, relating to compensation to attorneys for extraordinary services rendered to special administrators.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, Mixer, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461—An act to amend Section 442 of the Probate Code, relating to opposition to petition for letters of administration.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, Mixer, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462—An act to add Section 328.5 to the Probate Code, relating to notice of hearing on a petition for probate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, Mixer, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 980—An act to amend Section 1871 of the Code of Civil Procedure, relating to appointment of experts by court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, Mixer, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457—An act to amend Sections 771, 1531 and 1534 of the Probate Code, relating to sales of securities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 18—Relative to securing a survey of the potential industrial development of the West.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Phillips, Seawell, Swan, Swing, Wagy, and Ward—27.

NOES—Senators Myhand, Rich, Shelley, and Slater—4.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 882—An act to amend Section 974 of the Political Code, relating to discharge of sureties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 674—An act to add Section 1557.1 to the Probate Code, relating to the investment of funds in guardianship matters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 675—An act to add Section 1483.2 to the Probate Code, relating to guardian's petition for substitution and discharge of surety.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An act to add Section 1483.1 to the Probate Code, relating to reduction of bond of guardian.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kennel, Lusk, Mayo, Metzger, Mixter, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 883—An act to add Section 1483.3 to the Probate Code, relating to order of court substituting sureties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kennel, Mayo, McBride, Metzger, Mixter, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 807—An act to amend Section 36 of the Civil Code relating to contracts of minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kennel, Mayo, McBride, Metzger, Mixter, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IV thereof a new section to be numbered 25½, relating to fish and game and funds received in connection therewith.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kennel, Lusk, Mayo, McBride, Metzger, Mixter, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 1—Relative to the proposed Loma Prieta State Forest.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kennel, Lusk, Mayo, McBride, Metzger, Mixter, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Gordon, the further consideration of the motion to reconsider the vote whereby Senate Constitutional Amendment No. 4 was refused adoption, was continued until the next legislative day by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—31.

NOES—None.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Phillips moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 320 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 2000—An act making an appropriation to meet a deficiency in the appropriation for compensation benefits to State officers and employees during the Ninety-first and Ninety-second Fiscal Years, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 25 $\frac{1}{2}$ of Article IV, relating to boxing, sparring and wrestling matches or exhibitions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 810—An act to amend Sections 2, 3, 4, 7, 10 and 11 of an act entitled "An act to authorize boxing and wrestling contests for prizes or purses, or where an admission fee is charged, and limiting

such boxing contests to 12 rounds, to create an Athletic Commission empowered to license such contests and the participants therein; to prescribe conditions under which licenses shall be issued and contests held; to declare that amateur boxing contests conducted under Section 412 of the Penal Code shall be subject to the provisions of this measure and under the sole jurisdiction of such commission in all cases where an admission fee is charged spectators to witness such amateur boxing contests," approved by electors on November 4, 1910, relating to boxing and wrestling.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jacob, Kachel, Lusk, Mackey, Mayo, McCrede, McCormack, Metzger, Mixer, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 812—An act to amend Sections 18676, 18673, 18674, 18675, 18680, 18711, 18731, 18737 and 18746 of the Business and Professions Code, relating to the regulation of boxing and wrestling.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jacob, Kachel, Lusk, Mackey, Mayo, McCrede, McCormack, Metzger, Mixer, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 238—An act to amend Section 1 of the California Maritime Academy Act, relating to the California Nautical School and the place of its maintenance, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jacob, Kachel, Lusk, Mackey, Mayo, McCormack, Metzger, Mixer, Myland, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jacob, Kachel, Lusk, Mackey, Mayo, McCormack, Metzger, Mixer, Myland, Phillips, Rich, Seawell, Shelley, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Motion to Amend

Senator McCormack moved the adoption of the following amendment to the title of Assembly Bill No. 238:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "Maritime Academy", and insert "Nautical School".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

MOTION TO RE-REFER BILL TO COMMITTEE

Senator Phillips moved to re-refer Senate Bill No. 1051 to the Committee on Local Government.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.05 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

Senator Phillips Presiding

At 4.06 p.m., Hon. John Phillips, of the Thirty-seventh District, presiding.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 123—An act to repeal School Code Section 2.1095 and to add Section 2.998 to said code, both relating to the traveling expenses of governing boards of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 746—An act to amend Section 410 of the Political Code, relating to the laws, resolutions and Journals of the Legislature.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 17, of the printed bill, after "General," insert "six copies of each, and such number of additional copies as may be requested, not exceeding such number as may be necessary to supply".

Amendment No. 2

On page 1, line 18, of the printed bill, strike out "one copy", and insert "with one copy of".

Amendment No. 3

On page 1 of the printed bill, between lines 18 and 19, insert

"7. To the Legislative Counsel Bureau such number of copies of each as may be requested, not exceeding such number as may be necessary to supply one copy of each for the use of the Legislative Counsel, each Assistant Legislative Counsel, and each Deputy Legislative Counsel."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 175—An act to amend Section 6.36 of the School Code, relating to the powers and duties of the governing boards of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 314—An act to add Section 6.231 to the School Code, relating to the sale of textbooks by governing boards of school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 508—An act to amend School Code Section 5.452, relating to fees for life diplomas issued by the State Board of Education.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections".

Amendment No. 2

In line 1 of the title of the printed bill, strike "fee", insert "certificates, renewal of credentials, and".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "5.452", and insert "5.230".

PRINTER'S NOTE.—There being no 7 point setpoint type available, the material which should appear in setpoint type in the following amendment is indicated by being inclosed within heavy brackets.

Amendment No. 4

On page 1 of the printed bill, following line 2, insert:

"5.550. [Each application to the State Board of Education for any credential or document other than a life diploma, if made by a person who has resided in the State of California for the 12 months next preceding the date of application, shall be accompanied by a fee of three dollars (\$3), and every such application from a person other than one having resided within the State of California for the 12 months next preceding the date of application shall be accompanied by a fee of five dollars (\$5).] The application of one person for a credential or renewal of credential must be accompanied by a fee of three dollars (\$3)."

SEC. 2. School Code Section 5.452 is hereby amended to read as follows:

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 786—An act to amend School Code Section 3.712, relating to the study of the Constitution of the United States.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 3.712", and insert "Sections 3.712 and 5.152".

PRINTER'S NOTE.—There being no 7 point setpoint type available, the material which should appear in setpoint type in the following amendment is indicated by being inclosed within heavy brackets.

Amendment No. 2

On page 1 of the printed bill, following line 14, insert:

"SEC. 2. School Code Section 5.152 is hereby amended to read as follows:

5.152. All persons granted regular certificates authorizing them to teach in the public schools of this State, shall, in addition to existing requirements, be required to pass a satisfactory examination upon the provisions and principles of the Con-

stitution of the United States or complete a course therein in a [teachers' training institution] *junior college, college or university*, in the State of California.

A limited certificate, not exceeding one year in term, may be granted without the passing of such examination or the completion of such course."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 915—An act to amend Sections 5.500 and 5.501 of the School Code, relating to persons employed by school districts in positions requiring certification qualifications.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 3, line 27, of the printed bill, as amended, strike out the period, and insert a comma and "but if the classification be not made the employee may be dismissed from the service of the district only by an unanimous vote of all the members of the governing board of the district, on the recommendation of the superintendent of schools, if there be one, of the district."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 120—An act to amend Section 4109 of the Revenue and Taxation Code, relating to property taxation, the redemption of property, and the payment of delinquent taxes in installments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 109—An act to amend Section 7 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 3 of the printed bill, between lines 12 and 13, insert

"(2) (A) A taxpayer may use the following method (whether or not such method has been prescribed under Subdivision (1)) in inventorying goods specified in the application required under Paragraph (B): (1) Inventory them at cost; (2) Treat those remaining on hand at the close of the taxable year as being: First, those included in the opening inventory of the taxable year (in the order of acquisition) to the extent thereof, and second, those acquired in the taxable year; and (3) Treat those included in the opening inventory of the taxable year in which such method is first used as having been acquired at the same time and determine their cost by the average cost method.

(B) The method described in Paragraph (A) may be used (1) only in inventorying goods (required under Subdivision (1) to be inventoried) specified in an application to use such method filed at such time and in such manner as the commissioner may prescribe; and (2) only if the taxpayer establishes to the satisfaction of the commissioner that the taxpayer has used no procedure other than that specified in (2) and (3) of Paragraph (A) in inventorying (to ascertain income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries) such goods for any period beginning with or during the first taxable year for which the method described in Paragraph (A) is to be used.

(C) The change to, and the use of, such method shall be in accordance with such regulations as the commissioner may prescribe as necessary in order that the use of such method may clearly reflect income.

(D) In determining income for the taxable year preceding the taxable year for which such method is first used, the closing inventory of such preceding year of the goods specified in such application shall be at cost.

(E) If a taxpayer, having complied with Paragraph (B), uses the method described in Paragraph (A) for any taxable year, then such method shall be used in all subsequent taxable years unless with the approval of the Commissioner a change to a different method is authorized; on the Commissioner's determination that the taxpayer has used for any period beginning with or during such subsequent taxable year some procedure other than that specified in 123 of Part 2105 (A) in inventoring (for ascertaining income, profit, or loss) the stock, produce, or for the purpose of reports to shareholders, partners, or other persons, or to bondholders, the goods specified in the regulations and register a change to a method different from that prescribed in Paragraph (A) beginning with such subsequent taxable year or any taxable year thereafter. In either of the above cases, the change to, and the use of, the different method shall be in compliance with such regulations as the Commissioner may prescribe as necessary in order that the use of such method may fairly reflect income.

Amendment No. 2

On page 3, line 21, of the printed bill, after the period, insert:

"Gross income from sources within this State shall include rentals or royalties from property located in this State or from any interest in such property. Including rentals or royalties for the use of, or for the granting of using in this State, patents, copyrights, secret processes and formulas, and all trademarks, trade names, franchises, and other like property."

Amendment No. 3

On page 4, line 21, of the printed bill, strike out "three years" and in line 24, strike out the period, and insert: "(1) those years if the first of such series of distributions is made in a taxable year beginning after December 31, 1940, or (2) two years, if the first of such series of distributions was made in a taxable year beginning before January 1, 1941."

Amendment No. 4

On page 5 of the printed bill, between lines 42 and 43, insert:

"(10) The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation for the purpose of the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain or loss as realized; such increase or decrease in the earnings and profits to, but not beyond, the extent to which such sale or realized gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. Where in determining the adjusted basis used in computing such realized gain or loss the adjustment to the basis differs from the adjustment provided for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided."

Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

(A) No such increase shall be made in respect of the part of such distribution which (under such law) is correctly applied in reduction of the basis of the stock in respect of which the distribution was made.

(B) No such increase shall be made if (under such law) the distribution ceases the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received. For the purposes of this subdivision, the words "law applicable to the year" shall be deemed to refer to the act or the United States Revenue Act in force for the year in which the sale or other disposition was made.

(11) (A) If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in Paragraph (B), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property received before March 1, 1913.

(B) If the application of Subdivision (10) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding Subdivision (10) and in lieu of the rule provided in Paragraph (A) of this subdivision, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property

on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 953—An act to amend Section 16 of the Motor Vehicle Fuel License Tax Act, relating to actions to recover license taxes paid under protest under said act.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2, line 1, of the printed bill, strike out "1", and insert "six".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 179—An act to repeal Section 791, and to amend section and renumber Section 791.5 to be 791, of the Fish and Game Code, relating to crabs, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 312—An act to add Section 802.5 to the Fish and Game Code, relating to abalones in Marin County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 412—An act to amend Section 62.5 of the Fish and Game Code, relating to Fish and Game District 1½.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 414—An act to repeal Section 290.5 of the Fish and Game Code, relating to application of other laws.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 469—An act to amend Section 1157 of the Fish and Game Code, relating to closing of areas to hunting.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 519—An act to repeal Sections 424, 425 and 426 of, and to add Sections 407, 408 and 409 to, the Fish and Game Code, relating to license agents, compensation for sale and bonding of agents.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 313—An act to amend Section 810 of, and to add Section 810.5 to, the Fish and Game Code, relating to clams.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out the words "Succinea nitida", and insert "(Succinea nitida)".

Amendment No. 2

On page 1, line 12, of the printed bill, strike out "The genus"

Amendment No. 3

On page 1, line 13, of the printed bill, strike out "Succinea (Washington clam)", and insert "(Saxidomus) Washington clam".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 411—An act to amend the heading of Article 4 of Chapter 1 of Part 2 of Division 4 and Sections 581 and 588 of the Fish and Game Code, relating to kelp and other aquatic plants.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 2 of the title of the printed bill, following "588" insert "and to add Section 589 L".

Amendment No. 2

On page 1, line 18, of the printed bill, strike out "one and one-half", and insert "five".

Amendment No. 3

On page 1 of the printed bill, following line 19, insert the following: "Sec. 4. Section 589 L is hereby added to said code to read as follows: 589 L. The commission may make such rules and regulations as may be necessary to insure the proper harvesting of kelp and other aquatic plants."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1292—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 152—An act to amend Section 2007 of, and to add Section 2007.5 to, the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 560—An act to add Chapter 7, comprising Sections 7300 to 7310, inclusive, to Part 4 of Division 6 of the Welfare and Institutions Code, relating to the establishment and maintenance of an acute neuropsychiatric hospital, creating a board of trustees therefor, and providing for the powers and duties of the Department of Institutions and the Regents of the University of California in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out the small letter "t" in the word "the", and insert a capital letter "T".

Amendment No. 2

On page 1, line 20, of the printed bill, strike out the small letter "t", in the first word "the" in said line, and insert a capital letter "T".

Amendment No. 3

On page 2, line 3, of the printed bill, strike out the small letter "t" in the word "the", and insert a capital letter "T".

Amendment No. 4

On page 2, line 11, of the printed bill, strike out the small letter "t" in the second word "the" appearing in said line, and insert a capital letter "T".

Amendment No. 5

On page 2, line 21, of the printed bill, strike out "disorders.", and insert "and nervous diseases and disorders."

Amendment No. 6

On page 2, line 23, of the printed bill, strike out the small letter "t" in the first word "the" appearing in said line, and insert a capital letter "T".

Amendment No. 7

On page 2, line 29, of the printed bill, strike out the small letter "t" in the first word "the" appearing in said line, and insert a capital letter "T".

Amendment No. 8

On page 2, line 34, of the printed bill, strike out the small letter "t" in the word "the", and insert a capital letter "T".

Amendment No. 9

On page 2, line 35, of the printed bill, strike out the letter "t" in the second word "the" appearing in said line, and insert a capital letter "T".

Amendment No. 10

On page 2, line 46, of the printed bill, strike out the small letter "t" in the word "the" appearing in said line, and insert a capital letter "T".

Amendment No. 11

On page 2, line 51, of the printed bill, strike out the comma following the word "privilege"; and strike out the words "except as hereinafter."; and in line 52, strike out "mentioned", and the comma following said word.

Amendment No. 12

On page 3, line 7, of the printed bill, strike out "by", and insert "for".

Amendment No. 13

On page 3, line 11, of the printed bill, strike out the small letter "t" in the word "the", and insert a capital letter "T".

Amendment No. 14

On page 3, line 16, of the printed bill, strike out the small letter "t" in the second word "the" appearing in said line, and insert a capital letter "T".

Amendment No. 15

On page 3 of the printed bill, strike out all of lines 24 to 40, inclusive, and insert "7308. There is hereby created a Board of Trustees of The Langley Porter Clinic which shall be composed of five persons appointed by the Governor, two of whom shall be selected from the faculty or administrative staff of the University of California Medical School. Each member of said board of trustees shall hold office for the term of four years, and shall serve without compensation other than necessary expenses incurred in the performance of duty. The Board of Trustees of The Langley Porter Clinic shall perform no duties other than the arbitration of any possible difference which might arise between the Department of Institutions and The Regents of the University of California because of the close coordination, management, and control of The Langley Porter Clinic."

Amendment No. 16

On page 3, line 41 of the printed bill, strike out "7310", and insert "7309".

Amendment No. 17

On page 3, line 41, of the printed bill, strike out the small letter "t" in the word "the", and insert a capital letter "T".

Amendment No. 18

On page 3, line 49, of the printed bill, after the word "following" insert "shall": "To be eligible for such examination a candidate for the position of superintendent shall have demonstrated by past experience the qualifications in the field of psychiatry and neurology. A certificate issued by the American Board of Psychiatry and Neurology to the effect that the holder thereof possesses such qualifications is the equivalent of such a certificate, when he combined in meeting the above mentioned requirements, but in addition a candidate shall be required to demonstrate by experience his qualifications in a special sub-specialization in the field of medicine, and in the organization and successful prosecution of systematic research projects."

Amendment No. 19

On page 4, line 14, of the printed bill, strike out the small letter "t" in the word "the" appearing in said line and insert a capital letter "T".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1001—An act to amend Section 4534 of the Elections Code, relating to campaign statements.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 5, of the printed bill before "resunder", insert "dark and the".

Amendment No. 2

On page 1 of the printed bill, strike out line 7, and insert "where the candidates were aspirants."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 18, of the printed bill, after the second "the", insert "range".

Amendment No. 2

On page 2 of the printed bill, after the period in line 11, insert "No appointee at the time of the creation of the board shall serve on the board without first having been confirmed by the Senate."

Amendment No. 3

On page 2, line 33, of the printed bill, after "with", insert "local governments and".

Amendment No. 4

On page 3, line 1, of the printed bill, after "Forester", insert "with the approval of the board".

Amendment No. 5

On page 3 of the printed bill, after the comma at the end of line 2, insert "rangers".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 299—An act to amend Section 2209 of the Public Resources Code, relating to publications of the Division of Mines in the Department of Natural Resources.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 684—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties, or districts," approved July 1, 1937, relating to capital outlays by cities, counties, cities and counties, or districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 420—An act to amend Section 862.2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1933, relating to sales and conveyances of real property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 685—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 11, of the printed bill, strike out "1 per centum", and insert "one-half of 1 per centum".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1052—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the Authority; authorizing the Authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the pro-

ceeds thereof for the purposes of this act, appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein, declaring this act to be an urgent measure and providing that it shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 4, line 50, of the printed bill, strike out "The following pages", and strike out all of line 51; and on page 5, strike out all of lines 1, 2, 3 and 4.

Amendment No. 2

On page 15, line 29, of the printed bill, after "Authority", insert ", and the cities and counties therein"; on page 5, line 50, strike out "State of California", and insert "City of Palm Springs"; and in the same line, strike out "of the State".

Amendment No. 3

On page 15, line 38, of the printed bill, after "Authority", insert:

"Notwithstanding the vesting of title in lands reserved, the management, operation and control of all improvements required, constructed or completed by the Authority shall continue to be vested in the Authority and no person, agency, firm, firm and duties of the Authority with respect thereto shall be so interfered with, except that with respect to real property or interests in Mineral San Jacinto State Park the right of possession, control, management and operation vested in the Authority shall be subject to termination on such terms and conditions as may be agreed upon between the Authority and the State Park Commission pursuant to any contract between the Authority and the State Park Commission after which such improvements within said State park were required, constructed or completed."

Amendment No. 4

On page 7, line 28, of the printed bill, strike out the period, and insert: "provided, however, that no existing public highway shall be closed and shall not be collected for the use thereof unless appropriate proceedings are first taken for the vacation or abandonment of such highway by the commission or county board. In the event the use by the Authority of any existing public highway necessitates changes therein or expenditures thereon, the cost thereof shall be borne by the Authority."

Amendment No. 5

On page 8, line 28, of the printed bill, strike out "California", strike out the period, and insert "or of the City of Palm Springs".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 101—An act to amend Section 4274 of the Political Code, relating to compensation for public services in counties of the forty-fifth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 12, inclusive, and insert:

1. The auditor, one thousand nine hundred twenty dollars (\$1,920) per annum.
2. The district attorney, two thousand two hundred dollars (\$2,200) per annum.
3. Supervisors, each the sum of one thousand five hundred".

Amendment No. 2

On page 1 of the printed bill, strike out lines 20 to 26, inclusive, and on page 2, strike out lines 1 and 2.

Amendment No. 3

On page 2 of the printed bill, strike out lines 8 and 9, and insert "inations, a monthly salary of one hundred thirty-five dollars (\$135), payable out of the county treasury".

Amendment No. 4

On page 2 of the printed bill, strike out lines 26 and 27, and insert "superior court in criminal and civil cases shall be paid three dollars (\$3) per day for each day's attendance, and for".

Amendment No. 5

On page 2 of the printed bill, strike out line 38, and insert "two dollars (\$2) per day for each day's actual attendance,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 102—An act to amend Section 4281 of the Political Code, relating to compensation of county and township officers in counties of the fifty-second class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 and 8, and insert

- "1. The auditor, one thousand dollars (\$1,000) per annum.
2. The district attorney, two thousand dollars (\$2,000) per".

Amendment No. 2

On page 1 of the printed bill, strike out line 11, and insert

- "3. Each supervisor, one thousand five hundred".

Amendment No. 3

On page 1, lines 18 and 19, of the printed bill, strike out "of Calaveras".

Amendment No. 4

On page 1, line 20, of the printed bill, strike out "one hundred", and strike out line 21, and insert "five hundred dollars (\$500) per year in the aggregate for all members of the board of supervisors."

Amendment No. 5

On page 1 of the printed bill, strike out line 24, and insert "attendance, three dollars (\$3); for each mile actually".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 292—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound waters in Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to provide for water conservation and flood control; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any department or agency of the State for the construction of said dam and appurtenant works, and for the acquisition of the lands or property necessary therefor, and for utilization of the waters to be supplied thereby; to make an appropriation therefor; and to declare the urgency thereof and to provide it take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In lines 8 and 9 of the title of the printed bill, as amended, strike out "and provide for water conservation and flood control."

Amendment No. 2

In lines 17 and 18 of the title of the printed bill, as amended, strike out "and for utilization of the waters to be impounded thereby."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 7 and 4, contained and insert "supplying of water to certain State institutions and the possible production of any surplus of water required for that purpose."

Amendment No. 4

On page 1, line 11, of the printed bill, as amended, strike out "and to provide."

Amendment No. 5

On page 2, line 1, of the printed bill, as amended, strike out "and for flood and reservation and flood control."

Amendment No. 6

On page 2, line 4, of the printed bill, as amended, strike out "the", and insert "all of lines 5 and 6."

Amendment No. 7

On page 2 of the printed bill, as amended, strike out lines 17 and 18, and in line 49, strike out "San Francisco Bay."

Amendment No. 8

On page 2, line 51, of the printed bill, as amended, strike out "the present, future floods, to", and on page 3, line 1, strike out "commence the lower reservoir bed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 845—An act to amend Section 2413 of the Public Resources Code, relating to mining claims, tunnel locations and mill sites, and the recording of notice of location, workings of tunnel systems, and performance of discovery work.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 844—An act to amend Section 6210 of the School Code, relating to the sale of personal property belonging to one school district to another.

Bill read second time, and ordered to third reading.

Assembly Bill No. 883—An act to amend School Code Section 5454, relating to the dismissal of permanent employees of a school district.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1160—An act to amend School Code Section 5460, relating to librarians in elementary and secondary schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2005—An act to amend School Code Section 3.93, relating to the maintenance of public school classes on Saturday, and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 843—An act to amend Section 170 of the School Code, relating to transportation of pupils.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "by the"; and strike out lines 17 and 18; and in line 19, strike out "inviting bids", and insert "pursuant to Sections 6.30 and 6.31 of this code".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Assembly Bill No. 1495—An act to amend the Fish and Game Code by amending Section 612 thereof, relating to steelhead trout fishing.

Bill read second time, and ordered to third reading.

Assembly Bill No. 603—An act to add Chapter 7, comprising Sections 20700 to 20981, inclusive, to Division 8 and to add Section 30036 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of the importation, distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil and repealing acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 11, line 50, of the printed bill, before "It is", insert

"In the application of this section to deliveries to the fuel tank of any aircraft,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Assembly Bill No. 176—An act to amend Section 15 of an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal bankruptcy courts therein," approved June 5, 1933, as amended, relating to credits in making the reassessment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 177—An act to amend Section 17 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to

assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the Bankruptcy Laws of the United States of America in any refunding" approved July 30, 1935, as amended, relating to credits in making the assessment.

Bill read second time, and ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 362
Senate Bill No. 361
Senate Bill No. 359
Senate Bill No. 358
Senate Bill No. 357

Senate Bill No. 356
Senate Bill No. 355
Senate Bill No. 354
Senate Bill No. 353

ARTHUR A. GUINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNEY, Assistant Clerk.

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 17
Senate Joint Resolution No. 9

ARTHUR A. GUINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNEY, Assistant Clerk.

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1403
Assembly Bill No. 1362
Assembly Bill No. 1125
Assembly Bill No. 725
Assembly Bill No. 664
Assembly Bill No. 890

Assembly Bill No. 387
Assembly Bill No. 4764
Assembly Bill No. 144
Assembly Bill No. 1476
Assembly Bill No. 2085

ARTHUR A. GUINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNEY, Assistant Clerk.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 144—An act to add Section 4252 to the School Code, relating to the payment of wages of employees of school districts employed in positions not requiring certification qualifications.

Referred to Committee on Education.

Assembly Bill No. 387—An act to add Section 390 to the Probate Code, relating to the employment of attorneys for estates.

Referred to Committee on Judiciary.

Assembly Bill No. 664—An act to add Article 4 to Chapter 6 of Part 2 of Division 6 of the School Code, relating to the providing of educational facilities for pupils in the public schools.

Referred to Committee on Education.

Assembly Bill No. 725—An act to amend Section 2672 of the Elections Code, relating to a filing fee for a declaration of candidacy for an office to be voted for wholly within one county with certain exceptions.

Referred to Committee on Elections.

Assembly Bill No. 890—An act to amend Section 103c of the Code of Civil Procedure, providing for justice's clerks and deputy clerks.

Referred to Committee on Local Government.

Assembly Bill No. 1125—An act to add Division 4, comprising Sections 2809 to 3012, Division 5, comprising Sections 3200 to 3554, Division 6, comprising Sections 4000 to 4677, Division 7, comprising Sections 5000 to 6794, Division 8, comprising Sections 7000 to 7476, Division 9, comprising Sections 8000 to 8062, Division 10, comprising Sections 8500 to 8851, Division 14, comprising Sections 18000 to 19291, Division 15, comprising Sections 22000 to 22202, and Division 50, comprising Section 50000, to repeal the division heading of Division 20, and to amend by renumbering Sections 10000, 10001, 10002 and 10003 to be Sections 50001, 50002, 50003 and 50004 respectively of the Streets and Highways Code, thereby consolidating and revising the law relating to public ways, works and improvements, and including but not limited to procedures for making, maintaining and financing the same, and to repeal certain acts or parts of acts specified herein.

Referred to Committee on Transportation.

Assembly Bill No. 1403—An act to add Section 383.5 to the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1476—An act adding Section 14593 to the Health and Safety Code, relating to dissolution of fire protection districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1562—An act to amend Section 5440 of the Public Resources Code and to add Sections 5455 to 5458, both inclusive, thereto, relating to county recreation districts, authorizing the borrowing of money for improvements and equipment and providing for the annexation of territory thereto, and, in addition, to validate the organization, boundaries, trustees, acts, proceedings and bonds of such districts.

Referred to Committee on Natural Resources.

Assembly Bill No. 1764—An act to add a new section to the Agricultural Code, to be numbered 553.5, relating to sterilized milk and cream.

Referred to Committee on Agriculture.

Assembly Bill No. 2085—An act authorizing any county in the State of California to aid any city operating under a freeholder's charter, or otherwise, in the State of California, in the acquisition of real or personal property for the purpose of constructing and completing improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of same, to take effect immediately.

Referred to Committee on Local Government.

ADJOURNMENT

At 4.20 p.m., on motion of Senator Kuchel, the presiding Senator declared the Senate adjourned until 1.30 p.m., March 24, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-SECOND LEGISLATIVE DAY

SEVENTY-EIGHTH CALENDAR DAY

IN SENATE

Senate Chamber, Sacramento

Monday, March 24, 1941

The Senate met at 1:00 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary, J. A. Beck at the desk.

ROLL CALL

The roll was called.

Call of the Senate

Senator Delap moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bacon, Brown, Cunningham, Delap, Hilliard, Perry, Anthony, Kenny, Luckey, Mott, McRee, Moore, McComb, Thomas, Thorne, Quinn, Ross, Slater, and Wagy—19.

The Secretary announced the absences.

Time, 1:35 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Oppenheimer.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. M. Brown, prominent orange grower and shipper, of Redlands.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George Dancy and Mathew Mathias of San Diego.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Roland Nicol of San Gabriel.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 102
Senate Bill No. 101
Senate Bill No. 560
Senate Bill No. 1052
Senate Bill No. 953
Senate Bill No. 746
Senate Bill No. 685

Senate Bill No. 786
Senate Bill No. 411
Senate Bill No. 313
Senate Bill No. 109
Senate Bill No. 508
Senate Bill No. 1001
Senate Bill No. 292
Senate Constitutional Amendment No. 6

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 120
Senate Bill No. 123
Senate Bill No. 152
Senate Bill No. 175
Senate Bill No. 179
Senate Bill No. 299
Senate Bill No. 312

Senate Bill No. 314
Senate Bill No. 412
Senate Bill No. 414
Senate Bill No. 420
Senate Bill No. 469
Senate Bill No. 519
Senate Bill No. 684

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 760

And reports the same correctly re-engrossed.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 2—An act to amend Section 19562 of the Business and Professions Code, relating to California-bred horses.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 318—An act to amend Sections 7332, 7376, 7400, 7420 and 7442 of, and to repeal Section 7351 and Article 13, comprising Sections 7450 to 7457, inclusive, of Chapter 10 of Division 3 of, and to add Section 7351 to, the Business and Professions Code, relating to the practice of and the training for cosmetology and manicuring.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within heavy brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "7332, 7376, 7400, 7420", and insert "7302, 7332, 7360, 7372, 7373, 7374, 7394".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "Section 7351 and".

Amendment No. 3

In line 4 of the title of the printed bill, strike out "Section 7351", and insert "Sections 7335, 7370.5 and 7401".

Amendment No. 3.5

In line 5 of the title of the printed bill, strike "Code," insert "and to amend by act entitled 'An act relating to persons receiving training in cosmetology through the public school system, declaring the urgency thereof and providing that this act shall take effect immediately,' approved March 7, 1941."

Amendment No. 4

In line 6 of the title of the printed bill, strike out "and amending."

Amendment No. 5

On page 1, line 1 of the printed bill, strike out "Title," and insert "Code."

Amendment No. 6

On page 1 of the printed bill, strike lines 2 and 3, insert:

"7302. No person is eligible for appointment as a member of the board:

(a) Who is not registered as a licensee with cosmetology or cosmetologist under this chapter;

(b) Who is connected, directly or indirectly, with any school of cosmetology, or was so connected with previous service as a member of the board;

(c) Who is not, on the time of appointment, either actually engaged in practicing a cosmetological establishment or actually engaged as a teacher in cosmetology;

(d) Who is not of good moral character;

(e) Who is connected, directly or indirectly, in the business bearing of the manufacture, retail, sale or distribution of cosmetological apparatus or supplies;

(f) Who has not had at least one year experience in the past practice of all branches of cosmetology, except electrology, or has been successfully graduated from the apprenticeship;

(g) Who is not at least 21 years of age.

At all times the personnel of the board shall be so constituted that two graduates of the same school of cosmetology shall not be members of the same time.

Sec. 2. Section 7302 of said code is hereby amended to read as follows:

Amendment No. 7

On page 1, line 12 of the printed bill, after "cosmetology," insert "cosmetology or cosmetologist, whether given in a public or private school, shall not be considered in determining the equivalent of a twelfth grade education, nor shall any person receiving credit for cosmetology received through completion of the twelfth grade be considered as having completed with that education."

Amendment No. 8

On page 1, line 14, of the printed bill, strike out "two thousand" and insert "one thousand seven hundred."

Amendment No. 9

On page 1, line 15, of the printed bill, strike out "one year" and insert "more than nine months."

Amendment No. 10

On page 1, line 16, of the printed bill, after "board," insert ", of which hours of training 100 shall consist of training in these subjects:"

Amendment No. 11

On page 2 of the printed bill, strike out all of lines 1 to 51, inclusive; and on page 3, strike out lines 1 to 11, inclusive; and in line 12, strike out "Sec. 6", and insert:

"SEC. 3. Section 7305 is hereby added to said code to read as follows:

7305. Every person: (1) who successfully completes courses in the practice of cosmetology, approved by the board, given through the public school system of this State in the eleventh and twelfth grades; (2) through high school or a senior high school, or in a junior college or other school of cosmetology grade or vocational school when such courses are equal to and the curriculum of the courses required to be given in licensed private schools of cosmetology approved by the board; and when such public schools comply with and are subject to all the provisions of Sections 7301, (except the licensing requirements), 7304, 7307, 7308, 7309 and 7307 and (3) who is otherwise eligible under the provisions of this chapter, shall be eligible for registration and license the same as though she had graduated from such a licensed school of cosmetology.

SEC. 4. Section 7360 of said code is hereby amended to read as follows:

7360. A permanent waiver is any person who engages in the occupation of waving the hair by the use of permanent waving machine or by use of *mechanology methods* and including the cleansing and dressing of the hair necessary thereto.

SEC. 5. Section 7370.5 is hereby added to said code, to read as follows:

7370.5. Upon completion of her course of training and instruction in the practice of cosmetology, every person applying for a license shall take the first examination given by the board in the locality within which she completed her course of

training and instruction unless she presents an affidavit to the board stating a good and sufficient reason for not taking such examination.

The board shall determine by rule and regulation what areas are within the locality of the cities in which examinations are given.

SEC. 6. Section 7372 of said code is hereby amended to read as follows:

7372. Examinations for certificates of registration and license as hairdressers and cosmeticians or cosmetologists shall include practical demonstrations in shampooing the hair, hairdressing, marcel waving, water waving, *machineless permanent waving*, hair sterilization, sanitation and the use of mechanical apparatus and electricity as applicable to the practice of the occupations of a hairdresser and cosmetician or cosmetologist. They may include such other demonstrations and tests as the board, in its discretion, may require.

The scope of examinations in any other branch of cosmetology shall be such as the board, in its discretion, may require.

SEC. 7. Section 7373 of said code is hereby amended to read as follows:

7373. Every applicant for a license as a hairdresser and cosmetician or cosmetologist satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of the occupations of a hairdresser and cosmetician or cosmetologist, shall receive from the board a certificate of registration and license as a hairdresser and cosmetician or cosmetologist.

This license, except for renewal fees entitles the holder, without additional cost, to engage in the practice of the occupation of a hairdresser and cosmetician or cosmetologist upon the public under the immediate personal supervision of a licensed hairdresser and cosmetician or cosmetologist for a period of one year. During this period, the licensee shall not be entitled to manage a cosmetological establishment nor to engage in the practice of cosmetology independent of the supervision of a licensed hairdresser and cosmetician or cosmetologist.

At the end of the period upon satisfactory proof that the applicant has had the practice as provided in this section the board shall issue without examination a certificate of registration and license as a hairdresser and cosmetician or cosmetologist and designating the holder as a manager-operator.

SEC. 8. Section 7394 of said code is hereby amended to read as follows:

7394. Every school shall maintain a [school term of] *course of instruction for not less than [one thousand six hundred] the minimum number of hours and extending over a [period] school term of not less than [nine] the minimum number of months required by Section 7332*, and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a hairdresser and cosmetician or cosmetologist.

It shall include in its curriculum a course of shop deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

It shall so arrange the courses devoted to each branch of practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools.

SEC. 9. Section 7401 is hereby added to said code, to read as follows:

7401. The board shall supply every licensed school of cosmetology and every public school in which cosmetology is taught with the forms for keeping the records required under this chapter.

SEC. 10."

Amendment No. 12

On page 3, line 20, of the printed bill, insert

"(c) The fee for examination as a manicurist is five dollars (\$5)."

Amendment No. 13

On page 3, line 21, of the printed bill, strike out "(c)", and insert "(d)".

Amendment No. 14

On page 3, line 24, of the printed bill, strike out "(d)", and insert "(e)".

Amendment No. 15

On page 3, lines 26 and 27, of the printed bill, insert

"(f) The fee for registration and licensing a manicurist registered in another State is five dollars (\$5)."

Amendment No. 16

On page 3, line 28, of the printed bill, strike out "(e)", and insert "(g)".

Amendment No. 17

On page 3, line 30, of the printed bill, strike out "(f)", and insert "(h)".

Amendment No. 18

On page 3, line 32, of the printed bill, strike out "(g)", and insert "(i)".

Amendment No. 19

On page 3, line 34, of the printed bill, strike out "(h)", and insert "(j)"

Amendment No. 20

On page 3, line 36, of the printed bill, strike out "(i)", and insert "(k)".

Amendment No. 21

On page 3, line 37, of the printed bill, strike out "(j)", and insert "(l)".

Amendment No. 22

On page 3, line 39, of the printed bill, strike out "(k)", and insert "(m)".

Amendment No. 23

On page 3, line 40, of the printed bill, strike out "one hundred twenty five dollars (\$125)", and insert "fifty dollars (\$50)".

Amendment No. 24

On page 3, line 41, of the printed bill, strike out "(l)", and insert "(n)".

Amendment No. 25

On page 3, line 43, of the printed bill, strike out "Sec. 7", and insert "Sec. 11".

Amendment No. 26

On page 3 of the printed bill, strike out all of lines 46 to 50 inclusive, and on page 4, strike out lines 1 to 5, inclusive, and insert:

"Sec. 12. All persons who on the effective date of this amendment are engaged in the study of the occupation of a beautician and cosmetician or cosmetologist shall, by October 1, 1942, comply with the requirements of and successfully pass the examinations under Chapter 10 of Division 3 of the Business and Professions Code as they stand immediately prior to the effective date of this amendment, not in order to receive a certificate of registration and license as a beautician and cosmetician or cosmetologist or they shall not be entitled to act herein as a hair dresser and cosmetician or cosmetologist without compliance with the provisions of the said chapter as amended by this amendment."

"Sec. 13. An act entitled 'An act relating to persons receiving training in cosmetology through the public school system, declaring the existing statute and providing that this act shall take effect immediately,' approved March 7, 1941, is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 761—An act to add Sections 7028.5, 7050, 7065.6, 7074, 7106.5 and 7121, and Article 9, consisting of Sections 7140 to 7145, inclusive, to Chapter 9 of Division 3 of, and to amend Sections 7002, 7026, 7059, 7068, 7069, 7090 and 7115 of, and to repeal Sections 7055, 7056, 7057, 7058, 7074 and 7148 of the Business and Professions Code, relating to the regulation of contractors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "7050, 7065.6, 7074, 7106.5 and", and insert "7065.5, 7074, 7106.5".

Amendment No. 2

In line 2 of the title of the printed bill, after "7121", insert "and 7137".

Amendment No. 3

In line 4 of the title of the printed bill, strike out "7090 and 7115", and insert "and 7090".

Amendment No. 4

In line 5 of the title of the printed bill, strike out "and 7138", and insert "7137, 7138 and 7139".

Amendment No. 5

On page 2 of the printed bill, strike out lines 36 to 42, inclusive.

Amendment No. 6

On page 3, lines 10 and 11, of the printed bill, strike out "Provided, however, that nothing", and insert "A licensee may make application for classification and

be classified in more than one classification if the licensee meet the qualifications prescribed by the board for such additional classification or classifications. No additional application or license fee shall be charged for qualifying or classifying a licensee in additional classifications.

Nothing".

Amendment No. 7

On page 4, line 52, of the printed bill, strike out "or request for a qualifying examination".

Amendment No. 8

On page 5, lines 1 and 2, of the printed bill, strike out "or by rule of the board".

Amendment No. 9

On page 5, line 17, of the printed bill, strike out "Article 3 of this chapter", and insert "Sections 7044, 7045, 7046 and 7048 of this article".

Amendment No. 10

On page 5 of the printed bill, strike out lines 29 to 34, inclusive.

Amendment No. 11

On page 6 of the printed bill, between lines 2 and 3, insert

"SEC. 19. Sections 7137, 7138 and 7139 of the Business and Professions Code are hereby repealed.

Sec. 19.5. Section 7137 is hereby added to the Business and Professions Code, to read as follows:

7137. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for an original license is ten dollars (\$10).

(b) The fee for reapplication by or reexamination of an applicant for an original license who has previously applied for a license but has failed to qualify therefor is ten dollars (\$10).

(c) The annual renewal fee is five dollars (\$5).

(d) The penalty for failure to apply for a renewal of a license is five dollars (\$5)."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1071—An act to add Section 38.1 to the Public Utility District Act of 1921 (Stats. 1921, page 906 and amendments) providing for the addition of a section thereto whereby delinquent service charges may be made a lien against the land for which such service was furnished, and be collectible as an assessment against such land.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Utilities:

Amendment No. 1

On page 1 of the printed bill, after line 17, insert

"Whenever the board of directors of the district declare any of such charges are to be added to and become a part of the annual assessment and the district is then availing itself, under Section 39 of this act, of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, then the board of directors shall include in the statement of the tax rate to be transmitted to the county auditor or auditors the amount of each of such charges to be levied upon the land or lands for which such charge or charges are to be made a lien thereon and the auditor or auditors shall make such charges a part of the assessment to the extent and against the lands as disclosed in such statement."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 540—An act to add Section 23.5 to the California Irrigation District Act, relating to irrigation district elections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources.

PRINTER'S NOTE.—There being no 7-point strikethrough type available, the language which should appear in strikethrough type in the following amendments is indicated by being enclosed within heavy brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "As amended," insert "by amended Section 23 of and".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert:

"SECTION 1. Section 23 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 23. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened, and shall be conducted, and the canvass at the polls made, except as otherwise herein provided, as nearly as practicable [.] in accordance with the provisions of the directions and pertaining to general elections [laws of this State]. As soon as all the votes are counted, a certificate shall be drawn up on [each of the papers constituting the poll list and tallies,] or attached [thereto, stating] *to at least one of the poll lists* representing the number of votes each one voted for [has received [.] and [disregarding] the other to fill which he was voted for], which number shall be written in figures and in words at full length. [Each] *The* certificate shall be signed by the clerk, judge, and the inspector. [One of said certificates, with the poll list and the tally sheet to which it is attached, shall be retained by the inspector, and preserved for use at least six months.] *During the counting thereof the same shall be secured upon a cord or thread by the inspector [.] during the counting thereof [.] in the order in which they are entered upon the tally list by the clerk [.] [and said] [the voted ballots [.] together with the other [.] shall then be sealed in an envelope, and the envelope, said certificate[s], with [the poll list and tally paper to which it is attached,] the voter at entrance tally lists, and the marked copy of ballot to return if it is used, shall be sealed in an envelope by the inspector in the presence of the judge[s], and clerk[s], and unopened [.] [The certificates containing the ballots shall be kept unopened for at least six months; and if any [person be of the opinion] votes by a person and upon the board above provisions reasonably to satisfy the board that the vote of that precinct has not been correctly counted[.] to the extent that a recount would change the result of the election, he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.*

Sec. 2. Section 23.5 is hereby added to the act cited in."

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 6, and insert:

"Sec. 23.5. No informalities in the conduct of the election or any matters related to it, including the form of ballot used, shall invalidate the election if fairly conducted."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 919—An act to repeal Section 41b of the California Irrigation District Act, relating to the segregation of land on irrigation district assessment rolls.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

PRINTER'S NOTE. There being no 7 point strikethrough type available, the material which should appear in strikethrough type in the following amendment is indicated by being inclosed within heavy brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

Amendment No. 2

On page 1, line 2, of the printed bill, strike out "repealed.", and insert "amended to read as follows:

Sec. 41b. [At any time after assessments are due, and before the date when the last installment becomes delinquent, any person, firm or corporation claiming an interest in any lot, piece, parcel or fractional part of land, which lot, piece, parcel or fractional part of land does not have a separate valuation on the assessment roll, may have such lot, piece, parcel or fractional part of land segregated and separately valued on said roll in the manner hereinafter set out.

Each applicant for segregation shall file with the officer then having custody of the assessment roll an application for segregation, and pay to the district with said application a fee of fifty cents (\$0.50) for each separate parcel into which the land subject to the original assessment is to be divided. Such officer shall forthwith submit the description of said lot, piece, parcel or fractional part of land, together with the proposed segregation to the assessor, who must place a separate valuation on each of the proposed segregations. The aggregate amount of assessed valuation of the parcels so segregated shall remain the same as before such segregation. The assessor must transmit such valuations to the officer then having custody of the assessment roll, who shall cause a description of the property, together with separate valuations, to be entered on the assessment roll, and compute and extend the assessment and penalties, if any, and cancel the original description, valuation, and assessment and penalties, if any. Thereafter, assessments, including proportionate accrued penalties, if any, on each segregated lot, piece, parcel or fractional part, may be paid separately from the whole assessment.]

Any person, firm, or corporation claiming an interest in any parcel of land described on the current assessment book against which there are no delinquent assessments, desiring to have the parcel segregated into two or more portions and separately valued and assessed on the current assessment book, may:

(a) File with the collector of the district at any time after the current assessment is due but not later than five days prior to the regular meeting of the board of directors in December of the year in which the assessment was levied, an application with descriptions, sufficient for assessment purposes, of each portion into which the applicant desires the parcel to be segregated, valued, and assessed. Such application must be signed by each of the persons assessed on the current assessment book with the parcel to be segregated, as evidence of their approval.

(b) Accompany such application with a fee of fifty cents (\$0.50) for each separate portion into which the applicant desires the parcel to be segregated.

If the portions into which the applicant desires the land to be segregated have separate valuations shown on the current assessment book, the collector shall upon such valuations estimate the amount of the current assessment due on each portion.

If the portions into which the applicant desires the land to be segregated do not have separate valuations shown on the current assessment book the collector shall submit the descriptions to the assessor who shall place a valuation on each described portion. Upon such valuations the collector shall estimate the amount of the current assessment due on each portion as segregated.

In either case, upon estimating the assessments due on the segregated portions, the collector shall refer the segregated descriptions, valuations, and estimated assessments due to the board of directors who may either:

(a) Confirm, modify, or set aside the same.

(b) Refuse to authorize the segregation, separate valuation and assessment.

The aggregate of the valuations of the segregated portions shall be the same as the valuation of the parcel before segregation.

If the segregation and separate valuations and assessments are confirmed or modified, the board shall notify the collector who shall cause the assessment book to be changed to show the segregation and separate valuations and assessments as

confirmed or discredited by the board, and he shall separately number the portions as separated, and the assessment may thereafter be paid separately in any of them.

The decision of the board shall be final and the collector shall transmit with it

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 754—An act to amend the title and Section 1 of "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, relating to the acquisition, development, and disposal of electrical power by irrigation districts.

Bill read second time, ordered engrossed, and in third reading

Senate Bill No. 776—An act to amend Sections 4382, 4381, 4382, 4400, 4401, 4413 of, and to add Section 4401.5 to, the Water Code, to amend Sections 4, 5 and 12 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision, and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed to the Committee on Water Resources:

Amendment No. 1

On page 1 of the printed bill, strike out Item 2 and 3, and insert:

SECTION 1. Section 4401 of the Water Code is hereby amended to read as follows:

4401. The department, from time to time, shall make investigations of dams for State expense for the purpose of determining those which are still suitable and to perform at their expense such work as may be necessary to determine whether to enable the department to determine conditions of dams as required by them, and to perform at their expense other work necessary to secure maintenance and operation which will safeguard life and property.

SEC. 2. Section 4401.5 is hereby added to the Water Code, to read as follows:

4401.5. The department may require owners to keep records of, and to report on, maintenance and operation and keep books and files and magazines and orders as necessary to secure maintenance and operation which will safeguard life and property.

SEC. 3. Section 4380 of the Water Code is amended to read as follows:

Amendment No. 2

On page 1, line 10, of the printed bill, strike out "2," and insert "4."

Amendment No. 3

On page 2, line 1, of the printed bill, strike out "3," and insert "5."

Amendment No. 4

On page 2, line 13, of the printed bill, strike out "4," and insert "6."

Amendment No. 5

On page 2, line 28, of the printed bill, strike out all to and including line 12, on page 3.

Amendment No. 6

On page 3, line 13, of the printed bill, strike out "8," and insert "7."

Amendment No. 7

On page 4, line 5, of the printed bill, strike out "9," and insert "8."

Amendment No. 8

On page 5, line 3, of the printed bill, strike out "10", and insert "9".

Amendment No. 9

On page 5, line 44, of the printed bill, strike out all to and including line 51, on page 5, and insert

"The cost and expense of such remedial means as herein provided, including cost of any work done to render such a dam or its appurtenances safe shall be recoverable by the State from the owner by action brought by the department in the superior court of the county wherein the dam or any part thereof is situate."

Amendment No. 10

On page 6, line 1, of the printed bill, strike out ", 6 and 7", and insert "and 6".

Amendment No. 11

On page 6, line 4, of the printed bill, strike out "8, 9 and 10", and insert "7, 8 and 9".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1182—An act to provide for the organization and government of water storage and conservation districts; to provide for the acquisition, construction, maintenance and operation of works for the purposes of such districts, including the drainage, reclamation and irrigation of land; and to prescribe and define the powers, duties, purposes and responsibilities of such districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 8, line 2, of the printed bill, after "by-laws", insert "and suitable penalties for the violation of the by-laws".

Amendment No. 2

On page 8 of the printed bill, strike out lines 7, 8 and 9 to and including the comma following "thereto", and insert "the by-laws in their original form, and any repeal thereof, or amendment or addition thereto".

Amendment No. 3

On page 10, line 44, of the printed bill, after "company", insert "on the condition that such district or public utility company".

Amendment No. 4

On page 11, line 19, of the printed bill, after "of any water", insert a comma.

Amendment No. 5

On page 22, line 42, of the printed bill, after the comma following "board", strike out "from time," and insert "from time to time".

Amendment No. 6

On page 28, line 17, of the printed bill, strike out "or", and insert "and".

Amendment No. 7

On page 32, line 36, of the printed bill, after "principal", insert "with interest from date of maturity to the date of payment".

Amendment No. 8

On page 33, line 22, of the printed bill, after "delinquencies", insert a comma.

Amendment No. 9

On page 43, line 5, of the printed bill, strike out "bland", and insert "blank".

Amendment No. 10

On page 48, line 1, of the printed bill, following "by", strike out "several", and insert "the".

Amendment No. 11

On page 49, line 7, of the printed bill, after "excepted to", insert a comma.

Amendment No. 12

On page 50, line 12, of the printed bill, strike out "and", and insert "or".

Amendment No. 13

On page 52, line 50, of the printed bill, after the second and quotation marks following "document", and before the quotation marks preceding the word "against", strike out "or", and insert "and".

Amendment No. 14

On page 53, line 30, of the printed bill, after "proceeding", insert a comma.

Amendment No. 15

On page 58, line 11, of the printed bill, after "loan", insert a comma.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 371—An act to amend Section 4295 of the Political Code of the State of California, relating to the performance of official services without fees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 11, of the printed bill, after "(2)", insert:

"Filing document or performing service in behalf of the State, or, except where otherwise specifically provided, and except where a public officer is called with reference to private issues in person, notwithstanding those cases under his jurisdiction by virtue of his office, within the State, or any county, city and county, city, district, or other political subdivision, nor any public officer or board or body, acting in his or its official capacity on behalf of the State, or any county, city and county, city, district or other political subdivision, shall be required to pay or deposit any fee for the filing of any document or paper, or for the performance of any official service."

Amendment No. 2

On page 1, line 23, of the printed bill, before "Recording", insert "(3)".

Amendment No. 3

On page 2, line 23, of the printed bill, strike out "(4)", and insert "(4)".

Amendment No. 4

On page 2, line 28, of the printed bill, strike out "(4)", and insert "(5)".

Amendment No. 5

On page 2 of the printed bill, between lines 33 and 34, insert:

"(6) Search of Records for Emergency Crop and Feed Loans. Whenever it is necessary to search any record in order that a person may obtain any emergency crop or feed loan from any agency or department of the United States Government, no fee shall be charged for making such search."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 181—An act to add Section 72 to the State Civil Service Act, relating to adjustment of compensation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1062—An act authorizing the conveyance to the County of Ventura, State of California, of easements and rights of way for road and highway purposes along, in, through, or across property of the State known as the Camarillo State Hospital grounds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1018—An act to amend School Code Sections 2.981 and 6.190, relating to the powers of governing boards of school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, strike out the period, and insert “, declaring the urgency hereof, to take effect immediately.”

Amendment No. 2

On page 1, line 5, of the printed bill, strike out “twenty”, and insert “twenty-two”.

Amendment No. 3

On page 1, line 11, of the printed bill, after “or”, insert “to”.

Amendment No. 4

On page 1, line 16, of the printed bill, strike out “longer”.

Amendment No. 5

On page 1 of the printed bill, after line 17, insert

“SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

Owing to the large increase in population in this State in the past few years, it has been necessary for many school boards to rent suitable quarters. These quarters have been leased for periods not exceeding five years, and the leases are about to expire. If new leases can be made for periods of 22 years, new facilities can be obtained at a great saving to the district.”

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2144—An act to amend Section 2246 of the Business and Professions Code, relating to instruction in chiropody.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2145—An act to add Section 2410 to the Business and Professions Code, relating to the advertising of chiropodical services.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1614—An act to add Section 38.5 to the Alcoholic Beverage Control Act, relating to certificates of compliance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 300—An act to add Section 86.2 to the State Civil Service Act, relating to an oath for civil service employees, and declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 12 to 19, inclusive, and insert

"Every person appointed to a permanent position in the State civil service, prior to the effective date hereof and who is performing the duties of such position, shall within 30 days of said date take and subscribe the oath hereinafter provided. All such persons who take, subscribe and file such oath within the time herein provided shall be conclusively presumed to have taken and to be legally holding their positions as far as this or any other law is concerned requiring that such person take and/or subscribe and/or file an oath."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 24 and 25, and insert "Every appointing power shall, immediately after the effective date of this act, notify all the employees under his supervision of the provisions of this act, and shall also notify every new employee immediately following his appointment of said provisions."

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 1 to 8, inclusive, and insert:

"The oath herein required shall be filed with the board within 30 days of the date when such oath is taken and subscribed. The board shall prepare and furnish printed forms of said oath."

"The oath herein required may be taken by any employee before his appointing power or before any person authorized in writing to serve appointing power, which authorization shall be filed with the board, or may be taken before any other person authorized by law to administer oaths. No fee shall be."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 824—An act to amend Section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Bill read second time, and ordered to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Gordon moved that the Senate, at this time, reconsider the vote whereby Senate Constitutional Amendment No. 4 was refused adoption.

The roll was called, and Senate Constitutional Amendment No. 4 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Carter, Carter, Cunningham, DeLap, Dodd, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jorgensen, Kasten, Langer, Mayo, McBride, Mixter, Myhrud, Packman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—30.

NOES—None.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by repealing the portion of Section 1 of Article IV, relating to the submission of an initiative measure to the Legislature.

Resolution read.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed measure, strike out "repealing", and insert "amending".

Amendment No. 2

On page 1, line 13, of the printed measure, strike out "5", and insert "8".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 1.50 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—40.

THIRD READING OF SENATE BILLS

Senate Bill No. 24—An act to amend Section 21, to repeal Sections 12901, 12902 and 12906 of the Insurance Code, and to add Sections 12901, 12902 and 12906 thereto, relating to the administration of the laws pertaining to insurance.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Kenny, Luckey, McBride, Quinn, Seawell, and Shelley—14.

NOES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Gordon, Hays, Kuchel, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swing, Tickle, Waggy, and Ward—21.

Senate Bill No. 1287—An act to add Section 65 to the Penal Code, relating to solicitations on behalf of initiative petitions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Hays, Jespersen, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, and Ward—33.

NOES—Senators Foley, and Shelley—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 889—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1060.15 to, the Code of Civil Procedure, relating to declaratory relief.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, strike out "1060.15", and insert "1062b".

Amendment No. 2

On page 1 of the printed bill, between lines 12 and 13, insert "SEC. 2. Section 1060.1 is hereby added to said code, to read as follows:".

Amendment No. 3

On page 1 of the printed bill, between lines 20 and 21, insert "SEC. 4. Section 1060.2 is hereby added to said code, to read as follows:".

Amendment No. 4

On page 1 of the printed bill, between lines 22 and 23, insert "SEC. 5. Section 1060.3 is hereby added to said code, to read as follows:".

Amendment No. 5

On page 2 of the printed bill, between lines 11 and 12, insert:

"Sec. 6. Section 1060.4 is hereby added to said code, to read as follows:"

Amendment No. 6

On page 2 of the printed bill, between lines 16 and 17, insert:

"Sec. 7. Section 1060.5 is hereby added to said code, to read as follows:"

Amendment No. 7

On page 2 of the printed bill, between lines 20 and 21, insert:

"Sec. 8. Section 1060.6 is hereby added to said code, to read as follows:"

Amendment No. 8

On page 2 of the printed bill, between lines 22 and 23, insert:

"Sec. 9. Section 1060.7 is hereby added to said code, to read as follows:"

Amendment No. 9

On page 2 of the printed bill, between lines 30 and 31, insert:

"Sec. 10. Section 1060.8 is hereby added to said code, to read as follows:"

Amendment No. 10

On page 2 of the printed bill, between lines 35 and 36, insert:

"Sec. 11. Section 1060.9 is hereby added to said code, to read as follows:"

Amendment No. 11

On page 2 of the printed bill, between lines 38 and 39, insert:

"Sec. 12. Section 1060.10 is hereby added to said code, to read as follows:"

Amendment No. 12

On page 2 of the printed bill, between lines 48 and 49, insert:

"Sec. 13. Section 1060.11 is hereby added to said code, to read as follows:"

Amendment No. 13

On page 2 of the printed bill, after line 52, insert:

"Sec. 14. Section 1060.12 is hereby added to said code, to read as follows:"

Amendment No. 14

On page 3 of the printed bill, between lines 4 and 5, insert:

"Sec. 15. Section 1060.13 is hereby added to said code, to read as follows:"

Amendment No. 15

On page 3 of the printed bill, between lines 9 and 10, insert:

"Sec. 16. Section 1060.14 is hereby added to said code, to read as follows:"

Amendment No. 16

On page 3 of the printed bill, between lines 14 and 15, insert:

"Sec. 17. Section 1062b is hereby added to said code, to read as follows:"

Amendment No. 17

On page 3, line 15, of the printed bill, strike out "1060.15", and insert "1062b."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 888—An act to add Article 5, comprising Sections 1953e to 1953h, inclusive, to Chapter 3, Title 2, Part 4 of the Code of Civil Procedure, relating to business records as evidence.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Jaspersen, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelby, Slater, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 22, 1941*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointment to the State Board of Education:

ROBERT M. DULIN, Beverly Hills, vice Ford A. Chatters, term expired.

Robert M. Dulin was born in Garden City, Kansas, on November 4, 1887. He attended public schools in Denver, Colorado, and attended the University of Michigan, the University of Denver and the University of Denver Law School. Following his graduation with degrees of A.B. and LL.B. he was admitted to practice law in the State of Colorado.

Mr. Dulin moved to California and was admitted to practice law in this State in 1929, and since that date has been actively engaged in the practice of law in Beverly Hills, having been associated with the firms of Salisbury and Robinson, and Kilby, Cooper and Dulin.

During the World War he served as a First Lieutenant in the Quartermaster Corps.

He is a member of Phi Delta Theta Fraternity and Phi Delta Phi Legal Fraternity, Beverly Hills Masonic Lodge No. 528, American Legion Post 253 of Beverly Hills, Beverly Hills Chamber of Commerce, the Los Angeles Bar Association, the Beverly Hills Bar Association, and the Beverly Hills Men's Club.

Mr. Dulin has been highly recommended by civic leaders in Beverly Hills and throughout southern California, and by school district officials of Beverly Hills, who have indicated he is "a man of real public spirit, keenly interested in education and is imbued with a desire to further the best interests of boys and girls of the State of California through its public schools."

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby Senate Bill No. 24 was refused passage.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 24 was refused passage, was continued until the next legislative day.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Gordon moved that Senate Bill No. 292 be taken from the inactive file, and placed on second reading file.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 341—An act to add Section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

Bill read third time.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Reed, Brown, Carter, Colver, Crutcher, Cunningham, Dillinger, Fletcher, Foley, Gorman, Gordon, Imperato, Keady, Keady, Lusk, Mayo, McBride, Moyer, Powers, Seawell, Shelley, Slater, Swag, and Ward—24.

NOES—Senators Delap, Demel, Hays, Judd, Metzger, Myhrdal, Parkman, Phillips, Quinn, Rich, Swag, Tickle, and Wags—13.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Bill No. 133 was taken up.

Senate Bill No. 133—An act to amend Sections 2550, 2555 and 2556 of, and to add Section 2557 and Article 2.5, comprising Sections 2560 to 2570, inclusive, Article 6, comprising Sections 2622 to 2632, inclusive, and Article 7, comprising Sections 2670 to 2674, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code, relating to the relief of hardship and destitution, irrespective of cause, the administration and means of financing thereof, the conditions and terms upon which assistance may be granted, prohibiting political activities in connection therewith, penalizing violations, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Reed, Brown, Carter, Colver, Crutcher, Cunningham, Delap, Demel, Dillinger, Fletcher, Foley, Gorman, Hays, Judd, Keady, Keady, Mayo, McBride, McCormack, Moyer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swag, Tickle, Wags, and Ward—25.

NOES—Senator Swan—1.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 7 of the printed bill, as amended, strike out lines 1 to 10, inclusive.

Amendment No. 2

On page 7 of the printed bill, as amended, after line 45, insert:

"2654. In any county in which an substantial increase of relief cases endangers the financial solvency of the county, the Controller, after a public hearing, may authorize the payment of sums from money expressly made available therefore under other provisions of law when he finds all of the following conditions to be present:

(a) There has been a substantial increase in relief cases existing in the county and as a result of a condition of emergency which arose subsequent to the adoption of its budget for the current fiscal year.

(b) The county is without sufficient funds to pay that portion of the costs imposed upon it by this article."

Amendments refused adoption.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 8 of the printed bill, as amended, after line 30, insert:

"Sec. 12. In passing this bill the Senate declares its intention for providing in this bill when constitutionally possible an appropriation to the counties for additional assistance under the Old Age Security Law."

Motion to Table

Senator Rich moved that the above amendment be laid on the table.

Motion carried.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Hays, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Tickle, Wagy, and Ward—27.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Kenny, Luckey, McBride, Quinn, Shelley, Slater, Swan, and Swing—13.

Bill ordered transmitted to the Assembly.

Statement by Authors of Senate Bill No. 133

The undersigned Senators, all authors of Senate Bill No. 133, agree that the above amendment, or an improved substitute embodying the full provisions of Senate Bill No. 194, will be submitted to the Assembly and its adoption urged by us.

PHILLIPS	WAGY
BROWN	MIXTER
MAYO	SEAWELL
DEUEL	

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 62

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, as of March 22, 1941.

Harris Messner, Assistant Sergeant-at-Arms_____	<i>Per day</i>
	\$5 00

Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 63

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning March 24, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days</i>
	<i>per week</i>
Harris Messner, Assistant Secretary_____	\$7 00
Buster Peart, Assistant Sergeant-at-Arms_____	5 00
Albert R. Zacher, Assistant Engrossing and Enrolling Clerk_____	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Hays, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, March 17, 1941; Tuesday, March 18, 1941; Wednesday, March 19, 1941; Thursday, March 20, 1941;

Friday, March 21, 1941, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 20, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred

Senate Concurrent Resolution No. 11

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred

Senate Concurrent Resolution No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 11; committee vote: Ayes 7; absent 1.

PHILLIPS, Chairman

Above reported resolution ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 227

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and proceed to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1275

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; absent 2.

QUINN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 21, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 165

Assembly Bill No. 1110

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman.

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 88

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 1; not voting 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 3

Senate Bill No. 1068

Senate Bill No. 423

Senate Bill No. 1183

Senate Bill No. 1016

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1125

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill ordered to second reading.

INACTIVE FILE

Senate Bill No. 755—An act to add Sections 3.5 and 3.75 to "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Motion to Amend

Senator Luckey moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 7 to 9, inclusive, of the printed bill, as amended, strike out "including the appointment of any director or directors as a department head or to an executive position".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 12 to 14, inclusive; and strike out all of page 2, and insert

"SEC. 2. Section 3.75 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 375. The board of directors of any such irrigation district has the power to employ not more than one of the members of the board, excluding the member who is president, as a department head or in an executive position, and no employment under this section shall be in any other capacity. Said board shall prescribe the duties, salary, and term of employment of such member so appointed. The salary shall be in addition to the salary of two hundred dollars (\$200) per month received for services as director pursuant to Section 57 of the California Irrigation District Act. In no case shall the term of employment extend beyond the term for which the director so employed is elected, but this does not prohibit the reemployment of the same individual under this section upon or after his reelection as a director of said district.

No director, including the president of the board, may be employed pursuant to this section during any period in which the payment of the three economic adjustment compensation pursuant to Section 57 of the California Irrigation District Act, whether such additional compensation is received for services as president or as compensation for services in addition to those performed as president.

The provisions of this section shall not be construed as a limitation on any power heretofore exercised but shall hereafter govern the matters herein provided for as to the source, mode of exercise, and limitation of the power yielding thereto.

Amendments read and adopted.

Bill ordered printed, and to inactive file.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 748—An act to amend Section 670 of the Fish and Game Code, relating to sale of canned salmon.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 670" and insert "Sections 668 and 670."

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "sale of canned"

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "670", and insert "668".

Amendment No. 4

On page 1 of the printed bill, as amended, between lines 2 and 3, insert "668. In Districts 12, 12B, 12C and 13, salmon may not be sold at any time when fishing with nets is prohibited in said districts. Salmon taken in said districts may be sold only for consumption as fresh fish, and, except when taken under a sporting fishing license, shall not be canned."

Sec. 2. Section 670 of said code is hereby amended to read as follows:

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 953—An act to amend Section 16 of the Motor Vehicle Fuel License Tax Act, relating to actions to recover license taxes paid under protest under said act.

Bill read third time.

Motion to Amend

Senator Tickle moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "amend", insert "Section 8151 of the Revenue and Taxation Code and".

Amendment No. 2

On page 2 of the printed bill, as amended, after line 15, insert "SEC. 2. Section 8151 of the Revenue and Taxation Code is hereby amended to read as follows:

8151. In any judgment, interest shall be allowed at the rate of [7] 6 per cent per annum upon the amount of the license tax found to have been illegally collected from the date of payment thereof to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

SEC. 3. The provisions of this act amending the Revenue and Taxation Code take effect only if Part 2 of Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its Fifty-fourth Session, and, in such case, at the same time as said Part 2 takes effect; at which time the provisions of the Motor Vehicle Fuel License Tax Act amended by this act are hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 844—An act to amend Section 6.210 of the School Code, relating to the sale of personal property belonging to one school district to another.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

In lines 14 and 15 of the printed bill, as amended on March 14, 1941, strike out "in the manner provided by this section", and insert "for the purpose of resale".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Motion to Refer Bill to Inactive File

Senator Myhand moved that Senate Bill No. 350 be placed on the inactive file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 227—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561 inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California

State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort, providing for participation in the work of the California State Council of Defense by members of the Legislature, and providing an appropriation for the purposes of the chapter.

Bill read second time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out all of line 24, and on line 25, strike out "(f)", and insert "and".

Amendment No. 2

On page 2 of the printed bill, strike out all of lines 49 to 51, inclusive, and insert "1513. The Governor shall be ex officio chairman of the State Council, and shall appoint a Vice Chairman of the State Council and".

Amendment No. 3

On page 3, line 1, of the printed bill, strike out "and".

Amendment No. 4

On page 3, line 10, of the printed bill, strike out "executive committee", and insert "State Council".

Amendment No. 5

On page 3, line 17, of the printed bill, strike out "1518. The executive committee", and insert "1516. The State Council".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

REQUEST FOR UNANIMOUS CONSENT

Senator Foley asked for, and was granted, unanimous consent to continue Senate Bill No. 1274 on third reading file for the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Garrison asked for, and was granted, unanimous consent to continue Senate Bill No. 112 on third reading file for the next legislative day.

SCHEDULE OF COMMITTEE MEETINGS FOR APRIL

Senator Rich moved the adoption of the following schedule of committee meetings for April:

Motion carried.

Schedule of Committee Meetings for April

9 a.m.	10.30 a.m.	8 p.m.
Public Health and Safety Financial Institutions	Tuesday, April 1 Governmental Efficiency	Agriculture
Education	Wednesday, April 2 Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
Finance Natural Resources	Thursday, April 3 Local Government	Governmental Efficiency Business and Professions
Public Utilities	Friday, April 4 Water Resources	-----
Labor	Monday, April 7 Transportation	Judiciary
Public Health and Safety Financial Institutions	Tuesday, April 8 Governmental Efficiency	Agriculture
Education	Wednesday, April 9 Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
Finance	Thursday, April 10 Local Government Elections	Governmental Efficiency Business and Professions
Military and Veterans Affairs	Friday, April 11 Water Resources	-----
Labor	Monday, April 14 Transportation	Judiciary
Public Health and Safety Financial Institutions	Tuesday, April 15 Governmental Efficiency	Agriculture
Education	Wednesday, April 16 Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
Finance Natural Resources	Thursday, April 17 Local Government	Governmental Efficiency Business and Professions
Public Utilities	Friday, April 18 Water Resources	-----
Labor	Monday, April 21 Transportation	Judiciary
Public Health and Safety Financial Institutions	Tuesday, April 22 Governmental Efficiency	Agriculture
Education	Wednesday, April 23 Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
Finance	Thursday, April 24 Local Government Elections	Governmental Efficiency Business and Professions
Military and Veterans Affairs	Friday, April 25 Water Resources	-----
Labor	Monday, April 28 Transportation	Judiciary
Public Health and Safety Financial Institutions	Tuesday, April 29 Governmental Efficiency	Agriculture
Education	Wednesday, April 30 Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions

ADJOURNMENT

At 4.54 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 25, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-THIRD LEGISLATIVE DAY

SEVENTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, March 25, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Brown, Colner, Crittenden, Cunningham, DeLong, Drimmer, Fletcher, Garrison, Gordon, Hays, Keating, Kuebel, Luskay, McBride, McChesnut, Metzger, Parkman, Phillips, Powers, Rich, Seewell, Shessey, Senter, Swing, Tucke, and Wagy—26.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 2.03 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Phillips.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. O. May, Secretary, Local 467, Truck Drivers and Helpers Union, of San Bernardino.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. C. Marshall and George H. Holmes of Clarksburg, and G. J. Daley of Woodland.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bob Bowen of Watsonville.

On request of Senators Fletcher and Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ralph Bull of Arcata.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John C. Cuneo, National Representative for California, Townsend National Recovery Plan and Secretary of State Party, of Modesto, and Seth E. Tracey, Legal Counsel, Townsend Party of California, of Berkeley.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to McIntire Faries of San Marino, and County Assessor John R. Quinn of Los Angeles.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arleen Whelan and Alexander D'Arcy of Hollywood, and Mr. and Mrs. George E. Johnson of Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Isadore Dockweiler and his son, Henry Dockweiler, of Los Angeles.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. A. Jacobs, principal, Mrs. Zella Behrman, teacher, and the following seventh and eighth grade pupils of Dixon Grammar School: Mabel Bettencourt, Doris Cagle, Susan Carpenter, Dorothy Cleveland, Lena Greco, Margaret Harrington, Imojean Holt, Jean Joy, Joyce Nickum, June Rohwer, Patricia Shellhammer, Mary Louise Wiggins, Eleanor Zimmermann, Frank Bartok, Thomas Day, Stanley Hall, Stanley Jackson, Frank Lopez, Robert Lye, Kenneth McGrew, Jack Moore, Ernest Pascoe, Verlin Toohey, Ben Rowe, Calven Rush, Margery Andrews, Henry Avila, Raymond Benefield, Marian Cecil, Grace Day, Morris Fry, Walter Fry, Robert Joy, Patricia Kilkenny, Robert LeMaster, Janette Lucas, Lois Peters, Donald Ricketts, Howard Rush, Marie Sequera, Warren Sievers, Vesta Schmeiser, and Robert Ward.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 863—An act to add Section 4455.5 to the Health and Safety Code, relating to the fouling or pollution of water.

Bill read third time.

Motion to Amend

Senator Dillinger moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "4450", and insert "4451".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1052—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; pro-

viding for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the Authority, authorizing the Authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports, providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act, appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein, declaring this act to be an urgency measure and providing that it shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 5, line 48, of the printed bill, as amended on March 21st, following "Mount", insert "San".

Amendment No. 2

On page 8, line 36, of the printed bill, as amended on March 21st, strike out the hyphen, and insert a comma.

Amendment No. 3

On page 17, line 5, of the printed bill, as amended on March 21st, after "sport" insert "and".

Amendment No. 4

On page 15, line 10, of the printed bill, as amended on March 21st, after "and", insert: "except that the provisions of an act entitled 'An act to secure the payment of claims of persons employed by contractors upon public works and the liability of persons who furnish materials, supplies, tools, equipment or machinery used or consumed by such contractors in the performance of such works and prescribing the duties of certain public officers with respect thereto,' approved May 10, 1930, as now or hereafter amended, are hereby expressly made applicable to any person under this act'".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to

Assembly Bill No. 238

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 243
Assembly Bill No. 82
Assembly Bill No. 1459
Assembly Bill No. 413
Assembly Bill No. 502
Assembly Bill No. 504
Assembly Bill No. 505
Assembly Bill No. 1450
Assembly Bill No. 271
Assembly Bill No. 1148
Assembly Bill No. 2298
Assembly Bill No. 1485

Assembly Bill No. 1653
Assembly Bill No. 1451
Assembly Bill No. 142
Assembly Bill No. 1466
Assembly Bill No. 1542
Assembly Bill No. 1323
Assembly Bill No. 1155
Assembly Bill No. 1489
Assembly Bill No. 1927
Assembly Bill No. 1262
Assembly Bill No. 1263
Assembly Bill No. 260

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 243—An act to repeal Sections 10, 11 and 12 of, and to add Sections 10, 11, 12 and 13 to, the Fish and Game Code, relating to the transfer to the Fish and Game Commission created by the Constitution of this State of the powers, duties, and jurisdiction of the Fish and Game Commission heretofore existing, to take effect immediately.

Referred to Committee on Fish and Game.

Assembly Bill No. 82—An act to add Section 620 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Bill No. 1459—An act to add Section 2924d to the Civil Code, relating to the reinstatement of a deed of trust, mortgage, chattel mortgage or contract of purchase upon which the payments have been extended, the sale postponed, the right of redemption extended or a forfeiture or termination postponed under moratorium acts; providing that this act shall take effect immediately and declaring the urgency thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 413—An act to amend Section 2112 of the Business and Professions Code, relating to the directory under the chapter on medicine thereof.

Referred to Committee on Business and Professions.

Assembly Bill No. 502—An act to amend Section 2458 of, and to add Section 2455.3 and 2455.6 to, the Business and Professions Code, relating to fees and certificates under the chapter on medicine thereof.

Referred to Committee on Business and Professions.

Assembly Bill No. 504—An act to add Section 2454.5 to the Business and Professions Code, relating to the use of the addressing facilities of the administrative board under the chapter on medicine thereof.

Referred to Committee on Business and Professions.

Assembly Bill No. 505—An act to amend Section 2120 of the Business and Professions Code, relating to reports under the chapter on medicine thereof.

Referred to Committee on Business and Professions.

Assembly Bill No. 1450—An act to amend Section 1628 of, and to add Section 1628a to, the Business and Professions Code, relating to examinations.

Referred to Committee on Business and Professions.

Assembly Bill No. 271—An act providing for the registration of certain societies, corporations, associations, camps, groups, bands, political parties, assemblies and other bodies and organizations.

Referred to Committee on Judiciary.

Assembly Bill No. 1148—An act to add a section to be known as Section 1124 to the School Code, relating to absence of pupils from school for dental services.

Referred to Committee on Education.

Assembly Bill No. 2298—An act to amend Section 10270 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1485—An act to amend Section 410 of the Vehicle Code with reference to satisfaction of judgments.

Referred to Committee on Transportation.

Assembly Bill No. 1653—An act providing for the establishment and administration of industrial farms and houses of correction in cities of the first and one-half class, the commitment of persons thereto; the discipline of persons committed thereto, and providing for the working of persons committed to such industrial farms and houses of correction and to city jails in cities of the first and one-half class.

Referred to Committee on Local Government.

Assembly Bill No. 1451—An act to amend Section 1672 of the Business and Professions Code, relating to dentistry.

Referred to Committee on Business and Professions.

Assembly Bill No. 142—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in primary elections.

Referred to Committee on Elections.

Assembly Bill No. 1466—An act to amend Sections 814 and 8224 of the Agricultural Code, relating to lettuce.

Referred to Committee on Agriculture.

Assembly Bill No. 1542—An act to amend Section 803 of the Agricultural Code, relating to peaches.

Referred to Committee on Agriculture.

Assembly Bill No. 1323—An act to add Sections 8023 and 8024 to the Agricultural Code, relating to grapes, declaring the urgency thereof, and that this act take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1155—An act to add Section 10253.7 to the Health and Safety Code, relating to birth certificates of children born in California and adopted elsewhere.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1489—An act to amend Section 201 and to add Section 211 to the Health and Safety Code, relating to special investigations by, and the reporting of cases of epilepsy to, the State Depart-

ment of Public Health, and the State Department of Motor Vehicles, as a means of reducing motor vehicle traffic hazards.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1927—An act to amend Section 6830 of the Health and Safety Code, relating to the annexation of territory to a sanitary district.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1262—An act to amend Sections 7055, 7350, 7355, 7402, 7406, 7407, 7501 and repeal Sections 7408, 7409, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558 and 7559 of the Health and Safety Code, relating to dead human remains and permits concerning them.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1263—An act to amend Sections 10008, 10112, 10118, 10200, 10325, 10326, 10327, 10328, 10330, 10375, 10427, 10451 and 10475 and repeal Sections 10004, 10005, 10006, 10007 and 10626, of the Health and Safety Code, relating to vital statistics.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 260—An act to add a new section to the Agricultural Code, to be numbered Section 644.5, relating to milk products plants.

Referred to Committee on Agriculture.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.14 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagdy, and Ward—39.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Phillips, ordered printed in the Journal:

RIVERSIDE, CALIFORNIA, March 21, 1941

Senator John Phillips, State Senate, Sacramento, California

Housewives of Riverside have banded together because a secondary boycott now in force here is threatening to cut off the milk supply of this city. The Teamsters Union is attempting to force a closed shop contract on all creameries in this area. The first creamery to refuse because their employees are satisfied and do not wish to join the union have been declared unfair and the union has placed secondary picket lines around the grocery stores and cafes at which we have been buying. We are determined that no racketeering union leaders shall come into our community and cut off the milk supply with a secondary boycott in order to gain job control and collect dues and enforce a closed shop which, together with demands for wage increases, would raise the price of milk without any consideration of the rights of the producer, the merchant, or the families which must have milk for their children. We ask you, as our legislative representative, to bring this matter to the attention of the entire Legislature and we ask you to do anything in your power to stop these invasions of the rights of California families who must have milk for their children.

MRS. A. A. WASHBURN, Chairman

MOTION TO REFER BILL TO INACTIVE FILE

Senator Tickle moved that Assembly Bill No. 1614 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Powers moved that Senate Bill No. 257 be placed on the inactive file.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 253

Senator Phillips moved that Assembly Bill No. 253 be withdrawn from Committee on Welfare and Institutions, and referred to Committee on Finance.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour of 2:15 p.m. having arrived, Senate Bills Nos. 877, 975, 976 and 974 were taken up.

Senate Bill No. 877—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134 and 1135 to Part 4, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts.

Bill read third time.

Motion to Amend

Senators Keating, Slater and Garrison moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 18, of the printed bill, as amended, strike out "Definitions."

Amendment No. 2

On page 1, line 21, of the printed bill, as amended, strike out "goods" and insert "agricultural products".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out line 21 and insert "agricultural employees or a labor organization representing or purporting or desiring to represent such agricultural employees."

Amendment No. 4

On page 2 of the printed bill, as amended, between lines 6 and 7, insert "agricultural".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out line 8 and insert "the latter and his agricultural employees or a labor organization representing or purporting or desiring to represent such agricultural employees."

Amendment No. 6

On page 2 of the printed bill, as amended, between lines 19 and 20, insert

"(f) As used in this chapter, the term 'agricultural product' includes a product which is a product of farm, dairy, agricultural, viticultural or horticultural operations, or of live stock, poultry, bee, fur-bearing or other animal raising, including packed or packed and wrapped (but not canned) fruits and vegetables, dairy products, sugar (but not refined sugar) or sirup and slaughtered or dressed live stock, poultry or other animals for consumption.

(g) As used in this chapter, the term 'agricultural employees' includes persons engaged in farm, dairy, agricultural, viticultural, or horticultural employments or in live stock, poultry, bee, fur-bearing, or other animal raising, including picking of fresh fruits and vegetables, the processing of milk and cream into dairy products, the processing of vegetable products into sugar (but not refined sugar) or into sirup for handling, slaughtering or dressing live stock, poultry, or other animals for consumption."

Motion to Table

Senator Rich moved that the above amendments be laid on the table.

Roll Call Demanded

Senators Garrison, Kenny and Keating demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Hays, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tickle, Wag, and Ward—30.

NOES—Senators Carter, Foley, Garrison, Keating, Kenny, Seawell, Shelley, Slater, and Swan—9.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 23, of the printed bill, as amended, after "organization", insert "or any combination or agreement resulting in a refusal by employers to handle goods or perform any services for another employer because of an agreement between such other employer and his employees or a labor organization".

Amendment No. 2

On page 2, line 8, of the printed bill, as amended, after "organization", insert "or any combination or agreement to cease performing, or to cause any employer to cease performing any services for another employer, or to cause any loss or injury to such other employer, or to his employees, for the purpose of inducing or compelling such other employer to refrain from doing business with, or handling the products of any other employer, because of an agreement between the latter and his employees or a labor organization".

Amendment No. 3

On page 2, line 17, of the printed bill, as amended, after "indirectly", insert "and any association of employers, including growers and other hirers of labor."

Motion to Table

Senator Rich moved that the above amendments be laid on the table.

Roll Call Demanded

Senators Shelley, Kenny and Swan demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Brown, Collier, Deuel, Dillinger, Fletcher, Gordon, Hays, Judah, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, Wag, and Ward—21.

NOES—Senators Carter, Crittenden, Cunningham, DeLap, Foley, Garrison, Keating, Kenny, Mayo, Quinn, Seawell, Shelley, Slater, and Swan—14.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Hays, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wag, and Ward—34.

NOES—Senators Carter, Foley, Kenny, Shelley, and Swan—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 975—An act to add Chapter 7.5, comprising Sections 1126, 1127, 1128, 1129 and 1130, to Part 3, Division 2, of the Labor Code, relating to enforceability of collective bargaining contracts and prohibiting attempts to cause or induce violations thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Kuchel, Luckey, Mayo, McBride,

McCormack, Mixer, Mahand, Parkman, Phillips, Rich, Swing, Tickle, Wagv, and Ward—26

Nays—Senators Carter, Collier, DeLap, Judah, Keating, Kenny, Powers, Quinn, Seawell, Shelley, Slater, and Swan—12

Bill ordered transmitted to the Assembly

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Garrison, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF THE SECRETARY OF AGRICULTURE

SACRAMENTO, March 24, 1941

Honorable J. C. Garrison, Senate Chamber

State Capital, Sacramento, California

SUBJECT: Senate Bill No. 877—Limitation on agricultural products and employees

REQUEST: No. 1470

DEAR SENATOR GARRISON: We enclose herewith amendments to Senate Bill No. 877 as amended in the Senate March 7, 1941, limiting the operations of agricultural products and employers of agricultural labor.

The amendments are based upon the objections of persons engaged in agricultural employments in Labor Code Sections 4250 and 4251, and are in the Fair Labor Standards Act of 1938, Wage and Hour Laws, Sections 1 and 7.

Assuming the constitutionality of a prohibition of secondary boycotts and refusal to handle "hot" cargo, two theories exist which a limitation of the prohibition to agricultural labor disputes and to agricultural products might be essential to:

(a) That these products, being of an essentially perishable nature, must move without interruption through the usual channels of trade in order to insure their ultimate consumption with as little waste as possible in order to avoid spoiling.

(b) On account of their intimate connection with the well-being of the population and in order to prevent widespread ill health, if not starvation and want, a continuous and uninterrupted supply of agricultural products must be insured to the people of the State.

We have therefore drawn up the amendments so as to include perishable products, but not nonperishable products such as timber.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By C. A. WILKINER, Assistant Counsel

MOTION TO REFER BILL TO INACTIVE FILE

Senator Hays moved that Senate Bill No. 976 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Hays moved that Senate Bill No. 974 be placed on the inactive file.

Motion carried.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 24 was refused passage.

The roll was called, and Senate Bill No. 24 reconsidered by the following vote:

Ayes—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, McBride, Parkman, Powers, Seawell, Shelley, Swan, Tickle, and Ward—25

Nays—Senators Deuel, Hays, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Slater, Swing, and Wagv—11.

Motion to Re-refer Bill to Committee

Senator Tickle moved that Senate Bill No. 24 be re-referred to the Committee on Finance.

Roll Call Demanded

Senators Seawell, Carter and McBride demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Deuel, Hays, Myhand, Rich, and Tickle—5.

NOES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

Senate Bill No. 24—An act to amend Section 21, to repeal Sections 12901, 12902 and 12906 of the Insurance Code, and to add Sections 12901, 12902 and 12906 thereto, relating to the administration of the laws pertaining to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Parkman, Powers, Seawell, Shelley, Swan, and Ward—25.

NOES—Senators Biggar, Deuel, Hays, Kuchel, Mayo, Mixer, Myhand, Phillips, Quinn, Rich, Slater, Tickle, and Wagy—13.

Bill ordered transmitted to the Assembly.

RECESS

At 4 p.m., on motion of Senator Shelley, the Senate recessed until 4.05 p.m., to hear from George E. Johnson, Chairman of the Sacramento Greek War Relief Drive; Miss Arleen Whelan, and Alexander D'Arcy.

REASSEMBLED

At 4.05 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 142—An act to amend Section 862a of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to organization, incorporation and government of cities of the sixth class.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "add Section 862ab to", and insert "amend Section 862a of".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 48 to 52, inclusive; and on page 3, strike out lines 1 to 16, inclusive, and insert

"SECTION 1. Section 862a of the act cited in the title hereof is hereby amended to read as follows:

Sec. 862a. In any city of the sixth class the city council shall have power:

(a) Upon a petition signed by 15 per cent of the registered, qualified electors of the city, to submit to the electors of the city, the question whether a municipal hospital shall be established in said city; provided, that no municipal hospital has

been already established there. Such companies may be organized either at a general or special meeting and such election shall be considered as the results thereof declared in conformity with the General Election Laws governing elections in cities of the sixth class. It is hereby the policy of the State to encourage in favor of such proposition, the payment of \$100,000 per mile of line to be so established and shall be encouraged and assisted to the extent of the power of this act.

(c) To erect and maintain a school and hospital which the State has lawfully established as providing necessary care for the poor and to the State to the extent provided for the payment thereof in accordance with the provisions of the act entitled "An act to the extent the Government is authorized by law to loan and guarantee corporations for carrying out the construction of the power plant, construction and completion thereof, and the operation thereof, in connection with this section."

There may be objections to the solution of the slip or no-slip question, the question whether a material body will be established as such and not as the question whether for a material body it is to be established as such or shall be imposed thereon.

(c) To prescribe rules for the government and management of any such hospital and the terms upon which patients may be admitted therein.

(d) To appoint and for the designation of physicians, surgeons, and other necessary officers and employees of such hospital (which may hold those positions during the absence of the one named).

and construct and repair such buildings as the city council may deem necessary and suitable for the proper and efficient management of the business of the city.

any donation of money, the city may agree to pay the interest on any money received upon the principal at a rate not exceeding four per cent per annum during the lifetime of the donors, or of any of them, or of the issue of any of them, for a term of 40 years, and without repayment of the principal or any part thereof. In the case of the incurring of such indebtedness for interest on money, the indebtedness shall be incurred and repaid for the payment of interest shall be provided in the manner prescribed by the provisions of the act entitled "An act to provide for the incurring of indebtedness by cities, towns and villages," approved February 25, 1901, in effect February 25, 1901, as amended, in the same manner as is lawfully provided, however that the interest on such indebtedness shall not be a lien on the statement as to bonds that are to be issued, but shall be a general lien on the proposed donation for the purpose for which it is so received, and the terms upon which the same is to be made and repaid.

with the provisions of subdivision (c) of this section, and no bond shall be required for the return of any bonded indebtedness created for the purchase or redemption of any real or personal property for any such bond, and the amount of such bond shall be provided for in any such bond issue.

(g) To provide for the operation and maintenance thereof to and at the expense of any part or any hospital or person or corporation or other entity, the city, and for such purpose to enter into any lease agreement which it deems necessary to serve the interests of the city. No such lease shall run for a term in excess of 10 years."

Amendments read and adopted

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 292—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound waters in Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any department or agency of the State for the construction of said dam and appurtenant works, and

for the acquisition of the lands or property necessary therefor; to make an appropriation therefor; and to declare the urgency thereof and to provide it take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Concurrent Resolution No. 11—Providing for the appointment of a Joint Committee to Study and to Report Upon the Water Problems of the State.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 2, line 43, of the printed measure, strike out "of nine", and insert ", to be known as the Joint Committee on Water Problems, of eight".

Amendment No. 2

On page 2, line 44, of the printed measure, strike out "five", and insert "four".

Amendment No. 3

On page 2, line 47, of the printed measure, after "respectively", insert "is hereby created,".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Concurrent Resolution No. 16—Relative to a statement of position of the Legislature of this State in regard to the amendment of the Old Age Security Law and the Aid to Needy Blind Law and appointing a committee to secure changes in the Federal Social Security Act.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed measure, strike out lines 20 to 27, and insert in lieu thereof the following:

Resolved, That a joint committee be established, consisting of two members of the Assembly, appointed by the Speaker of the Assembly, and two members of the Senate, appointed by the Committee on Rules of the Senate, and that the Governor be requested to appoint the Chairman of the State Social Welfare Board as a fifth member of the committee; and be it further

Resolved, That this committee be instructed and authorized to go to Washington to consult with the proper representatives of the Federal Government, and particularly of the Federal Social Security Board, and with members of Congress, to lay before them the California situation, and to ask for such changes in regulations, or if necessary, for more liberal legislation by the Congress of the United States, and for a declaration of a more liberal policy by the President of the United States; and be it further".

Amendment No. 2

On page 2, line 1, of the printed measure, strike out "one thousand dollars (\$1,000)", and insert "one thousand five hundred dollars (\$1,500)".

Amendments read and adopted.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 19, of the printed measure, following "Board", and preceding the semicolon, insert "and will not exceed to any 1440 of subsequent budgets for the recipients of aid."

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 165—An act to amend Sections 330, 331 and 332 of the Military and Veterans Code, relating to organization allowances of the State Militia.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 88—An act to amend Section 501 of the Vehicle Code, relating to persons convicted of driving while under the influence of intoxicating liquor with resulting death or injury to another.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 3—An act to amend Sections 50 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight and the payment of weight fees for commercial vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "or attached", and insert "but not attached."

Amendment No. 2

On page 2, line 18, of the printed bill, strike out "1.500", and insert "1.000."

Amendment No. 3

On page 2, line 19, of the printed bill, after "pounds" insert "by or if used by the owner or operator for transporting his own property without making any charge for such transportation, when unladen, 1,500 pounds or more, but less than 4,000 pounds".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 423—An act to add Article 2.5, comprising Sections 90 to 90.6, inclusive, to Chapter 1, Division 1 of the Streets and Highways Code, relating to the budgeting of State highway funds, specifying the powers and duties of the California Highway Commission and the State Highway Engineer in connection therewith, and providing for the making and distribution of reports thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 11, of the printed bill, following "revenues", insert "and estimated regular Federal aid".

Amendment No. 2

On page 1 of the printed bill, strike out lines 20 to 23, both inclusive, and insert "(b) The proposed location, description of the type of work, including preliminary estimates of cost, and such other information as he deems appropriate."

Amendment No. 3

On page 2, line 8, of the printed bill, following "administration", and before the period, insert ", including San Francisco-Oakland Bay Bridge".

Amendment No. 4

On page 2, line 10, of the printed bill, strike out "This subheading", and insert "These subheadings".

Amendment No. 5

On page 2, line 11, of the printed bill, strike out "equipment".

Amendment No. 6

On page 2, line 16, of the printed bill, strike out the word "White" and insert the word "Traffic".

Amendment No. 7

On page 2, line 18, of the printed bill, strike out "Beautification", and insert "Maintenance of roadside landscaping".

Amendment No. 8

On page 2 of the printed bill, between lines 20 and 21, insert

"(vi) For the purposes specified in subdivision (d) of Section 27.

(vii) Other maintenance."

Amendment No. 9

On page 2 of the printed bill, strike out lines 21 to 27, inclusive, and insert

"(c) Major Construction and Improvement. Under this will be shown all proposed expenditures for major construction and improvement, segregating the major bridges, the route number of each highway to be constructed or improved, the county in which located, the number of miles involved and a description of the type of work to be done."

Amendment No. 10

On page 2, line 33, of the printed bill, strike out "for specific highways", and insert "in each county group".

Amendment No. 11

On page 2 of the printed bill, strike out lines 34 to 37, both inclusive, and insert

"(f) Contingencies. The budget may include an item for contingencies of not to exceed 5 per cent of the expenditures proposed under headings (c) and (d) of this section."

Amendment No. 12

On page 2, line 45, of the printed bill, following the comma after "cause", insert "or on account of decreased revenue or on account of increased costs on other work."

Amendment No. 13

On page 3, line 8, of the printed bill, following "period", and before the period, insert "and any changes in the budget".

Amendment No. 14

On page 3, line 10, of the printed bill, strike out "unexpended", and insert "unobligated".

Amendment No. 15

On page 3, line 12, of the printed bill, strike out "originally".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1016—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "persons" and all of lines 7 to 10 inclusive, and insert "property other than motorized parts of the instrument of less handy or necessary for its operation."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1068—An act to add Section 135 8 to the Vehicle Code, requiring reports of damaged fences.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "damaged"

Amendment No. 2

On page 1, line 5, of the printed bill, following "highway" insert "which has been damaged as a result of a traffic accident."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1183—An act to add Section 455 to the Vehicle Code, relating to definition of implement of husbandry.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out the following:

"For all purposes of this code and particularly of Section 142, relating to exemption from registration", and insert "For the purpose of Section 142 of this code, relating to exemption from registration."

Amendment No. 2

On page 1, line 5, of the printed bill, strike out "kerosene" and insert "Heated petroleum".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1110—An act to add Section 395 2 to the Military and Veterans Code, relating to employees of school districts performing military services.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1125—An act to add Division 4, comprising Sections 2800 to 3012, Division 5, comprising Sections 3200 to 3554, Division 6, comprising Sections 4000 to 4677, Division 7, comprising Sections 5000 to 6794, Division 8, comprising Sections 7000 to 7476, Division 9, comprising Sections 8000 to 8062, Division 10, comprising Sections 8500 to 8851, Division 14, comprising Sections 18000 to 19291, Division 15, comprising Sections 22000 to 22202, and Division 50, comprising Section 50000, to repeal the division heading of Division 20, and to amend by renumbering Sections 10000, 10001, 10002 and 10003

to be Sections 50001, 50002, 50003 and 50004, respectively, of the Streets and Highways Code, thereby consolidating and revising the law relating to public ways, works and improvements, and including but not limited to procedures for making, maintaining and financing the same, and to repeal certain acts or parts of acts specified herein.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by repealing the portion of Section 1 of Article IV, relating to the submission of an initiative measure to the Legislature.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Dillinger, Foley, Gordon, Hays, Judah, Keating, McCormack, Mixer, Powers, Quinn, and Wagy—16.

NOES—Senators Brown, Collier, Crittenden, Deuel, Fletcher, Garrison, Kenny, Kuchel, Mayo, Myhand, Parkman, Phillips, Rich, Shelley, Slater, Swan, Tickle, and Ward—18.

Motion to Refer Bill to Inactive File

Senator Foley moved that Senate Bill No. 760 be placed on the inactive file.

Motion carried.

Motion to Refer Bill to Inactive File

Senator Foley moved that Senate Bill No. 1274 be placed on the inactive file.

Motion carried.

Motion to Refer Bill to Inactive File

Senator Foley moved that Senate Bill No. 761 be placed on the inactive file.

Motion carried.

Senate Bill No. 889—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1060.15 to, the Code of Civil Procedure, relating to declaratory relief.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kenny, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 953—An act to amend Section 16 of the Motor Vehicle Fuel License Tax Act, relating to actions to recover license taxes paid under protest under said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brood, Brown, Carter, Cramer, Cunningham, DeLap, Deuel, Dellinger, Fletcher, Fox, Garrison, Gifford, Hays, Javal, Keating, Kenny, Kuchel, McGowan, Miller, Pittman, Phillips, Powers, Quinn, Rich, Senwell, Shelley, Slater, Swann, Tamm, Wagg, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Biggar:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 724.5 of the Fish and Game Code, relating to catfish in District 24.

Respectfully submitted.

SENATOR BIGGAR

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
BREED
MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brood, Brown, Carter, Cunningham, Cramer, DeLap, Deuel, Dellinger, Fletcher, Fox, Garrison, Gifford, Hays, Javal, Keating, Kenny, Lankey, Mayo, McBride, Meyer, Pittman, Phillips, Powers, Quinn, Rich, Senwell, Shelley, Slater, Swann, Wagg, and Ward—32.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1304: By Senator Biggar—An act to amend Section 724.5 of the Fish and Game Code, relating to catfish in District 24.

Referred to Committee on Fish and Game.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McBride:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to pay the claim of Ventura County against the State of California.

Respectfully submitted.

SENATOR McBRIDE

Recommendation of Committee on Rules

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
MYHAND
DEUEL
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Hays, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—30.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1305: By Senator McBride—An act making an appropriation to pay the claim of Ventura County against the State of California.

Referred to Committee on Finance.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Fletcher moved that Senate Bill No. 109 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Shelley moved that Senate Bill No. 619 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 318

Senate Bill No. 761

Senate Bill No. 776

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 2

Senate Bill No. 181

Senate Bill No. 371

Senate Bill No. 754

And reports the same correctly engrossed.

Senate Bill No. 915

Senate Bill No. 1018

Senate Bill No. 1062

Senate Bill No. 1071

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 748

Senate Bill No. 755

Senate Constitutional Amendment No. 4

And reports the same correctly re-engrossed.

Senate Bill No. 889

Senate Bill No. 953

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 17. Approving a certain amendment to the charter of the City of Bakersfield, County of Kern, State of California, relating to the granting of franchises, voted for and ratified at the election of said City of Bakersfield at a special election held therein on the twenty-eighth day of January, 1941.

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1941, at 2.30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 362. An act to add Chapter 2, comprising Sections 17700 to 17702, inclusive, to Part 3 of Division 7, and to add Section 30020 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to redeemable coupons, and repealing acts and parts of acts specified herein.

Senate Joint Resolution No. 9. Relative to reorganizing California to meet legislation to establish an Army School comparable to West Point Military Academy and a Naval School comparable to Annapolis Naval Academy, the Cadets and midshipmen thereof to be located in Northern California and one thereof to be located in Southern California.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1941, at 11 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 357.—An act to add Chapter 4, comprising Sections 14700 to 14740, inclusive, to Division 6 and to add Section 30025 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to protection of the rights of authorship and repealing acts and parts of acts specified herein.

Senate Bill No. 358.—An act to add Division 7, comprising Part 1, Chapters 1 to 3, inclusive, Sections 16000 to 16240, inclusive, and to add Section 30026 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to licensing to the State, counties and cities, and repealing acts and parts of acts specified herein.

Senate Bill No. 359.—An act to add Chapter 4, comprising Sections 14600 to 14651, inclusive, to Part 1 of Division 7, and to add Section 30027 to Division 30 of the Business and Professions Code, thereby consolidating and revising the laws regulating itinerant merchants and repealing acts and parts of acts specified herein.

Senate Bill No. 361.—An act to add Part 3, comprising Chapter 1, Sections 17500 to 17535, to Division 7, and to add Section 30041 to Division 30 of the Business and Professions Code, thereby revising and consolidating the law relating to false advertising, and repealing acts and parts of acts specified herein.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1941, at 11 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 353.—An act to add Division 6, comprising Sections 14000 to 14004, inclusive, to the Business and Professions Code, thereby consolidating and revising the law relating to general provisions concerning business rights, defining the terms used in connection therewith, describing the effect of the provisions on business rights and providing the manner in which said rights may be asserted.

Senate Bill No. 354.—An act to add Chapter 1, comprising Sections 14100 to 14108, inclusive, to Division 6, and to add Section 30023 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the definition and transfer of good will, and repealing acts and parts of acts specified herein.

Senate Bill No. 355.—An act to add Chapter 2, comprising Sections 14200 to 14225, inclusive, to Division 6, and to add Section 30024 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade-marks, and repealing acts and parts of acts specified herein.

Senate Bill No. 356.—An act to add Chapter 3, comprising Sections 14400 to 14491, inclusive, to Division 6 and to add Section 30040 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to trade names and designations, and repealing acts and parts of acts specified herein.

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1941, at 11 a.m.

RICH, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 132

Senate Bill No. 1303

Senate Bill No. 502

Senate Bill No. 38

Senate Bill No. 39

Senate Bill No. 557

Senate Bill No. 710

Senate Bill No. 458

Senate Bill No. 904

Assembly Bill No. 102

Assembly Bill No. 455

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

HAYS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 19, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 815

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 2.

HAYS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 216

Senate Bill No. 247

Senate Bill No. 256

Senate Bill No. 304

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

HAYS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 363

Senate Bill No. 364

Senate Constitutional Amendment No. 8

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 11; absent 2.

HAYS, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1087

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1084

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and to be placed on inactive file.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1089

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and to be placed on immediate file.

Committee membership 11; committee vote: Ayes 8, absent 3.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1090

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and to be placed on immediate file.

Committee membership 11; committee vote: Ayes 8, absent 3.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1092

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8, absent 3.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1097

Senate Bill No. 1100

Senate Bill No. 1098

Senate Bill No. 1103

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7, absent 4.

SWING, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1091

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8, absent 3.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1102

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1107

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1105

Has had the same under consideration, and reports the same back without recommendation except that it be re-referred to Committee on Financial Institutions.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill re-referred to Committee on Financial Institutions.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1094

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and to be placed on the inactive file

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1095

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and place on the inactive file.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 917

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 838

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 131

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 46

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 113

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 918

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1138

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941.

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1184

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman.

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 566

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1124

Assembly Bill No. 230

Assembly Bill No. 1476

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

METZGER, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 1272

Senate Bill No. 1078

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 848

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

DELAP, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 5.19 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 26, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY

EIGHTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, March 26, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Baggett, Breed, Brown, Carter, Callier, Griffiths, Cunningham, DeLoach, Deuel, Dillinger, Fletcher, Foss, Gibson, Hill, Johnson, Judd, Keith, Kott, Luckey, Mayo, McBride, McCaskey, Melgar, Minor, Morgan, Powers, Phillips, Powers, Quinn, Rich, Seawell, Shaffer, Slater, Smith, Tamm, Wagoner, and Ward.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuchel, on motion of Senator Breed.

Senator Garrison, on motion of Senator Carter.

Senator Swing, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Georgette Hatfield of Merced County.

On request of Senators Tickle and Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George J. Hatfield, former Lieutenant Governor, of Merced County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Bellon, Chairman Board of Supervisors, and Mrs. Minnie E. McDaniel, President California Practical Nurses Association, Inc., of California, both of San Diego.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to August Brucker of Napa.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary M. Silva and Mrs. Walter B. Sampson, both of Stockton.

On request of Senators Swan and Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students of the High 8 Social Studies Class, Leland Stanford Junior High School, Sacramento: Elmer Allen, Norma Allen, Albert Artero, Lester Ball, Donald Carey, Edwin Chase, Wayne Crary, Mildred Dean, Richard DeVos, Annette Flint, Dick Hernandez, Paul Hoppe, William Hosman, Nora Hull, Laura Jackson, Glenn Kemp, Billy Klein, Lois Klein, Marjorie Little, Eugene Lofing, Alma Marasovich, Billy Marshall, Francis Mayberry, Marianna Meo, Bob McCarroll, Elmo Pappa, Mary Shelton, Carlo Shiro, Marie Sliskovich, Tommy Syftestad, Bert Van Wey and Joe Gianell.

On request of Senators Swan and Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of Sierra School, Sacramento: Beverly Hurley, Barbara Barth, Sheila Hurley, Betty King, Bill Dozier, Bill Dana, Dick Franke and Jim Dyer.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. H. Reed of San Diego, and W. E. Lyons of Tracy.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. W. Ferguson of Berkeley, State Chairman of the Good Citizenship Pilgrims Clubs for the Daughters of the American Revolution, and the following high point girls of this organization from the high schools around the San Francisco bay region, representing the students from each high school: Rilla Tyler, North Sacramento; Betty Ann Brown, Sacramento; Margaret Huston, Woodland; Barbara Durkee, Berkeley; Dorothy Chinn, Oakland; Mary Esther Brown, Richmond; Joan Fogg, Berkeley; Marion Davies, San Leandro; Donna Mitchell, Oakland; Betty Greathouse, Oakland; also the following sponsors: Mrs. Viola C. McConville, Oakland Chapter, Daughters of American Revolution; Mrs. Ralph P. Jacobs, Oakland Chapter; Margaret E. Armstrong (Mrs. H.), Esperanza Chapter; Mrs. H. R. Baird, Vice Regent, Sacramento Chapter; Mrs. Wallace A. Gilkey, Gen. John A. Sutter Chapter; Mrs. Metta G. Packard, Chairman, Gen. John A. Sutter Chapter; and Mrs. Evelyn Dyke Hauser, Chairman Good Citizenship Pilgrims, Sacramento Chapter.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. C. Stockman of Vallejo, and the following members of her citizenship class, all of Vallejo: Mrs. Nelly Wessel, Mrs. Julia Bowman, Mrs. Emma Beutel, Mrs. Anna Stolz, Mrs. B. Michalik, Miss A. Michalik, George W. Wilcox, Mrs. I. Nickolatos, Andy Nickolatos, Mrs. A. Weingart, Leo Corboni, Natividad Moore, Mrs. Pantaleona Reyes, Hela K. Reichert,

Mrs. Jeannette Warren, Mrs. Gisela Wertheim, Mrs. Claye Clary, Mrs. F. Cheroosheva and Mrs. Carl F. Holtz.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Williamson of Los Angeles.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. R. G. Mockfessel, Louise Struckmeyer, Mr. and Mrs. John Kamm, Mrs. Elizabeth Johnson, L. G. Johnson, and the following students of the Arbuckle, Colusa County, School: Jean Struckmeyer, Joan Kuffsbeck, Ralph Kleeman, Ed Mockfessel, Robert Wallace, Sally Wallace, Muriel Brooks, Muriel Simpson, Refugia Halper, Albert Huns, Gerald Gordon, Fred McGuffin, Robert Rauter, John Kothmann, William Dault, Gilbert Medina, Paul Wagner, Beverly Kamm, Maxine West, Evelyn Charter, Jovita Duarte, Celini Duarte, Stella Bailey, Betty Suss, Philip Vawter, Richard Charter, Oliver Groun, Dorothy Slipes, Barbara Kaintoch, Leatrice Kaintoch, Beatrice James and Mary Hall.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

Sacramento, March 26, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS

ASSEMBLY BILL NO. 253

"An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and pecuniary loss to and caused by unemployment and the administration thereof, providing means and means upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the enactment of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 253 as an emergency measure. However, I must advise you that the appropriation of \$2,042,000 provided by this bill in its present form is insufficient to meet the emergency provided. Available information as to the extreme increase, rate of rising prices, widespread seasonal decrease and other pertinent factors give some indication that the appropriation now required to cover unemployment relief funds for the fourth quarter of the current fiscal year should be \$4,617,000 in addition to the unexpended balance which may be carried forward under the bill to the next quarter, out of appropriations heretofore made, which is estimated at \$1,100,000. In other words, the appropriation specified in this bill of only \$2,042,000 is less than one-half of the additional amount required for the needs of unemployment relief during this quarter period according to present estimates made by the Relief Administration and the Department of Finance on a factual basis, unless (which it should be the intent of the Legislature to reduce the relief burdens by more than one-half during that period). Thus I would unalterably oppose. If the Legislature goes on to appropriate only the sum of \$2,042,000, I shall advise the Relief Administration to continue relief payments without change in standards of eligibility and at present budgetary levels which will almost certainly make an additional appropriation necessary before the end of the biennium.

I recommend, however, that Section 1.5 of Assembly Bill No. 253 be amended by striking out the words and figures "two million forty-two thousand dollars (\$2,042,000)" and inserting in lieu thereof "four million six hundred seventeen thousand dollars (\$4,617,000)".

Respectfully submitted,

CULBERT L. OLSON, Governor of California

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 423

Senate Concurrent Resolution No. 11

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1182

Senate Bill No. 1016

Senate Bill No. 3

Senate Bill No. 1183

Senate Bill No. 88

Senate Bill No. 1068

Senate Bill No. 165

Senate Concurrent Resolution No. 16

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 142

Senate Bill No. 863

Senate Bill No. 1052

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 943

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 253

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1211

Has had the same under consideration, and reports the same back with the recommendation: Do pass and be referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 468

Senate Bill No. 792

Senate Bill No. 1212

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SAN JUANITO, March 25, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 467

Senate Bill No. 649

Has had the same under consideration, and reports the same back with the same recommendation. Do pass.

Committee membership 11; committee vote: Ayes 59, absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SAN JUANITO, March 26, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 656

Has had the same under consideration, and reports the same back with recommendations with the recommendation: Amended, and do pass as amended.

Committee membership 14; committee vote: Ayes 79, absent 1, present 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SAN JUANITO, March 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 286

Has had the same under consideration, and reports the same back with recommendations with the recommendation: Amended, and do pass as amended.

Committee membership 13; committee vote: Ayes 7, absent 3, present 3.

HAYS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SAN JUANITO, March 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 443

Senate Bill No. 1004

Senate Bill No. 1154

Senate Bill No. 1005

Has had the same under consideration, and reports the same back with the same recommendation. Do pass.

Committee membership 13; committee vote: Ayes 10, absent 3.

HAYS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SAN JUANITO, March 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1260

Senate Bill No. 285

Has had the same under consideration, and reports the same back with recommendations with the recommendation: Amended, and do pass as amended.

Committee membership 13; committee vote: Ayes 10, absent 3.

HAYS, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS****Senate Bill No. 1087**—An act to add Section 65Sa to the Political Code, relating to the powers and duties of the Department of Finance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1084—An act to amend Section 689 of the Political Code, relating to collections from "self-supporting" departments.

Bill read second time, and referred to inactive file.

Senate Bill No. 1089—An act to repeal Section 690 of the Political Code, relating to the Division of Lands.

Bill read second time, ordered engrossed, and to inactive file.

Senate Bill No. 1093—An act to abolish the California Historical Association.

Bill read second time, ordered engrossed, and to inactive file.

Senate Bill No. 1092—An act to repeal Section 511 of the Public Resources Code, relating to publications issued by the Department of Natural Resources.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1097—An act to abolish the Division of Industrial Welfare in the Department of Industrial Relations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1098—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1100—An act to amend Section 661 of the Political Code, relating to the creation of deficiencies in special fund appropriations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1103—An act to amend Section 663 of the Political Code, relating to the State Board of Control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1091—An act to repeal Sections 4351, 4352 and 4353 of the Public Resources Code, relating to the State Nursery.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 6, of the printed bill, after "Nursery", insert "with moneys appropriated by the Legislature from the General Fund".

Amendment No. 2

On page 1, line 7, of the printed bill, after the period, insert "No equipment or improvements paid for jointly by the Division of Forestry and the Department of Public Works shall be sold or leased without the consent of the Director of Public Works."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1102—An act to abolish the State Planning Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out the words "and insert": "except that all books and records dealing with highway projects and related matters, such as zoning, shall be transferred to the Department of Public Works, Division of Highways."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1107—An act to add Section 67 to the State Civil Service Act, relating to the creation of new positions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, after "shall" insert "consentation of"

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 848—An act to amend the Building and Loan Association Act by adding to Article 7 thereof a new section to be numbered Section 7.09, relating to liability and assessments of stockholders.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "7.06" and insert "7.07."

Amendment No. 2

On page 1, line 6, of the printed bill, after "and" insert "and the last sentence of Section 7.06 of this act."

Amendment No. 3

On page 1, line 9, of the printed bill, after "amended", and before the period, insert "; provided such association shall have caused notice in writing of prospective termination of stockholders having interest in this State to have been served upon the corporation and shall also have caused a copy of such notice to be published at least once in a newspaper of general circulation published in the city or town in which such association has its principal office in this State, or if no newspaper of general circulation is published in such city or town, in a newspaper of general circulation published in the county in which such principal office is located, and six months shall have elapsed after the service of such notice upon the stockholders and the publication of such notice."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1272—An act to add Section 13.21 to the Building and Loan Association Act, relating to the reorganization of building and loans associations in liquidation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "The reorganization of", and strike out line 3, and insert "loan associations, the Building and Loan Commissioner, the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof and for the kinds of securities issuable in connection therewith, exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to exchange investment certificates, shares, stock, or other rights or claims, for securities issued by such corporation or corporations or for property, and to continue to hold as a legal investment any securities or property so received, and exempting said investment certificate holders, shareholders, stockholders and unsecured creditors and such corporation or corporations from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937."

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 26, inclusive; and strike out all of page 2, and insert

"Sec. 13.21. When the property, business and assets of an association are in the possession of the commissioner, whether or not such association is in liquidation under the provisions of this act, investment certificate holders and unsecured creditors of such association may withdraw to themselves or to a corporation nominated by them assets of such association upon the approval of the superior court after notice given and hearing held in the manner hereafter provided in this section.

A. *Procedure.* The holders of at least 15 per cent in value of the aggregate outstanding investment certificates of an association, the business, property and assets of which are in the possession of the commissioner, together with any unsecured creditors of such association then desiring to join with them, may themselves, or through a corporation nominated by and representing them, petition the superior court of the county in which the principal office of such association is situated to exchange their investment certificates and unsecured creditors' claims for their proportionate share of the assets of such association. If such association shall have commenced the proceeding provided for by Section 13.12 of this act and no judgment which shall have become final shall have been rendered therein against such association, or if the time within which such association may commence said proceeding has not expired, the consent of such association by its board of directors to the filing of such petition shall be required. Such petition, among other things, shall set forth, in general terms, the method by which the withdrawal of assets is to be accomplished, the interests to be acquired by investors and unsecured creditors should said petition be granted, and whether a corporation is to acquire such assets, and if so, such petition shall also set forth the kind or kinds of securities to be issued by such corporation and the classes of persons to whom such securities are proposed to be issued. A copy of said petition shall be served upon the commissioner or one of his deputies prior to the filing thereof or within three days after the filing thereof. Upon the filing of said petition the court shall fix the time and place for the hearing of such petition and shall direct that the commissioner shall give at least 30 days' notice of the time and place for such hearing by first class mail in sealed envelopes postage prepaid addressed to each investor and creditor of such association at his address as shown by the books of such association in the possession of the commissioner, or if no address be there shown, to his last known address; and that notice thereof be posted by the commissioner in three public places in said county not less than 30 days before the day fixed for such hearing and that notice thereof be published by the commissioner at least once a week for three successive weeks in a newspaper of general circulation published in said county. Such mailing and the first of such publications shall be made at least 30 days before the date fixed for such hearing, and the term of such notice shall be approved by order of the court, which order may be made without notice. The commissioner shall cause such notice to be mailed, posted and published in the manner and at the times herein specified. Section 8.08 of this act shall not apply to such notices. The petitioner or petitioners shall be furnished by the commissioner, as promptly as reasonably possible after the service of a copy of the petition upon the commissioner or one of his deputies, with a list setting forth the name and last known address of each investor and unsecured creditor of such association as shown upon the books of such association in the possession of the commissioner, and the petitioner or petitioners or their nominee may request other investors and unsecured creditors of such association to join in said petition; provided, however, that no such request shall be mailed to any investors or unsecured creditors

of such association unless the same thereof shall have first been approved by order of the court, which order may be made without notice.

B. Investors and Creditors desiring to file.—Investors and unsecured creditors of such association not represented by the petitioner or petitioner at the time of the filing of such petition may join with and be represented by the petitioner or petitioner by filing with the court, either directly or through the commission or petitioners, a written consent to join in such petition, and thereupon this petition and unsecured creditors shall be deemed to have joined in such petition.

C. Hearing.—At such hearing all interested parties may appear and be heard and the commissioner may appear and be represented by the Attorney General of the State of California or by such other agent of his department and the court. Such hearing shall be, among other things, upon the validity of the terms and conditions of the issuance of or securing to be issued pursuant to such petition and of the exchange thereof for investment certificates, shares or property, or partly in such exchange and partly for cash, and all persons in whom it is proposed to issue securities in such exchange shall have the right to appear at such hearing. Upon such hearing the court shall determine the propriety of the total or partial withdrawal of such association which is proposed by such petition or of the issuance of such group of assets of such association, which shall have been submitted by the court by the petitioner or petitioner at or before the time of such hearing and at such time or times thereafter as the court shall permit. For the purpose of this Section 1321 any property of such association which is proposed to be withdrawn shall be valued at its net equity value and all of the assets of such association shall be valued on the basis of their fair reasonably ascertainable value. In the event of withdrawal the orderly and proper conduct of the business of the association shall be maintained. Thereupon the petitioner or petitioners shall file with the court a declaration of the particular assets or groups of assets of such association which the petitioner or petitioners desire to withdraw in exchange for the investment certificates and unsecured creditors' claims, specifying the securities to be issued in exchange for such property, and thereupon the court shall determine whether such proposed withdrawal is fair both to the withdrawing and to the withdrawing certificate holders and creditors, and if the court shall determine that such withdrawal is fair, its order shall grant such petition. No petition for withdrawal of assets shall be granted by the court unless the court is satisfied that the proposed withdrawal of assets in exchange for investment certificates and unsecured creditors' claims is fair both to the withdrawing and to the withdrawing certificate holders and creditors. In such determination the court shall give due consideration to the nature and circumstances affecting particular assets or groups of assets.

D. Stockholders.—Any corporation which is the owner of assets of such association may, subject to the provisions of this Subsection D, issue securities to the shareholders and/or stockholders of such association in exchange for their outstanding shares, stock, claims or property interests in partly in such exchange and partly for cash, provided the issuance of such securities is approved by the court and by the petitioner or petitioners, and provided further, that such securities shall contain express provision that no interest dividends or other distributions shall be paid or made thereon in cash and until such withdrawing assets have been sold as securities issued in exchange for claims of investment certificates, shares and claims of unsecured creditors. If an assessment shall have been levied against the stockholders of such association pursuant to Article 7 of this act, such assessment shall be set aside or discharged (1) if the court shall determine that such association is solvent; or (2) if the stockholders of such association shall pay the amount of such assessment on which case a part of such assessment which shall bear the same proportion to the whole of such assessment as the fair value of the assets withdrawn bears to the total net value of all the assets of the association shall be paid to the withdrawing certificate holders and creditors or their nominee and the remainder of such assessment shall be paid to the commissioner; or (3) the stockholder or stockholders shall transfer and assign to the withdrawing certificate holders and unsecured creditors or their nominee and to the commissioner, respectively, in the respective proportions aforesaid, all of the assets of such stockholder or stockholders in excess of amounts required to discharge the liabilities, and encumbrances against the assets of such stockholder or stockholders, other than securities or the right to issue securities of a corporation which is to acquire the assets of such association. In no case shall securities be issued in exchange for such stockholder against whom an assessment has been levied pursuant to Article 7 of this act unless and until such assessment has been set aside or discharged as aforesaid provided.

E. Authority of Filings.—Any executor, administrator, guardian or trustee and any trustee of any kind or nature and any insurance company, cemetery association or other corporation, public or private, may, without the necessity of obtaining any specific court approval (a) file or join in a petition under this section; (b) exchange any shares, stock, investment certificates, creditors' claims or other claims or property interests for any securities issued pursuant to such petition and the approval of court thereof, and (c) may continue to hold as a legal invest-

ment any securities received pursuant to such petition and the approval of court thereof.

F. Effect of Order. After the completion of such hearing the court shall have jurisdiction to approve such petition or to disapprove such petition, or may approve such petition as amended, and shall have authority to approve or disapprove the terms and conditions of the issuance of securities in exchange for outstanding securities, claims, or property interests, or partly in such exchange and partly for cash. If such petition or amended petition is approved, the court shall order the commissioner to deliver to the petitioner or petitioners or to a corporation nominated by them the assets selected by the petitioner or petitioners and approved by the court; and upon the delivery of said assets to the petitioner or petitioners or to such corporation in exchange for investment certificates and/or unsecured creditors' claims in compliance with the order of court, the powers of the commissioner with respect to said assets shall terminate and such association and the State of California shall be forthwith released from all further liabilities with respect to the assets thus withdrawn. The order of court approving such petition, amended petition or supplemental petition, shall be binding upon the commissioner, such association and all investors and creditors of such association. The powers and duties of the commissioner and the rights of all investors and unsecured creditors as to the assets of such association not withdrawn hereunder shall not be affected by this section.

G. Supplemental Petitions. After the approval of such petition and the withdrawal of assets thereunder, the petitioner or petitioners or the corporation to which the assets are withdrawn from time to time may file a supplemental petition in said court for the withdrawal of additional assets in exchange for additional investment certificates and/or unsecured creditors' claims. Thereupon such supplemental petition shall be set for hearing and notice of such hearing shall be given as provided in Subsection A of this Section 13.21. At the hearing on such supplemental petition the court shall order the additional assets withdrawn if it determines that such proposed withdrawal is fair both to the petitioner or petitioners or said corporation on the one hand and to the nonwithdrawing certificate holders and creditors on the other hand.

H. Securities Issued. The term "securities" as used in this Section 13.21 shall include not only stock of one or more classes issuable by corporations generally but also bonds, notes, debentures, warrants or evidences of indebtedness or of beneficial interest or of any other claims or rights. None of the provisions of the Corporate Securities Act shall apply to any securities issued pursuant to any such petition or supplemental petition; provided, the issuance of such securities is approved by the court after such hearing and notice as herein provided, except that brokers as defined in the Corporate Securities Act shall be subject to the provisions of said act with respect to all transactions involving such securities. None of the provisions of an act entitled, "An act requiring individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or funds from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, shall apply to the solicitation by the petitioner or petitioners of the investors and creditors of such association to join with said petition.

I. Expenses of Commissioner. There shall be paid by the association directly affected by such petition or from the assets of such association the expenses of the commissioner in any proceeding under this section for any or all of the following purposes and no others: Fees and expenses of the commissioner's counsel, reporters' fees, witness' fees and expenses, court costs, costs of mailing, posting and publishing notice of hearing, and other expenses incident to presenting the commissioner's views to the court, provided such expenses shall be approved by the court as reasonable and proper.

SEC. 2. The Legislature hereby declares that this act is enacted in the exercise of the police powers of this State for the following reasons:

Approximately two hundred million dollars (\$200,000,000) is invested in building and loan associations in this State and such investments are held by several hundred thousand people, a large percentage of whom are persons of only moderate means and many of whom are executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations. Many of the funds of such associations were invested in long-term loans secured by real property. By reason of the recent depression, with resulting widespread unemployment and decline in rental and sales values, many borrowers from such associations were unable to meet their obligations to such associations. By reason of defaults of such borrowers, many associations have suffered heavy losses, both in income and in net worth. In the absence of this act liquidation of assets of a value of many millions of dollars would be necessary. Such liquidation would impose severe hardships not only upon

the borrowers and investors like and trust the public generally, the building a healthy decline in real estate values and a consequent pressure on the institutions.

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Financial Institutions.

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16b, relating to building and loan associations; the powers of the Building and Loan Commissioner, an association or associations; and the court when the commissioner shall be in possession and whether or not he shall be liquidating its affairs; and the power of trustees appointed by the court.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill, strike out “; the”; strike out all of line 4; and in line 5, strike out “action or reorganization and the court.”

Amendment No. 2

In the title of the printed bill, strike out lines 7 and 8, and insert “the liquidation of their affairs; relating to the rehabilitation, readjustment or reorganization of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association, including but not limited to the kinds of securities issuable in connection therewith and including such securities from certain provisions of the Corporate Securities Act; appointing trustees, administrators, guardians, receivers, trustees, receivers, conservators and similar associations to conduct to a plan as defined in said Section 13.16b, and preferred shares, stock, investment certificates or other right or rights for securities which pursuant to such plan and to contracts to hold as a loan investment any securities so received; and exempting the proposed reorganization or plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.”

Amendment No. 3

On page 1, line 4, of the printed bill, strike out “here taken,” and insert “to it.”

Amendment No. 4

On page 1, line 5, of the printed bill, strike out “business affairs,” and insert “property, business,”.

Amendment No. 5

On page 1 of the printed bill, strike out lines 6 to 18, inclusive, and insert “the provisions of Section 13.11 of this act, regardless of whether or not he shall be liquidating its affairs and regardless of whether or not liquidation shall have been ordered, a plan of reorganization of such association may be proposed (1) by such association through action of the board of directors of such association or (2) by the holders of 20 per cent in value of the aggregate outstanding free shares and investment certificates of such association.”

A. Definitions of “Plan” and “creditor.” The term “plan” and “plan of reorganization” as used in this Section 13.16b are hereby defined to mean a plan for the rehabilitation, readjustment or reorganization, consolidation or merger of such association, or of all or of any part of the business, properties and assets of such association, or for the readjustment, modification or reorganization of the rights or interests of any or all of the investors and creditors of such association, or for any one or more of the foregoing purposes. Without limiting the generality of the foregoing, a plan may provide in respect of all or any part of the business, properties and assets of such association for any one or more of the following: (1) for the retention thereof by, or (if then in the possession of the commissioner) the return thereof to, such association; (2) the retention thereof by, or (if not then in the possession of the commissioner) the delivery thereof to the commissioner; (3) the transfer thereof to another corporation or to two or more other corporations (which corporation or corporations or any of them may but need not be an association or associations or a Federal savings and loan association or associations); (4) the transfer thereof to a trustee or trustees; (5) the issuance

of new securities of one or more of the kinds mentioned in Subsection G of this Section 13.16b in lieu of outstanding investment certificates, shares, stock or other obligations of such association. In addition or as an alternative to the foregoing the plan may provide that such association shall cease to be an association but shall continue to exist as the same corporate entity, and in the event such plan is approved by the court as hereinafter provided and becomes operative, such association shall become a corporation subject to the General Corporation Law of this State, and thereafter its rights, duties and privileges and all questions relating to such corporation shall be governed and determined by such General Corporation Law and not by this act, except that this Section 13.16b shall continue to apply to such corporation in all matters relating to such plan or the consummation of such plan, and except that such corporation's name shall be changed so that it shall no longer include any of the following: "building and loan," "building loan," "association," "saving" or "savings." Any new association formed, pursuant to a plan, to continue the building and loan business of an existing association, may adopt and continue to use the name of such existing association or any part of such name.

The terms "creditor" or "creditors," as used in this Section 13.16b, shall include the holder or holders of claims of whatever character against an association or its property, whether secured or unsecured, liquidated or unliquidated, fixed or contingent, except shares, stock or investment certificates.

B. Procedure. Such plan shall be presented by the proposer or proposers to the superior court of the county in which such association maintained its principal office, with a petition that the court determine the fairness of such plan and that there are obtained the approvals requisite to such plan becoming operative, which petition shall set forth such plan and the fact that it is proposed by a person or persons authorized under this Section 13.16b to propose it and any other facts which such proposer or proposers shall deem material to a consideration of the fairness of such plan. Thereupon the court shall fix the time and place for the hearing of such petition and the period for filing consents or dissents to the plan and shall direct that notice of such hearing, with a copy or summary of such plan and a statement as to the filing of consents or dissents thereto, shall be mailed, posted and published, all as hereafter in this paragraph provided, and shall direct the commissioner to deliver to such proposer or proposers a list of the names and addresses of the investors and creditors of such association as shown by the records of such association, and such other information as the court may deem necessary or proper, whereupon the commissioner shall comply with such direction. Thereafter the proposer or proposers of such plan, not less than 30 days before the date fixed for such hearing, shall mail or cause to be mailed to each of the investors and creditors of such association (and to such association, if not the proposer or proposers of such plan) a notice of the time and place fixed by the court for such hearing and either a copy of such plan or a summary thereof, and a statement that all persons affected by such plan shall file with the court (or with a person or corporation approved by the court and named in such notice) either their consents or their dissents to such a plan, within such period (which shall not be less than 30 days from the date of such mailing) as the court shall have prescribed. The court may from time to time extend such period. The forms of such notice and statement, and if the plan is summarized, of the summary thereof, shall be approved by the court. Section 8.08 of this act shall not apply to such notices. Said notices, plan or summary thereof, and statement shall be mailed, by first-class mail in sealed envelopes, postage prepaid, to the respective addresses as shown on such list or lists, or if no address be there shown, to the last known address. In addition, the proposer or proposers of such plan shall cause a copy of such notice, plan or summary thereof, and statement to be posted in three public places in said county not less than 30 days before the day fixed for such hearing and to be published at least once a week for three successive weeks in a newspaper of general circulation published in said county, the first publication to be at least 30 days before the day fixed for such hearing.

C. Hearing. At the time and place fixed for such hearing, or at the time and place to which such hearing may be continued by the court, the court shall hear the parties interested therein and, if it deem it necessary, may take testimony relative thereto and or may receive depositions relative thereto. Such hearing shall be, among other things, upon the fairness of the terms and conditions of the issuance of all securities to be issued pursuant to such plan and of the exchange thereof for outstanding securities, claims or property interests, or partly in such exchange and partly for cash, and all persons to whom it is proposed to issue securities in such exchange shall have the right to appear at such hearing.

At such hearing any interested stockholder, shareholder, certificate holder or creditor shall have the right, without the necessity of formal intervention, to appear either in support of the plan or in opposition thereto or may propose a modification or modifications of any plan then before the court. No plan shall be approved by the court unless the court is satisfied that the plan is fair and equitable and does not discriminate in favor of any class of investors or creditors, and is feasible.

After the completion of such hearing the court shall approve, modify or disapprove such plan. No such plan shall become operative unless and until it shall have

been approved, in its original form or if modified, to its modified form, by any court, nor unless and until such plan shall have been consented to, either in person or by a duly appointed agent, attorney or committee by the following persons: (a) if such association shall have stock outstanding, then by the holders of a majority in amount of the stock of such association; (b) if such association shall have shares outstanding, then by the holders of a majority in value of the shares of such association; (c) if such association shall have investment certificates outstanding, then by the holders of two-thirds in value of the investment certificates of such association; and (d) if such association shall have creditors, then by the holders in amount of each class of creditors of such association, provided, however, that such consents shall not be required in the case of any creditor whose claim against or creditor, or of any class of certificate holders, shareholders or creditors, if (1) the rights of such person or persons shall not be materially and adversely affected by such plan or (2) if such plan shall provide for the payment to him of the value of the investment certificates, shares or claims held by such person or persons, provided further, that it may with a court's approval be waived by the court and (1) if the court shall find that such modification does not materially and adversely affect the interests of any particular person or persons, the consent of persons shall not be required to such modification and (2) persons in any classes who shall have consented to the plan prior to the court's approval of its modification shall be deemed to have consented to the plan as modified and (3) if the court shall find that such modification does not materially and adversely affect the interests of any particular person or persons, the consent to the plan is required, notice of such modification may be given to each class or classes of persons in such manner as the court shall direct and any person who shall have consented to the plan prior to the court's approval of its modification and who shall not have a written consent to such modification within the time fixed by the court shall be deemed to have consented to the plan as modified unless such person appears in court in the time shall have provided otherwise, and provided further, that in case the court shall otherwise require by clause two above it shall be sufficient if the person or persons on and posting having been made as provided in Subsection C of this Section 13.16b a copy of the notice of hearing, plan or modification, and the consents or dissents as to the filing of consents or dissents, and the period fixed or extended by the court, pursuant to said Subsection B of this Section 13.16b, of the consents or dissents having expired, and said consents or dissents shall be deemed to be the consents of persons who shall not file dissents to the plan within the period fixed by the court shall be deemed to have consented to the plan, (1) the holders of less than one-third in value of the investment certificates of such association having investment certificates outstanding shall have filed consents to the plan and (2) the holders of less than one-third in value of the investment certificates of such association shall have filed consents to the plan shall have been filed in or on behalf of a majority in value of the investment certificates of such association. For the purpose of this Section 13.16b, real property, contracts for the sale of real property, loans, and all other assets (whether now or in the future) shall be deemed at what may reasonably be expected to be realized liquidated in the event of proper conduct of a going business and under normal conditions. The consents required by this Subsection C may be given before the court is presented to the court, or after such presentation and before the court has rendered the plan, or after such approval; and the court may in its discretion fix the period and may from time to time extend the period within which consents shall be given, and proof thereof made to the court. If in the case such plan is modified by the court the proportions above required of two-thirds and creditors shall not have consented to the plan, the order of court may provide that upon settlement and proof of the fact that such consents have been given, a further order may be entered ex parte providing that such plan shall become operative which further order shall be binding upon the commissioner, such association, and all its creditors and creditors.

During the pendency of a proceeding under this Section 13.12 hearing upon any application under Section 13.12 shall be stayed, and the court in which the proceeding under this Section 13.16b is pending is hereby given jurisdiction to continue the pendency of the proceeding and, if a plan is approved, to enjoin thereafter, the commencement or continuance of any action or proceeding against such association or any act, action or proceeding to enforce a lien or charge, title or to profit, possession of, or to sell or otherwise dispose of (except in conformity with such plan), any property of such association, and to determine all questions mentioned in the foregoing pursuant to this Section 13.16b including, without limiting the generality of the foregoing, the following: Whether any plan, either in its original or modified form is fair and equitable; whether a discrimination in favor of any class of investors or creditors; whether it is feasible; whether the plan is more advantageous than liquidation from the standpoint of each class of investors and creditors thereof; whether the terms and conditions of the proposed association and exchange of securities thereunder are fair and if so, to approve or disapprove such terms and conditions; the liabilities of such association; the approvals requisite under this

Section 13.16b to such plan becoming operative, including jurisdiction to determine, for the purposes of the plan and the consents or dissents thereto, the division of the investors and creditors into classes according to the nature of their respective rights and interests. In any such plan the court shall give due consideration to the rights and interests of all persons affected thereby (with due regard to the feasibility of such plan and the condition of such association), in the following order of priorities: First, secured creditors; second, investment certificate holders and unsecured creditors, without preference to one over the other, except and to the extent that the court shall deem such preference fair and equitable in view of all the facts and circumstances; third, shareholders; and fourth, stockholders; provided, however, that provision may be made in any such plan for the payment in full of all taxes, assessments, insurance, alterations, repairs and other operating expenses, and for the payment of expenses in connection with such plan as allowed by the court; provided further, that in the case of any association of which the property, business and assets are in the possession of the commissioner which shows a net profit from and after the effective date of this section, the court shall require as a condition of approval of any such plan that there be added, pro rata, or in such equitable manner as the court may determine, to the claims of the investment certificate holders and shareholders of such association, as interest and dividends on such investment certificates and shares, an amount which may equal such net profits of such association, but shall in no event exceed a sum equal to the total interest and dividends at the rate of 4 per cent per year on all such claims from the effective date of this section up to the date of approval of the plan by the court, less the amount of any interest or dividends actually paid or credited on such investment certificates and shares in respect of the period from and after the effective date of this section. No plan which provides for the issuance of securities to holders of stock shall be approved by the court unless such securities contain express provision that no interest, dividends or other distribution shall be paid or made thereon unless and until all securities issued in exchange for claims of investment certificate holders, claims of unsecured creditors and claims of shareholders, if any, have been retired. Provision may be made in any plan for the payment in cash in full of all certificate holders, shareholders and creditors each of whose investment certificates, shares or claims is of such value, not to exceed twenty-five dollars (\$25), as shall be specified in such plan; and if such provision is made, all investment certificates, shares and claims to be paid in cash pursuant to such provision shall be excluded in computing the consents required or given under this Subsection C.

If the court shall approve a plan of reorganization, either in its original form or in modified form, the court may allow reasonable compensation for services rendered, and reimbursements for proper costs and expenses incurred by the persons who were the proposer or proposers of such plan and their attorneys. In fixing such allowance the court shall give consideration only to the services which contributed to the plan approved by the court, or to the refusal of the court's approval of a different plan or plans, or which were beneficial in the proceedings under this Section 13.16b, and to the proper costs and expenses incidental thereto.

D. Commissioner. The proposer or proposers of a plan shall deliver a copy thereof to the commissioner or to one of his deputies either before the petition referred to in Subsection B of this Section 13.16b shall have been filed in court or within two days thereafter. A copy of said plan shall be kept by the commissioner available for public inspection at each of his offices in this State. In the case of any plan under which all or any part of the business, properties or assets of such association is to be retained by, returned to or transferred to any association (other than a Federal savings and loan association or an association which, pursuant to the plan, is to cease being an association), such plan shall not be approved by the court unless it shall have been first consented to by the commissioner.

In any proceeding under this Section 13.16b the commissioner shall if requested by the court, and may upon his own motion, file a notice of his appearance in such proceeding. Upon the filing of such a notice the commissioner shall be deemed to be a party in interest, with the right to be heard on all matters arising in such proceeding, and shall be deemed to have intervened in respect of all matters in such proceeding with the same force and effect as if a petition for that purpose had been allowed by the court; but the commissioner may not appeal or file any petition for appeal or review. There shall be paid by the association directly affected by a proposed plan, or from the assets of such association, the expenses of the commissioner under this Section 13.16b, for any or all of the following purposes and no others: fees and expenses of the commissioner's counsel, reporters' fees, witness fees and expenses, court costs, and other expenses of the commissioner incident to presenting to the court his views with respect to any plan or plans proposed under this Section 13.16b; provided such expenses shall be approved by the court as reasonable and proper.

In any proceeding under this Section 13.16b the commissioner shall be represented by the Attorney General of the State of California or by one or more deputies of such Attorney General. During the pendency of a proceeding under this Section 13.16b, the commissioner shall not employ or engage, with respect to any association directly affected by such proceeding, or with respect to the business, property or assets of any association so affected, counsel other than the Attorney General or one

or more of his deputies, or any appraisers or accountants other than appraisers or accountants who are subject to the Civil Service Laws of this State, nor apply, with respect to any such association, for license, charter or status, as authorized employees in this State or to replace positions vacant in this State, any person who is not subject to the Civil Service Laws of this State, and any person or group for which a person subject to the Civil Service Laws of this State is an authorized agent, that if the association has entered into an agreement with a labor organization for the employing of any class of employees through the labor organization, then the commissioner shall employ additional employees in positions requiring various employees, who fall within a classification covered by such an agreement through the labor organization.

F. Effect of Appeal and Consents. When any plan under this Section 13.16b shall have been so approved by the court and shall have been consented to by or on behalf of the respective required parties, and if the business and assets of such plan shall be binding upon the commissioner, such associations and all the members and creditors of such associations, and such associations and all such members and creditors shall be conclusively deemed to have consented to all of the terms and conditions of such plan whether or not any of such persons shall actually have assented thereto and whether or not all of them shall have assented to all of such plan, or of such hearing as hereinafter provided. Therefore, such plan shall be binding by the commissioner, such associations and all other persons affected by such plan, and all costs shall be borne, all compensation received and all corporate taxes, as may be required by such plan so approved, and as may be necessary or desirable for the consummation of such plan. The association, the individuals, or such person as the court shall appoint, shall supervise and direct the consummation of the plan, subject to the orders of the court.

The commissioner shall have and may exercise the same jurisdiction, including and powers with respect to such business, properties and assets deemed by or determined to the commissioner pursuant to this act and if the commissioner shall have said respect to the business, properties and assets of any association of which the commissioner has taken possession, and the commissioner shall have and may exercise the same jurisdiction, authority and powers with respect to any association possessing a Federal savings and loan association's funds, properties or real plans, or plan to which any business, properties or assets may be received or assigned or transferred pursuant to any plan, excepting a Federal savings and loan association or an association which, pursuant to the plan, it is being found an appropriate for the commissioner would have of such association if it had been found to have approved its business, properties and assets by means other than a plan.

If any part of the business, properties and assets may be delivered or transferred to a corporation which is not to be an association, the court may contain such provisions, if any, as the court shall deem wise for the continuing examination or supervision of such corporation.

F. Appeals. No appeal from an order of the superior court approving a plan shall be effectual for any purpose, unless made, within ten days after the date of such order the appellant or appellants shall file with the court of such court a bond executed on the part of the appellant or appellants by at least two sureties to the effect that the appellant or appellants, in and for the costs, damages, interest, and expenses, will pay all of respondents' costs, expenses and attorneys' attorneys' fees arising from such appeal. The form and amount of such bond and two conditions therein shall be approved by the superior court. Appeals from orders concerning other shall be given preference in hearing or appeal over all other appeals, except business election cases and cases in which the parties of the State are parties.

Except as otherwise provided by this Section 13.16b, the provisions of Part 2 of the Code of Civil Procedure are applicable to and shall govern the course of practice in the proceedings mentioned in this Section 13.16b with regard to appeals.

G. Securities Issued Under Plan. The term "securities" as used in this Section 13.16b shall include not only shares, stock and investment securities as used by associations under other provisions of this act but also shares in Federal savings and loan associations and stock or shares in other business concerns by corporations generally, and also bonds, notes, debentures, mortgages, or securities of individuals or of beneficial interest or of any other nature or kind. An association may issue pursuant to a plan approved under this Section 13.16b, and for any consideration specified in such plan, any one or more of the above mentioned kinds of securities, regardless of any provisions of this act to the contrary. None of the provisions of the Corporate Securities Act shall apply to any securities issued pursuant to such plan approved under this Section 13.16b whether or not such securities are issued by an association, except that brokers, as defined in the Corporate Securities Act, shall be subject to the provisions of that act with respect to all transactions involving such securities. None of the provisions of an act entitled "An act respecting individuals, as in said act defined, to obtain a certificate from the Commissioner of Corporations prior to soliciting, receiving or collecting contributions, fees or taxes from security owners or holders for the purpose of protecting, enforcing or representing the rights of such security owners or holders; authorizing the Commissioner

of Corporations to regulate and supervise the solicitation, collection and application of such funds; and providing for the enforcement of said act and penalties for the violation thereof," approved July 1, 1937, shall apply to the proposer or proposers of a plan which has been duly presented to the court pursuant to this Section 13.16b.

H. Authority of Fiduciaries. Any executor, administrator, guardian or receiver, and any trustee of any kind or nature, and any insurance company, cemetery association or other corporations, public or private, may, without the necessity of obtaining any specific court approval: (a) consent to any plan which has been approved by the court pursuant to Subsection C of this Section 13.16b, or consent to any such plan subject to such plan being approved by the court; (b) exchange any shares, stock, investment certificates or other rights or claims, for securities issued pursuant to any plan which has been approved by the court; and (c) continue to hold as a legal investment any securities received pursuant to any plan approved by the court.

SEC. 2. The Legislature hereby declares that this act is enacted in the exercise of the police powers of this State, for the following reasons: Approximately two hundred million dollars (\$200,000,000) is invested in building and loan associations in this State and such investments are held by several hundred thousand people, a large percentage of whom are persons of only moderate means and many of whom are executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations. Many of the funds of such associations were invested in long-term loans secured by real property. By reason of the recent depression, with resulting widespread unemployment and decline in rental and sales values, many borrowers from such associations were unable to meet their obligations to such associations. By reason of defaults of such borrowers, many associations have suffered heavy losses, both in income and in net worth. In the absence of this act liquidation of assets of a value of many millions of dollars would be necessary. Such liquidation would impose severe hardships not only upon the borrowers and investors but also upon the public generally, by causing a marked decline in real estate values and a marked increase in tax delinquencies."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1124—An act to amend Sections 1205, 1212 and 1214 of the Health and Safety Code, relating to clinics and dispensaries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 132—An act relating to the protection of the public service from persons engaged in activities subversive of constitutional government in this State and the United States or inimical to the rights, privileges, or immunities guaranteed to the people, and providing that such persons are ineligible to accept or to hold public office or employment, and for their removal therefrom, and for oaths of office of persons in the public service.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1303—An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city for repairs, alterations or construction of school buildings or equipment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 502—An act to amend Section 2953 of the Civil Code, relating to agreements waiving statutory rights.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 38—An act to amend Section 690.22 of the Code of Civil Procedure, relating to exemption from execution or attachment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 39—An act to add Section 1197 to Chapter 4 of Title 1 of Part 3 of the Code of Civil Procedure, relating to the issuance of writs of review, mandate and prohibition.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 557—An act to amend Sections 975, 977 and 980 of the Code of Civil Procedure, and to add Sections 980½, 980¾ and 980¾ to said code, relating to appeals from justices' and police courts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 710—An act to add Section 1144 to the Penal Code, relating to criminal jury trials in municipal courts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 458—An act to amend Section 714 of the Probate Code, relating to actions on rejected claims.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 904—An act to amend Section 416 of the Code of Civil Procedure, relating to proof of service of summons and complaint.

Bill read second time.

Motion to Amend

Senator Hays moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 2, of the printed bill, strike out "and" and insert "or."

Amendment No. 2

On page 2, line 3, of the printed bill, strike out "five" and insert "three."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 815—An act to amend Section 412 of the Penal Code, prohibiting prize fights and betting on any pugilistic contest, boxing contest or exhibition, but sanctioning amateur boxing contests, sparring matches and exhibitions not to exceed four rounds of duration, prescribing conditions in relation thereto and the issuance of annual licenses to hold such amateur contests by the State Athletic Commission of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 4 of the printed bill, after line 2, insert:

"Mixed shows shall be prohibited under the terms of this section of the Penal Code. A mixed show is defined as one in which boxing contests, matches or exhibitions are held in conjunction with vaudeville shows, dances or entertainments of any sort.

Provided further, that any".

Amendment No. 2

On page 4, line 8, of the printed bill, strike out "Any".

Amendment No. 3

On page 4, line 34, of the printed bill, strike out the period, and insert "; provided, however, that no tax shall be levied or collected under the provisions of this section in respect to any admissions to a boxing contest or wrestling match or exhibition wherein all the proceeds or net earnings of which inure exclusively to the benefit of any post of the American Legion or any other duly recognized organization of veterans of any war of the United States and not to the benefit of any individual member thereof."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 216—An act to amend Section 564 of the Code of Civil Procedure, relating to appointment of receivers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 4, of the printed bill, strike out "to hold possession of such real property".

Amendment No. 2

On page 2, line 5, of the printed bill, strike out "and".

Amendment No. 3

On page 2, line 6, of the printed bill, strike out ", issues and profits".

Amendment No. 4

On page 2, line 7, of the printed bill, strike out ", issues and profits".

Amendment No. 5

On page 2, lines 11, 12 and 13, of the printed bill, strike out ", and in the cases where the directors of a corporation, or a majority thereof, are charged with fraud in the management of the corporation".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 247—An act to amend Section 725a of the Code of Civil Procedure, relating to foreclosure.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 6, of the printed bill, after "obligation," insert "or if there be a successor or successors in interest of such beneficiary, trustee or mortgagee, then such successor or successors in interest,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 256—An act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "(Definition of Terms)."

Amendment No. 2

On page 1, line 22, of the printed bill, strike out "(Appropriation of the Act—Powers of Settlor.)".

Amendment No. 3

On page 2, line 12, of the printed bill, strike out "(Income and Principal—Disposition.)".

Amendment No. 4

On page 2, line 46, of the printed bill, strike out "(Appropriation of Income.)".

Amendment No. 5

On page 3, line 3, of the printed bill, strike out "(Corporate Dividends and Share Rights.)".

Amendment No. 6

On page 4, line 7, of the printed bill, strike out "(Present and Future Bonds.)".

Amendment No. 7

On page 4, line 24, of the printed bill, strike out "(Principal Used in Business.)".

Amendment No. 8

On page 4, line 46, of the printed bill, strike out "(Principal Comprising Assets.)".

Amendment No. 9

On page 5, line 5, of the printed bill, strike out "(Disposition of Natural Resources.)".

Amendment No. 10

On page 5 of the printed bill, commencing on line 26, strike out "A general power to lease, unqualified as to time, shall be deemed as to lands containing natural resources, to authorize leases satisfying the term of the trust or term.".

Amendment No. 11

On page 6, line 5, of the printed bill, strike out "(Principal Subject to Depletion.)".

Amendment No. 12

On page 6, line 21, of the printed bill, strike out "(Independent Estate.)".

Amendment No. 13

On page 7 of the printed bill, commencing on line 44, strike out "(Disposition of proceeds of defaulted mortgages and other interest bearing obligations.)".

Amendment No. 14

On page 8, line 35, of the printed bill, strike out "(Trustees—Trust Estates.)".

Amendment No. 15

On page 9, line 35, of the printed bill, strike out "(Short Title.)".

Amendment No. 16

On page 9, line 37, of the printed bill, strike out "Revised.".

Amendment No. 17

On page 9, line 39, of the printed bill, strike out the period, and insert " provided, however, that nothing in this act shall affect the provisions of The Personal Income Tax Act, the Bank and Corporation Franchise Tax Act, and The Corporation Income Tax Act."

Amendment No. 18

On page 9, line 40, of the printed bill, strike out "(Time of Taking Effect.)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 304—An act to validate the assessment and equalization of property for tax purposes, and the levy of taxes thereon, by sixth class cities, and to validate tax sales, certificates of tax sales, tax deeds and other conveyances resulting therefrom.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, as introduced on January 20, 1941, after line 18, insert

"(c) Nothing contained in this act shall be construed to render the creation of any city, or any change in the boundaries of any city, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by that section."

Amendment read and adopted

Bill ordered printed, and to third reading.

Senate Bill No. 363—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346 and 6360 of the Business and Professions Code, and to add Section 6326 thereto, relating to boards of law library trustees and law libraries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "Section 6326", and insert "Sections 6326, 6348.3, and 6348.5"

Amendment No. 2

On page 1, line 6, of the printed bill, strike out the period and quotation mark after "fund", and insert "." to be expended by the board of law library trustees."

Amendment No. 3

On page 1, line 18, of the printed bill, strike out "and each of", after the word "court," and insert "or".

Amendment No. 4

On page 2, lines 7 and 8, of the printed bill, strike out "or provide by ordinance for the setting apart each month".

Amendment No. 5

On page 2, line 8, of the printed bill, strike out "a sum", and insert "sums".

Amendment No. 6

On page 2, line 9, of the printed bill, strike out "one hundred dollars (\$100) in any one month", and insert "twelve hundred dollars (\$1,200) in any one fiscal year".

Amendment No. 7

On page 2 of the printed bill, between lines 47 and 48, insert
"SEC. 8. Section 6348.3 is hereby added to the Business and Professions Code, to read as follows:

6348.3. A library building erected to house the law library may include not more than four court rooms with offices in connection therewith, and an office for a notary public and public stenographer, which court rooms and offices the board of law library trustees may lease; the income to be deposited in the law library fund.

SEC. 9. Section 6348.4 is hereby added to the Business and Professions Code, to read as follows:

6348.5. A board of law library trustees may invest surplus funds in excess of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, in bonds of the Government of the United States or of this State. Bonds so purchased may be sold at any time in the discretion of the board."

Amendment No. 8

On page 2, line 48, of the printed bill, strike out "8", after the word "Sec.", and insert "10".

Amendment No. 9

On page 3, line 23, of the printed bill, strike out "9", after the word "Six", and insert "11".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 364—An act to add Chapter 5 to Division 4 of the Business and Professions Code, consisting of Sections 4199 to 4203, inclusive, and to repeal Sections 4190 to 4204, inclusive, of the Political Code, relating to boards of law library trustees and law libraries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 40, of the printed bill, strike out the period and insert "and" after "fund", and insert "to be expended in the library of law library trustees."

Amendment No. 2

On page 3, line 35, of the printed bill, after "of", strike out "the".

Amendment No. 3

On page 4, line 3, of the printed bill, strike out "existing".

Amendment No. 4

On page 5, lines 14 and 15, of the printed bill, strike out "hereinafter provided" and insert "not previously sent for this purpose."

Amendment No. 5

On page 5, line 45, of the printed bill, strike out the period after "hereof", and insert "or, not in the character of the trust estate which that fund is. When any board of law library trustees or law library has been constituted and before such decisions of law superseded by this act, the provisions of this act shall be deemed to have been adopted and applied to the courts."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed measure, strike out lines 11 to 22, inclusive, and insert "officers, boards, commissions or agencies authority to decide, in the first instance, any questions of law or fact upon which the exercise of any function conferred upon them by law depends; and the Legislature shall have power to provide that a finding of fact made by any administrative officer, board, commission or agency in the exercise of his or its functions shall not be set aside by any court if there is substantial evidence to support it. When the charter of any city or city and county, or any amendment thereof, adopted in pursuance of Sections 6, 8 and 8A of Article XI of this Constitution has provided or shall provide that decisions of questions of fact made by any administrative officer, board, commission or agency in connection with municipal affairs shall be final, no court of this State shall have power to set aside such finding of fact if there is substantial evidence to support it."

The Legislature is hereby vested with plenary power, unlimited by any provision of this Constitution except as provided in this section, to prescribe procedures by which judicial review of decisions of administrative officers, boards, commissions or agencies may be obtained and the scope of review either alternative to or exclusive of any review the courts are now authorized to give, and for these purposes the Legislature shall have plenary power to enlarge or restrict the jurisdiction of any court of this State; provided, however, that any enlargement of the original jurisdiction of the Supreme Court shall be subject to the power given that court by Section 4c of Article VI of this Constitution. Review by any court of any administrative decision".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1094—An act to repeal Sections 500, 501, 502, 503, 504, 505, 506, 507, 508 and 509 of the Welfare and Institutions Code, relating to the California Bureau of Juvenile Research.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "to", insert "amend Sections 1008 and 1129 and to".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "Institutions and Welfare", and insert "Welfare and Institutions".

Amendment No. 3

In line 3 of the title of the printed bill, after "Research", insert "and juvenile research by the Department of Institutions".

Amendment No. 4

On page 1, line 2, of the printed bill, strike out "Institutions and Welfare", and insert "Welfare and Institutions".

Amendment No. 5

On page 1 of the printed bill, strike out lines 4 to 7, inclusive, and insert "SEC. 2. Section 1008 of the Welfare and Institutions Code is hereby amended to read as follows:

1008. With the approval of the [California Bureau of Juvenile Research] *State Department of Institutions*, there may be established at Preston School of Industry a laboratory through which juvenile research and psychological work for the school shall be conducted. The Department of Institutions shall provide such accommodations and equipment and meet such expense as is approved by the State Department of Finance.

SEC. 3. Section 1129 of the Welfare and Institutions Code is hereby amended to read as follows:

1129. No boy shall be returned to the court as feeble-minded, under the provisions of Sections 747, 834 or 835 of this code, unless such feeble-mindedness has been established through investigation by the [California Bureau of Juvenile Research] *Department of Institutions* or some qualified person approved by the [bureau] *department*."

Amendments read and adopted.

Bill ordered printed, and to inactive file.

Senate Bill No. 1095—An act to prohibit the employment of publicists by State departments and agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 7, of the printed bill, after "publications", insert a comma, and "or engaged in the preparation of material for publication for the purpose of informing the public of the activities or functions of any such department, board, commission or other agency or to further and promote legitimate public objectives".

Amendment read and adopted.

Bill ordered printed, and to inactive file.

Senate Bill No. 917—An act to amend Section 144 of and to add Sections 144½ and 172½ to the State Civil Service Act, relating to the State civil service and the rights and duties of employees in the State civil service.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 838—An act to amend Section 695 of the Political Code, relating to services furnished State agencies other than those supported by the General Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 131—An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, and portions of the lands granted to the City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon certain trusts and conditions," approved May 25, 1919, and granted to the said City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions," approved April 5, 1927, which have been and which may be hereafter improved, filled, and retained, unavailable and unusable for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions may be lawfully alienated and conveyed free of public use and trust by the said county or the said city to the owner or owners of uplands contiguous thereto, or otherwise sold as herein provided.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 46—An act to amend Sections 43, 44 and 46 of the Alcoholic Beverage Control Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "43", strike out the comma, and insert "and"; and strike out "46".

Amendment No. 2

On page 1 of the printed bill, after the period in line 8, strike out the rest of the line; and strike out lines 9 to 13, inclusive, and insert:

"A copy of the findings of fact and recommendations shall be mailed to the protestant, complainant, petitioner, and licensee. Within five days thereafter the protestant, complainant, petitioner, and licensee may file with the board at Sacramento, written objections to the findings of fact. If written objections to the findings of fact are so filed, the board is authorized to hold such further hearing as it deems necessary, after five days notice to the protestant, complainant, petitioner, and licensee of the time and place of hearing."

Amendment No. 3

On page 1 of the printed bill, strike out lines 16 to 24, inclusive, and strike out line 25 to and including the period. In lieu thereof insert the following:

"Sec. 44. The board shall consider the findings of fact of its representative, and written objections duly filed thereto, and such additional evidence as may have been taken pursuant to Section 43 of this act, and shall make its decision upon the petition, protest or complaint. After decision, the findings of fact, and written objections thereto, shall be open to public inspection. Notice of the decision shall be served upon the protestant, complainant, petitioner and licensee. Within 10 days after the service of the notice, the petitioner, protestant, complainant or licensee may petition the board for a reconsideration of the cause."

Amendment No. 4

On page 1 of the printed bill, strike out lines 27 and 28; and on page 2, strike out lines 1 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 113—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 283, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Senate and the members thereof, and to make an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "and", and after "Los Angeles", insert a comma.

Amendment No. 2

On page 1, line 13, of the printed bill, strike out the period, and insert "and in a State Building in Alameda County."

Amendment No. 3

On page 1, line 18, of the printed bill, strike out the period, and insert "and the Senate Office in Alameda County shall be under the management and control of the Senator elected from the County of Alameda."

Amendment No. 4

On page 1, line 21, of the printed bill, strike out ", and fix the compensation of."

Amendment No. 5

On page 1, line 22, of the printed bill, beginning with "and", following the comma, strike out all of the printed matter down to and including the period on page 2, line 2; and insert "at a compensation of one hundred fifty dollars (\$150) per month and there shall be no other employees."

Amendment No. 6

On page 2, lines 4 and 5, of the printed bill, strike out "salaries of the employees of the same", and insert "salary of the employee of the same".

Amendment No. 7

On page 1, line 9 of the proposed bill, insert the words "President", insert "and on a State Building or American Consul."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Governmental Efficiency.

Senate Bill No. 918.—An act to amend Section 40 of the State Civil Service Act, relating to hearings and subpoenas.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 1, of the proposed bill, after the word "and", insert "and other than a State officer."

Amendment No. 2

On page 1, line 14 of the proposed bill, after the word "therein," insert "No station shall be located at a point less than one mile from the county in which he resides and more than 100 miles from his residence unless it is shown to the satisfaction of a majority of the members of the advisory hearing or advisory board that the location of the station is a necessary expense. In that event the station shall be located at a point less than one mile from the residence. That station shall be supplied regardless of whether it must be served at least five days prior to the time of the hearing."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1138.—An act to amend Section 172 of the State Civil Service Act, relating to lay-offs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out line 1 of the bill of the proposed bill, and insert "An act to amend Sections 95, 96 and 172 of, and to add Section 165 to the State Civil Service Act."

Amendment No. 2

On page 1 of the proposed bill, strike out line 5, and insert:

"SECTION 1. A new section to be numbered 165 is hereby added to the State Civil Service Act to read as follows:

Sec. 165. Subdivisional employment list means a list of persons who have permanent status and who have been laid off from a particular class in a particular subdivision of a State agency.

Sec. 2. Section 95 of the State Civil Service Act is hereby amended to read as follows:

Sec. 95. For each class there shall be maintained a separate departmental reemployment list within a State agency which shall consist of the names of persons as defined by Section 92, as contained in such State agency at the time of separation. There shall also be maintained a separate subdivisional reemployment list within a State agency which shall consist of the names of persons employed in a subdivision of a State agency at the time of separation if subdivisions for such State agency have been so named as provided in subdivision (a) of Section 172 of this act.

Sec. 3. Section 95 of the State Civil Service Act is hereby amended to read as follows:

Sec. 95. The order of preference in certifying eligibles shall be: Subdivisional reemployment list, if such have been created as provided in subdivision (a) of Section 172 of this act; departmental reemployment list, promotional eligible list, general reemployment list, eligible list. Any such list must be completely exhausted before certification may be made from the list next in order.

Sec. 4. Section 172 of the State Civil Service Act is".

Amendment No. 3

On page 2, line 24, of the printed bill, after "and", insert "the reemployment list for the subdivision from which they were removed, if such a subdivision was created pursuant to paragraph (c) of this section, upon".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1184—An act to add Section 1.5 to the State Civil Service Act, relating to intermitter employment by the State and the rights of persons so employed.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out lines 2 and 3 of the title of the printed bill, and insert "relating to services performed by independent contractors for the State."

Amendment No. 2

Strike out lines 3 to 7, both inclusive, of the printed bill, and insert

"1.5. Nothing contained in this act shall prohibit any State department, officer, board or commission which is authorized by law to contract for such services from contracting with an independent contractor for the performance of work of a character which is commonly performed by persons engaged in a particular trade or business and the performance of which work can not satisfactorily be secured by appointment or appointments under the provisions of this act. The determination of any such department, officer, board or commission that it is not possible satisfactorily to secure the performance of such work by appointment or appointments under the provisions of this act, if such determination is made in good faith and not for the purpose of depriving any person of his rights under the provisions of this act, shall be final and conclusive on the question of the validity of any such contract."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 109—An act to amend Section 7 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts.

Bill read second time, and ordered to third reading.

Senate Bill No. 619—An act to amend Sections 7302, 7321, 7324, 7330, 7331, 7332, 7334, 7351, 7360, 7372, 7373, 7376, 7382, 7383, 7391, 7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 of, to repeal Article 13, comprising Sections 7450 to 7457, inclusive, of, and to add Section 7329 to Article 3 of Chapter 10 of Division 3 of said code, relating to the practice, the training for and government of cosmetology.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 230—An act to amend Section 14899 of the Health and Safety Code and to add two new sections, to be numbered Sections 14920 and 14921, to the Health and Safety Code, providing for the cancellation or refund of erroneous, mistaken, or illegal special assessments for abating weeds, and providing for cancellation of any such assessments when the property is acquired by the State or by any county, city, school district, or other political subdivision and

which, because of said public emergency, is not subject to sale for delinquent taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1476—An act adding Section 14599 to the Health and Safety Code relating to disinfection of fire protection districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 102—An act to add Section 844 to the Political Code, relating to qualifications for juror, shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 455—An act to amend Section 690.4 of the Code of Civil Procedure, relating to exemption from execution or attachment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 566—An act relating to and providing for a moratorium with respect to foreclosures of State school lands as provided for in Section 5513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out all of the title, and insert:

"An act to permit holders of certificates of purchase of State school lands to pay certain obligations thereon, contained in the State installment, and ordering the urgency thereof, to take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 1 to 14, inclusive, and insert:

SECTION 1. Any holder of a certificate of purchase of State school lands whose certificate would be forfeited on June 30, 1941, under Section 5513 of the Political Code for nonpayment of interest and penalties, may give to the State of California on or before July 31, 1941, one-third of the delinquent interest and penalties accrued and assessed and all current interest to and including June 30, 1941, thereby being released of the forfeiture provisions contained in Section 5513 of the Political Code; any such holder of a certificate of purchase who omits to make such payments as herein provided shall pay one-half the remainder of interest and penalties and the current interest on or before June 30, 1942, and the balance of interest and penalties and the current interest on or before June 30, 1943; should any such holder of a certificate of purchase fail to make one of the payments for which provision is herein made, then the payment of such holder in the certificate of purchase, the lands therein described and all prior payments of interest, penalties and principal shall be forfeited to the State."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Mixter asked for, and was granted, unanimous consent to take up Assembly Bill No. 253, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 253

Assembly Bill No. 253—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1939, and to amend Section 4 of the

California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Mixer:

Resolved, That Assembly Bill No. 253 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Judah, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Tickle, Wagy, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 253

Assembly Bill No. 253—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof.

Bill read second time.

Assembly Bill No. 253—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Tickle, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Kenny, McBride,

McCormack, Metzger, Mixer, Parmann, Phillips, Quinn, Seaton, Suter, Tinkle, Wagy, and Ward. 28

Noes—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 741

Senator McBride moved that Senate Bill No. 741 be withdrawn from Committee on Business and Professions, and referred to Committee on Natural Resources.

Motion carried.

RESOLUTIONS

The following resolutions were offered:

By Senator Tinkle:

Senate Resolution No. 64

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation opposite her name, per annum, beginning March 26, 1941, and the appointment is hereby affected to date her appointment is taken at the remainder period for the same respective amount, and the Treasurer is hereby directed to pay the same:

See Page
per week
\$5.00

Frieda Sherman, Stenographer

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Buggay, Brown, Brown, Cannon, Coffey, Cunningham, DeLong, Wood, Dillinger, Fletcher, Foley, Gorman, Harris, Jorgensen, Jones, Koser, Mayo, McElhinne, McCormack, Metzger, Mixer, Parmann, Phillips, Quinn, Seaton, Suter, Tinkle, Wagy, and Ward. 30

Noes—None.

By Senator Collier:

Senate Resolution No. 65

Relative to the one hundredth birthday of Abbie Ann Green—
Centennial Pioneer

WHEREAS, Abbie Ann Jones, born to Joseph W. and Abnera Jones at Tipton, Vermont, on March 26, 1841, at the termination of one hundred complete years of life, which has been crowned upon the same with wisdom and achievement; her marriage to Orono Yarnall Green on May 16, 1861; the birth of her daughter, Angie Alta, now Mrs. J. H. Adams, in Boone County, Illinois, on March 24, 1862; a trip West across the plains in 1866; having been the youngest of a young woman of 22 years, drove a team of heavy animals in a heavy winter time; the birth of a son, Charles H. Green, on September 12, 1868; her husband's arrival in Oro Fino; settlement at Crystal Creek where she resided until she made her present home at Etna—a life which has been rife with a succession of wonderful experiences throughout the entire century; and

WHEREAS, Now that she is approaching the century mark, though confined to a wheel chair, Ma Green, as she is known to all her friends, yet retains a mind keenly alert to matters both past and present, and maintains the pleasant spirit of hospitality ever present in her home; and

WHEREAS, It is a tribute to the hardy life of our Californian pioneers that Abbie Ann Green enjoys the mellow age of 100 years of life; now, therefore, be it

Resolved by the Senate, That this Senate and through it the people of the State of California express to Abbie Ann Green their sincere felicitations upon the attainment of her one hundredth birthday and the long long life as a Centennial pioneer, and every good wish that many more years will crown her life, so well lived; and be it further

Resolved, That a suitable expressed copy of this resolution be sent by the Secretary of the Senate to Abbie Ann Green.

Resolution read and adopted.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Hays moved that Assembly Bill No. 1614 be taken from the inactive file, and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill No. 748—An act to amend Section 670 of the Fish and Game Code, relating to sale of canned salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Mayo, Phillips, Powers, Quinn, Rich, Shelley, Slater, Tickle, and Wagy—23.

NOES—Senators Metzger, and Seawell—2.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 34—Relative to memorializing the President and the Congress in connection with legislation to provide marine hospitalization for fishermen.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 84—An act to amend Sections 2787 and 2810 of the Civil Code, relating to sureties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Tickle, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 85—An act to amend Sections 3147 and 3150 of the Civil Code, relating to negotiable instruments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Deuel, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Tickle, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 639—An act to amend Section 1 of "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for

traveling expenses," approved Mar. 14, 1941, relating to the Commission on Uniform State Laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Brown, Carson, Delany, Deane, Delany, Delany, Delany, Gordon, Hayes, Jorgensen, Judith, Kanning, Kerner, Mayo, McBride, McCann, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seward, Shellen, Slater, Swan, Tickle, and Wagdy. 28.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 47—An act to amend Sections 337b, 337c, 337d and 337e of, and to add Section 337f to, the Penal Code, relating to crimes in connection with sporting events, contests and exhibitions including horse racing, baseball, football, boxing and wrestling, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carson, Christensen, Delany, Deane, Delany, Delany, Gordon, Hayes, Jorgensen, Judith, Kanning, Kerner, Mayo, McBride, McCann, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seward, Shellen, Slater, Swan, Tickle, and Wagdy. 28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carson, Christensen, Delany, Deane, Delany, Delany, Delany, Gordon, Hayes, Jorgensen, Judith, Kanning, Kerner, Mayo, McBride, McCann, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seward, Shellen, Slater, Swan, Tickle, and Wagdy. 29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2005—An act to amend School Code Section 3.23, relating to the maintenance of public school classes on Saturday and declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carson, Collier, Christensen, Delany, Deane, Delinger, Fletcher, Foley, Gordon, Hayes, Jorgensen, Judith, Kerner, Mayo, McBride, Metzger, Meyer, Parkman, Phillips, Powers, Rich, Seward, Shelley, Slater, Swan, Tickle, Wagdy, and Ward. 29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carson, Collier, Christensen, Delany, Deane, Delinger, Fletcher, Foley, Gordon, Hayes, Jorgensen, Judith, Kerner, Mayo, McBride, Metzger, Meyer, Parkman, Phillips, Powers, Rich, Seward, Shelley, Slater, Swan, Tickle, Wagdy, and Ward. 31.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1234

Senator Shelley moved that Senate Bill No. 1234 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1053

Senator Phillips moved that Senate Bill No. 1053 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1053—An act to amend Sections 16902, 16904 and 16905 of the Business and Professions Code, or to amend Sections 1 and 1½ of an act entitled "An act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand or name," approved May 8, 1931, as amended, also known as the "Fair Trade Act." Relating to the protection of trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles under a distinguishing trade-mark, brand or name.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments.

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "16904 and 16905", and insert "16903 and 16904 and to repeal Section 16905"

Amendment No. 2

In lines 2 and 3 of the title of the printed bill, strike out "and 14", and insert "1½, and 6".

Amendment No. 3

On page 2 of the printed bill, between lines 8 and 9, insert

"SEC. 1.5. Section 16903 of the Business and Professions Code is hereby amended to read as follows:

16903. All the provisions of this chapter extend to any commodity sold through vending equipment, if such vending equipment bears the trade-mark, brand or name of the producer or owner of the commodity, and if the commodity is in fair and open competition with commodities of the same [general] class produced by others."

Amendment No. 4

On page 2 of the printed bill, between lines 22 and 23, insert

"SEC. 2.5. Section 16906 of the Business and Professions Code is hereby repealed."

Amendment No. 5

On page 3, line 14, of the printed bill, strike out "SIGNATORY PARTIES", and insert "signatory parties".

Amendment No. 6

On page 3 of the printed bill, between lines 15 and 16, insert

"SEC. 4.5. Section 6 of the act cited in the title hereof, known as the Fair Trade Act, is hereby amended to read as follows:

Sec. 6. All the provisions of this act shall extend to any commodity sold through vending equipment [. If] if such vending equipment bears the trade-mark, brand

or name of the producer or owner of such commodities and of such commodities, in a fair and open competition with commodities of the same (general) class produced by others."

Amendment No. 7

On page 3, line 16, of the printed bill, strike out "and 2", and insert "1.5, 2 and 2.5".

Amendment No. 8

On page 3, line 20, of the printed bill, strike out "and 3", and insert "4 and 4.5".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1054

Senator Phillips moved that Senate Bill No. 1054 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1054. An act to amend Sections 17001, 17002, 17023, 17076, 17079 and 17044 of the Business and Professions Code, or to amend Sections 3, 5, 10 and 11 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including less-better selling when not declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enforce unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, as amended, relating to unfair practices.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

PRINTERS' NOTE. There being no 7 point printed type available, the corrections which should appear in STRIKEOUT type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 2 of the title of the printed bill, strike out "and 17044 of," and insert "17043, 17070, 17071, and to amend Sections 17061, 17072, 17073, 17078, 17079, 17080, 17081, 17082, 17083, 17084, 17085, 17086, 17100 and 17101 of" and repeal Sections 17072, 17081, 17082 and 17100 to."

Amendment No. 2

In line 3 of the title of the printed bill, strike out "3, 5, 10 and 11," and insert "2, 3, 5, 10, 11 and 13, and to repeal Section 9."

Amendment No. 3

In line 11 of the title of the printed bill, after "amended," insert "and to repeal Section 5 of an act entitled 'An act to amend the true and Sections 3, 10, 15 and 17 of the Unfair Practices Act, and adding Sections 6.1 and 15.1 thereto, relating to Unfair Trade Practices,' approved May 19, 1939."

Amendment No. 4

On page 1, line 5, of the printed bill, strike out "the creation or perpetration of"

Amendment No. 5

On page 2 of the printed bill, between lines 31 and 32, insert

"Sec 6.1. Section 17051 of the Business and Professions Code is hereby repealed.

SEC. 6.2. Section 17070 of the Business and Professions Code is hereby amended to read as follows:

17070. Any person [or trade association] *actually and specially damaged* may bring an action to enjoin and restrain any violation of this chapter and, in addition thereto, for the recovery of [special] *his actual damages*.

SEC. 6.3. Section 17071 of the Business and Professions Code is hereby amended to read as follows:

17071. (a) In all actions brought under this chapter [proof of] one or more acts of selling [or giving away] any article or product below cost or at discriminatory prices, together with [proof of] the injurious effect of such acts, [is presumptive evidence of the purpose or intent to injure competitors or destroy competition] *must be proved*.

(b) *In any injunction proceeding, as in the prosecution of any person under this chapter, the intent to violate this chapter must be proved.*

(c) *In both proceedings and prosecutions the presumption of innocence shall redound to the defendant.*

SEC. 6.4. Section 17072 of the Business and Professions Code is hereby repealed, and a new Section 17072 is added to said code, to read as follows:

17072. So-called "cost surveys" and other hearsay evidence are not admissible in evidence in any action, proceeding, or prosecution brought under this chapter.

SEC. 6.5. Sections 17073, 17078, 17079 and 17080 of the Business and Professions Code are hereby repealed.

SEC. 6.6. Section 17081 of the Business and Professions Code is hereby repealed, and a new Section 17081 is hereby added to said code, to read as follows:

17081. No temporary restraining order shall be issued without notice, and a bond shall be required of the plaintiff in such amount as the court may fix before such restraining order may be issued.

SEC. 6.7. Section 17082 of the Business and Professions Code is hereby repealed, and a new Section 17082 is hereby added to said code, to read as follows:

17082. (a) The established rules and procedure of courts of equity shall apply to all injunction proceedings under this act.

(b) All preliminary and permanent injunctions shall enjoin only acts alleged and proved.

SEC. 6.8. Sections 17083, 17084, 17085 and 17096 of the Business and Professions Code are hereby repealed.

SEC. 6.9. Section 17100 of the Business and Professions Code is hereby repealed, and a new Section 17100 is hereby added to said code, to read as follows:

17100. (a) Any person who shall wilfully and knowingly violate Section 17045 of this code is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not exceeding six months or by both such fine and imprisonment, in the discretion of the court.

(b) Any person who shall wilfully and knowingly violate any provision of this chapter except Section 17045 of this code, for the purpose of injuring competitors and destroying competition and for personal profit shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100).

SEC. 7. Section 17101 of the Business and Professions Code is hereby repealed."

Amendment No. 6

On page 2 of the printed bill, strike out lines 32 to 35, inclusive, and insert

"SEC. 7.5. The preceding sections of this act shall take effect only if the Unfair Practices Act is repealed and its provisions incorporated into the Business and Professions Code by the Fifty-fourth Legislature at its regular session.

SEC. 7.7. Section 2 of the act cited in the title hereof, known as the Unfair Practices Act, is hereby amended to read as follows:

Sec. 2. Any person who, either as director, officer, or agent of any firm or corporation or as agent of any person, violating the provisions of this act, assists or aids, directly or indirectly, in such violation shall be responsible therefor equally with the person, firm or corporation for whom or which he acts.

[In the prosecution of any person as officer, director or agent, it shall be sufficient to allege and prove the unlawful intent of the person, firm or corporation for whom or which he acts.]

Amendment No. 7

On page 2 of the printed bill, strike out lines 38 to 52, inclusive; and on page 3, strike out lines 1 to 3, inclusive, and insert

"SEC. 3. (a) It shall be unlawful for any person engaged in business within this State to sell any article or product at less than the cost thereof to such vendor for the purpose of injuring competitors or destroying competition.

(b) The term "cost" as applied to production is hereby defined as including the cost of raw materials and labor. "Cost" shall mean the invoice or replacement cost, whichever is lower, of the article or product to the distributor and vendor without including any advertising, selling, or other cost of doing business."

Amendment No. 8

On page 3 of the printed bill, between lines 46 and 47, insert:

"SEC. 9.5. Section 9 of the act cited in the title herein, known as the Unfair Practices Act, is hereby repealed."

Amendment No. 9

On page 4, line 2, of the printed bill, strike out the comma, and insert a period.

Amendment No. 10

On page 5 of the printed bill, between lines 47 and 48, insert:

"SEC. 11.1. Section 13 of the act cited in the title hereof, known as the Unfair Practices Act, is hereby amended to read as follows:

"SEC. 13. The Legislature declares that the purpose of this act is to safeguard the public against [the creation or perpetuation of] monopolies and to foster and encourage competition by prohibiting unfair, predatory, monopolistic, and fraudulent [and discriminatory] practices by which one or more competitors [are injured or preferred]. This act shall be liberally construed that its essential purposes not be subserved."

"SEC. 11.2. Section 5 of the act entitled 'An act to amend the title and Sections 5, 10, 15 and 17 of the Unfair Practices Act and adding Sections 4.0 and 13.1 thereto, relating to unfair trade practices,' approved May 13, 1939, is hereby repealed."

Amendment No. 11

On page 5 of the printed bill, between lines 48 and 49, insert:

"SEC. 12. Sections 7.7, 8, 9, 9.5, 10, 11, 11.1 and 11.2 of this act shall take".

Amendments read and adopted.

Bill ordered printed, and referenced to Committee on Business and Professions.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1052—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the Authority, authorizing the Authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports, providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act, appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein, declaring this act to be an urgency measure and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Critchfield, Cunningham, DeLan, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jorgenson, Judah, Kesting, Lusk, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Wagy—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Critchfield, Cunningham, DeLan, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jorgenson, Judah, Kesting, Lusk, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1181—An act to add Section 372.5 to the Agricultural Code, relating to reports by railroad corporations as to animals killed by trains.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Wagy—51.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Cunningham Presiding

At 3.43 p.m., Hon. R. R. Cunningham, of the Twenty-seventh District, presiding.

Senate Bill No. 258—An act to amend Section 366 of the Agricultural Code, relating to live stock inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 652—An act to add Section 334.5 to the Agricultural Code, relating to the branding of live stock.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 653—An act to amend Section 336 of the Agricultural Code, relating to live stock brands.

Bill read third time.

Motion to Amend

Senator Powers moved the adoption of the following amendment:

Amendment No. 1

On page 2, lines 10 and 11, of the printed bill, strike out "Immediate notice of errors in branding must be furnished to the director."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 654—An act to amend Section 344 of the Agricultural Code, relating to live stock inspection.

Bill read third time.

Senate Bill No. 123—An act to repeal School Code Section 2.1095 and to add Section 2.998 to said code, both relating to the traveling expenses of governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, and Swan—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 175—An act to amend Section 6.36 of the School Code, relating to the powers and duties of the governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Swan, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314—An act to add Section 6.231 to the School Code, relating to the sale of textbooks by governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 786—An act to amend School Code Section 3.712, relating to the study of the Constitution of the United States.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 915—An act to amend Sections 5.500 and 5.501 of the School Code, relating to persons employed by school districts in positions requiring certification qualifications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham, Delap, Denel, Foley, Gordon, Jorgensen, Judah, Kenting, Kenny, Maye, McCormick, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, and Wags—26.
 NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 120—An act to amend Section 4109 of the Revenue and Taxation Code, relating to property taxation, the subscription of property, and the payment of delinquent taxes in installments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham, Delap, Denel, Foley, Gordon, Jorgensen, Judah, Kenting, Kenny, Maye, McCormick, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, and Wags—26.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 179—An act to repeal Section 701, and to amend section and renumber Section 701.5 to be 701, of the Fish and Game Code, relating to crabs, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause.

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham, Delap, Denel, Dillingham, Fletcher, Foley, Gordon, Hays, Jorgensen, Judah, Kenting, Kenny, Maye, McCormick, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, and Wags—26.
 NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham, Dillingham, Fletcher, Foley, Gordon, Hays, Jorgensen, Judah, Kenting, Kenny, McCormick, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, and Wags—27.
 NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 312—An act to add Section 802.5 to the Fish and Game Code, relating to abalones in Marin County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham, Delap, Denel, Dillingham, Fletcher, Foley, Gordon, Hays, Jorgensen, Judah, Kenting, Kenny, Maye, McCormick, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, and Wags—27.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412—An act to amend Section 62.5 of the Fish and Game Code, relating to Fish and Game District 1½.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Cunningham, Delap, Denel, Dillingham, Fletcher, Foley, Gordon, Jorgensen, Judah, Kenting,

Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, and Wagy—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414—An act to repeal Section 290.5 of the Fish and Game Code, relating to application of other laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelly, Slater, Swan, and Wagy—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 469—An act to amend Section 1157 of the Fish and Game Code, relating to closing of areas to hunting.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, and Swan—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508—An act to amend School Code Section 5.352, relating to fees for life diplomas issued by the State Board of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 519—An act to repeal Sections 424, 425 and 426 of and to add Sections 407, 408 and 409 to the Fish and Game Code, relating to license agents, compensation for sale and bonding of agents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Mayo moved to reconsider the vote whereby Senate Bill No 40 was passed.

The roll was called, and the late schedule Senate Bill No. 391 was passed, was reconsidered by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Coffman, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jessup, Keith, Kennedy, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Rich, Seawell, Senter, Swan, and Ward—27.
 NOES—None.

Bill ordered to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 313—An act to amend Section 810 of, and to add Section 810.5 to, the Fish and Game Code, relating to nature.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Coffman, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Hays, Jessup, Keith, Kennedy, Luckey, Mayo, Mixter, Myhand, Parkman, Rich, Seawell, Senter, Swan, and Ward—27.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411—An act to amend the heading of Article 4 of Chapter 1 of Part 2 of Division 4 and Sections 484 and 485 of the Fish and Game Code, relating to help and other accessory plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Coffman, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jessup, Keith, Kennedy, Luckey, Mixter, Myhand, Parkman, Rich, Seawell, Senter, Swan, and Ward—27.
 NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Re-refer Senate Bill No. 1292

Senator Rich moved that Senate Bill No. 1292 be reconsidered by Committee on Rules.

Motion carried.

Senate Bill No. 152—An act to amend Section 2007 of, and to add Section 2007.5 to, the Welfare and Institutions Code, relating to act to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Coffman, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jessup, Keith, Kennedy, Luckey, Mayo, Mixter, Myhand, Parkman, Rich, Seawell, Senter, Swan, and Ward—29.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 560—An act to add Chapter 7, comprising Sections 7300 to 7310, inclusive, to Part 4 of Division 6 of the Welfare and Institutions Code, relating to the establishment and maintenance of an Acute Neuropsychiatric Hospital, creating a board of trustees therefor, and providing for the powers and duties of the Department

of Institutions and The Regents of the University of California in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1001—An act to amend Section 4534 of the Elections Code, relating to campaign statements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Wag, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 684—An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties, or districts," approved July 1, 1937, relating to capital outlays by cities, counties, cities and counties, or districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Wag, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 420—An act to amend Section 862.2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to sales and conveyances of real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Hays, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Wag, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 982

Senator Swan moved that Senate Bill No. 982 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 982—An act to amend Section 1576 of the Penal Code, relating to State prisons and the powers and duties of the State Board of Prison Directors in connection therewith.

Bill read second time.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

PRINTER'S NOTE: There being no 7 point condensed type available, the manuscript which should appear in smallest type in the following amendments is printed in being included in brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1576" and insert "Sections 1576, 2049 and 2523".

Amendment No. 2

On page 2, line 6, of the printed bill, after "directors", insert ", or any officer or employee designated by them."

Amendment No. 3

On page 2 of the printed bill, after line 23, insert:

"Sec. 2. Section 2049 of said code is hereby amended to read as follows:

2049. The board, or any officer or employee designated by it, shall audit all claims for supplies, services and expenses and any and all other claims against the prisons.

Sec. 3. Section 2523 of said code is hereby amended to read as follows:

2523. The board shall fix the compensation of each officer and employee of the prisons which shall include a cash allowance for board and lodging not to exceed shall the money compensation, exclusive of the cash allowance for board and lodging be less than one hundred ten dollars (\$110) per month. The board may board and lodge such officers and employees, or allow them to be compensated, in the hospital. These shall be deducted from the cash allowance of the officers and employees of the prison the value of any board, lodging, services or supplies rendered or sold to each such officer or employee. A 4% deduction for board and lodging shall be added to the cash allowance therefor.

Sec. 4. Sections 2 and 3 of this act shall have effect only if a bill entitled "An act to repeal Part 3, except Sections 1205 to 1209, inclusive, of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 171c, 171d, 171e, 171f, 171g, 171h, 171i, 171j, 171k, 171l, 171m, 171n, 171o, 171p, 171q, 171r, 171s, 171t, 171u, 171v, 171w, 171x, 171y, 171z, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000" shall have effect, at which time Section 1776 of the Penal Code as provided by this act is hereby repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 1234—An act to amend Sections 2, 3, 12, 12a, 19, 21a, 28, 46, 49 and 127 of the Bank Act, and to add Section 55 and Division 45, comprising Sections 11005 to 11013, inclusive, to the Bank Act, relating to industrial banks.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 7 of the printed bill, at the end of line 35, insert "industrial bank."

Amendment No. 2

On page 7 of the printed bill, at the end of line 46, insert "industrial bank."

Amendment No. 3

On page 8, line 1, of the printed bill, strike out "Division 4.5", and insert "Article 4.5".

Amendment No. 4

On page 8, line 4, of the printed bill, strike out "Division 4.5", and insert "Article 4.5".

Amendment No. 5

On page 8, line 13, of the printed bill, strike out "Twenty-five thousand dollars (\$25,000)", and insert "Fifty thousand dollars (\$50,000)".

Amendment No. 6

On page 8, line 16, of the printed bill, strike out "Fifty thousand dollars (\$50,000)", and insert "Seventy-five thousand dollars (\$75,000)".

Amendment No. 7

On page 8 of the printed bill, strike out lines 31 and 32.

Amendment No. 8

On page 8, line 37, of the printed bill, strike out "merged", and insert "converted".

Amendment No. 9

On page 8, line 46, of the printed bill, strike out "merger", and insert "conversion".

Amendment No. 10

On page 8, line 48, of the printed bill, strike out "merger", and insert "conversion".

Amendment No. 11

On page 9, line 17, of the printed bill, strike out "and merged".

Amendment No. 12

On page 9 of the printed bill, beginning in line 23, strike out "in the form and manner required by and subject to the provisions of Section 127 of this act", and insert "which shall specifically state: (1) the name by which the industrial bank is to be known, (2) the place where its business is to be transacted, (3) the amount of its capital stock and the number of shares into which such capital stock shall be divided, (4) the term of its existence, which may be perpetual, and (5) the number of its directors."

Amendment No. 13

On page 9, line 41, of the printed bill, strike out "division", and insert "article".

Amendment No. 14

On page 9, line 44, of the printed bill, strike out "division", and insert "article".

Amendment No. 15

On page 9, line 48, of the printed bill, between the words "act" and "and", insert "it shall file an application in the same manner as is provided by Section 127 of this act".

Amendment No. 16

On page 9, line 50, of the printed bill, strike out "corporate existence of".

Amendment No. 17

On page 9 of the printed bill, beginning in line 51 and continuing to line 1 on page 10, strike out "merged into that of said" and insert "an".

Amendment No. 18

On page 10, lines 3 and 4, of the printed bill, strike out "the effect of such merger shall be the same as specified in".

Amendment No. 19

On page 10, lines 7, 8 and 9, of the printed bill, strike out "are hereby expressly made applicable to such merged industrial loan companies and the stockholders thereof", and insert "shall apply to the said industrial loan company and industrial loan bank and the stockholders thereof in the same manner and as fully as if said merger had been effected."

Amendment No. 20

On page 10 of the printed bill, strike out lines 16 to 43, inclusive, and insert "Sec. 110.11. An industrial bank shall, subject to restrictions and limitations contained in this act, have all the powers herein enumerated and the general powers conferred by law upon general corporations organized under the laws of the State of California, and in addition thereto shall have the following powers:

(1) To issue certificates of deposit subject to the rules and regulations adopted by the Federal Deposit Insurance Corporation for banks subject to Federal Deposit Insurance.

(2) To sell or negotiate choses in action either in certificates or in certificates in receipt book form for the payment of money at any time either fixed or uncertain, and to receive payment therefor in installments or otherwise with or without an allowance of interest upon such installments. Such choses in action shall be designated as "Thrift Accounts" or "Thrift Certificates" or "Thrift Pass Books" or "Installment Investment Certificates."

(3) To make loans secured by real or personal property, or otherwise, or on notes signed by one or more persons.

(4) To deal in commercial paper, including trust receipts.

(5) To discount bills, notes, trust receipts and commercial paper of all kinds.

(6) To accept drafts or bills of exchange drawn on said bank, subject to the restrictions of Subdivision 4 of Section 80 of this act which are hereby made applicable to industrial banks.

(7) To purchase, hold or sell bonds or securities of classes specified in Subdivisions 5 and 6 of Section 61 of this act.

(8) To pay regular depositors, when requested by them, by draft upon deposits to their credit with other banks and change present coin of exchange for such drafts.

(9) To invest in property necessary for the carrying on of its business in the same manner as is herein provided for industrial banks by Section 84 of this act, which said provisions are hereby made applicable to industrial banks.

(10) To carry accounts subject to withdrawal by check.

Amendment No. 21

On page 10 of the printed bill, strike out lines 44 to 51, inclusive, and on page 11, strike out lines 1 to 36, inclusive, and insert:

"Sec. 110.12. No industrial bank shall:

(1) Make any loan which is not repayable in installments for a longer term than 90 days, nor renew any such loan for more than two additional periods of 90 days each.

(2) Make any installment loan for a longer period than 24 months, except when secured by real estate or when made under or by virtue of the Federal Housing Administration or other Federal agency.

(3) Deposit any of its funds with any other banking corporation, unless the other corporation has been designated as the depository by a vote of a majority of the directors of the industrial bank, exclusive of any director who is an officer, director, or trustee of the depository so constituted, and unless the bank in which the deposit is made has been designated as a depository by the Superintendent of Banks.

(4) Make any loan contrary to the provisions of Section 81 of this act which are hereby made expressly applicable to industrial banks.

(5) Make loans except to the extent and subject to the same limitations as are specified and prescribed in Sections 80 and 80.1 of this act, which said sections are hereby made applicable to industrial banks.

(6) Make a loan, directly or indirectly, upon the security of real estate.

(a) Except as provided in Section 47 of this act which is hereby made applicable to industrial banks.

Every mortgage or deed of trust and every assignment of a mortgage or deed of trust taken or held by such industrial bank shall immediately be recorded in the office of the recorder or other proper recording office of the county in which the real estate described in the mortgage or deed of trust is located."

Amendment No. 22

On page 11, line 38, of the printed bill, strike out "savings", and insert "demand and time".

Amendment No. 23

On page 11, line 40, of the printed bill, strike out "savings", and insert "commercial".

Amendment No. 24

On page 11 of the printed bill, between lines 40 and 41, insert:

"All of the general provisions of this act except as otherwise in this act provided shall apply to industrial banks."

Amendment No. 25

In lines 2 and 3 of the title of the printed bill, strike out "Division", and insert "Article".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 24, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 829

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

BIGGAR, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1200
 Assembly Bill No. 1202
 Assembly Bill No. 1348
 Assembly Bill No. 141
 Assembly Bill No. 790
 Assembly Bill No. 1087
 Assembly Bill No. 259
 Assembly Bill No. 2049
 Assembly Bill No. 121
 Assembly Bill No. 1224

Assembly Bill No. 1225
 Assembly Bill No. 1226
 Assembly Bill No. 1227
 Assembly Bill No. 24
 Assembly Bill No. 401
 Assembly Bill No. 1201
 Assembly Bill No. 2004
 Assembly Bill No. 882
 Assembly Bill No. 1404

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 968
 Assembly Bill No. 969
 Assembly Bill No. 163
 Assembly Bill No. 847

Assembly Bill No. 313
 Assembly Bill No. 1944
 Assembly Bill No. 907
 Assembly Bill No. 235

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 257
 Assembly Bill No. 377
 Assembly Bill No. 933
 Assembly Bill No. 2050
 Assembly Bill No. 2487
 Assembly Bill No. 2274

Assembly Bill No. 1583
 Assembly Bill No. 867
 Assembly Bill No. 36
 Assembly Bill No. 1316
 Assembly Bill No. 1388

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1200—An act to add a new section to the Elections Code, to be numbered 7803.1, relating to the canvass of absent voters' ballots.

Referred to Committee on Elections.

Assembly Bill No. 1202—An act to add Section 7799 to Article 1 of Chapter 6 of Division 9 of the Elections Code, relating to the counting and canvassing of absent voter ballots by the registrar of voters.

Referred to Committee on Elections.

Assembly Bill No. 1348—An act to amend Section 559 of the Agricultural Code, relating to aerophilus milk.

Referred to Committee on Agriculture.

Assembly Bill No. 141—An act to amend Sections 6526, 6585, 6586, 6604 and 6618 of the Business and Professions Code, relating to the practice of barbering.

Referred to Committee on Business and Professions.

Assembly Bill No. 790—An act to amend Section 12409 of the Business and Professions Code, relating to bushel weights.

Referred to Committee on Business and Professions.

Assembly Bill No. 1087—An act to amend Section 120 of the Agricultural Code, relating to nursery licenses.

Referred to Committee on Agriculture.

Assembly Bill No. 259—An act to amend Section 635 of the Agricultural Code, relating to equipment used in the pasteurization of milk.

Referred to Committee on Agriculture.

Assembly Bill No. 2049—An act to add Section 65 to the Alcoholic Beverage Control Act, relating to the age of whiskey sold at retail.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 121—An act to add Section 30 to an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, relating to the disposition of records, maps, books and papers.

Referred to Committee on Local Government.

Assembly Bill No. 1224—An act to add Section 17 of an act entitled "An act to establish courts in cities of the second class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to extra sessions of such police courts.

Referred to Committee on Local Government.

Assembly Bill No. 1225—An act to amend Section 6 of "An act to establish police courts in cities of the second class, to fix their jurisdiction, to provide for officers of said court, to fix compensation of certain officers," approved March 23, 1901, relating to police courts in cities of the second class, the term of office of clerk, providing for assistant clerks, and relating to payment of fines, forfeitures, penalties and moneys deposited as bail.

Referred to Committee on Local Government.

Assembly Bill No. 1226—An act to amend Section 103k of the Code of Civil Procedure, relating to justices' clerks, assistant clerks and payment of fines, forfeitures, penalties or moneys deposited as bail in justice courts of cities of the second class.

Referred to Committee on Local Government.

Assembly Bill No. 1227—An act to add Section 103m to the Code of Civil Procedure, relating to extra sessions of justices courts in cities of the second class.

Referred to Committee on Local Government.

Assembly Bill No. 24—An act to add Section 21.5 to the Municipal Court Act of 1925, relating to departments of the municipal court in cities of the first and one-half class, including judges and attaches thereof.

Referred to Committee on Local Government.

Assembly Bill No. 401—An act to add Section 1263.1 to the Agricultural Code, relating to loans and advances by licensed commission merchants and dealers.

Referred to Committee on Agriculture.

Assembly Bill No. 1201—An act to amend Section 7805 of the Elections Code, relating to challenges of absent voters.

Referred to Committee on Elections.

Assembly Bill No. 2064—An act to add a new section to the Vehicle Code, to be numbered 410.3, relating to the financial responsibility of an employee.

Referred to Committee on Transportation.

Assembly Bill No. 882—An act to amend Section 1083.1 of the Agricultural Code, relating to commercial feeding stuffs licenses, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1404—An act to amend Sections 5050.5, 5057, 5058, 5090, 7031, 7088 and 9031 of, and to add Section 5090.2 to, the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 968—An act to amend Section 7694 of the Business and Professions Code, relating to funeral directing and embalming.

Referred to Committee on Business and Professions.

Assembly Bill No. 969—An act to amend Sections 7686.5, 7695, 7697, 7716, 7718 of the Business and Professions Code, relating to funeral directing and embalming.

Referred to Committee on Business and Professions.

Assembly Bill No. 163—An act to amend Sections 342 and 367 of the Agricultural Code, relating to live stock marks and brands.

Referred to Committee on Agriculture.

Assembly Bill No. 847—An act to amend Section 395 of the Military and Veterans Code, relating to absence of public employees on military or naval duty and payment of their salaries.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 313—An act to amend School Code Section 2 21, relating to the interdistrict attendance of pupils of the public schools.

Referred to Committee on Education.

Assembly Bill No. 1944—An act to amend Sections 3 422, 3 460 and 3 480 of, and to repeal Section 3 482 of the School Code, all relating to evening schools and special day and evening classes.

Referred to Committee on Education.

Assembly Bill No. 907—An act to amend School Code Sections 5 822, 5 854, 5 872 and 5 876, and to add Section 5 872.1 to the School Code, all relating to the California State Teachers' Retirement System.

Referred to Committee on Education.

Assembly Bill No. 235—An act to amend Section 4 974 of the School Code, relating to school bonds.

Referred to Committee on Education.

Assembly Bill No. 257—An act to amend Section 552 of the Agricultural Code, relating to skim milk.

Referred to Committee on Agriculture.

Assembly Bill No. 377—An act to amend Sections 925 and 1008 of the Penal Code, relating to accusations against district, county, township or municipal officers.

Referred to Committee on Judiciary.

Assembly Bill No. 933—An act to amend Section 422 of the Probate Code, relating to order of priority of right to letters of administration.

Referred to Committee on Judiciary.

Assembly Bill No. 2050—An act providing for Citizenship Day and the observance thereof.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2487—An act to amend Section 1203.4 of the Penal Code, relating to probation.

Referred to Committee on Judiciary.

Assembly Bill No. 2274—An act to amend Section 4 of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a Civil Service Commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relative to circulation of petitions.

Referred to Committee on Local Government.

Assembly Bill No. 1583—An act to amend Section 155 of the State Civil Service Act, relating to reinstatements.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 867—An act to repeal Chapter 846, Statutes of 1927, authorizing the issuance of leases in San Diego County.

Referred to Committee on Judiciary.

Assembly Bill No. 36—An act to amend Section 4238 of the Political Code, relating to county officers in counties of the ninth class.

Referred to Committee on Local Government.

Assembly Bill No. 1316—An act to amend Section 669 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools in detention homes.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1388—An act providing for the creation of county treasurers' cash difference funds and overage funds in the counties of the State.

Referred to Committee on Local Government.

ADJOURNMENT

At 5.37 p.m., on motion of Senator Rich, the presiding Senator declared the Senate adjourned until 2 p.m., March 27, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-FIFTH LEGISLATIVE DAY

EIGHTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, March 27, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding

Secretary J. A. Beek at the desk

ROLL CALL

The roll was called, and the following answered to their names:

Senators Dillinger, Gordon, Jorgensen, McBride, McCormack, Seawell, Slater, Swan, Swing, Tinkle and Wagy. 11

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.02 p.m.

The President directed the Sergeant-at-Arms to *close the doors*, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE

DISPENSED WITH

At 2.15 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Carter, Collier, Crittendon, Cunningham, DeLong, Deneel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Keating, Kenny, Langer, Mayo, McBride, McCormack, Menger, Meyer, Mohand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tinkle, Wagy, and Ward. 26

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuchel, on motion of Senator Seawell.

Senator Breed, on motion of Senator Seawell.

Senator Judah, on motion of Senator Biggar.

Senator Luckey, on motion of Senator Swan.

Senator Jespersen, on motion of Senator Dillinger.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Swan and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thelma A. Missner, John Sollberg and Wendall M. Moore, all of Oakland.

On request of Senators Swan and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. M. Dulin of Beverly Hills.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sonoma County Recorder Herbert B. Snyder, Wallace McPhee and William E. Healey, Jr., all of Santa Rosa.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nellie Stineman of Oakland.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Larry Holzman, Manager, San Diego Wholesale Credit Men's Association of San Diego.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Joseph Alcorn of Merced County.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wallace Park and Mackey O'Neil, both of Gardnerville, Nevada.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss P. Sifford, teacher, and the following members of the California Scholarship Federation, Chapter 41, Stockton High School: Jack Dyhre, Daven Gipner, Pete Spanos, Stanley A. Wright, Jean Stegeman, Lena Bacigalupi, Olga Billones, Louis Costanza, Ernest Ware, Jeanette Morrison, Betty Hogan, David Connelly, Reed Robbins, Ed Sanderson, Richard Barnett, Satomi Chikaraichi, Emiko Ito, Nobuko Takahashi, Russell Smith, Robert De Vere, Charles Gulick, Mary Virginia Pond, Winifred Parkinson, Annette Anderson, Beverly Jane Barth, Janet Gallagher, Jeanne Fayette, Mabel Fuller, Aloha Ohm, Seymour Sweet, Sargeant Littlehale, Rose Fong, Constance Choy, Doris Fong, Angelina Bantillo, Shirley Lowe, Kiyoko Matsuoka, Roberta Fletcher, John Waddell, Dorothy Sattui, Marlys Swensen, Kay Ladas, Jean Herring, Ava June Colliver, Carl Rothenbush, Toshiko Iwata, Fumi Iwata, Satom Uyekubo, Lawrence Germain, Stark Pister, Helen Boren, Anita Harris, Iris Scribner, Alan Barnes, Bill McKee, Dick Erickson, Daniel Train, Warren Noteware, Tom Shepherd, David Stanford, Jack Wickware, Jesus Sanchez, Herta Silzer, Ethel De Stefani, Laura Remonda and Natalie Passadore.

MOTION TO GRANT LEAVE OF ABSENCE

Senator Rich moved that Senator Ray W. Hays, a member of the Senate, be granted leave of absence for the remainder of the session.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Dillinger moved that Senate Bill No. 863 be placed on the inactive file.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 545

Senator Phillips moved that Senate Bill No. 545 be withdrawn from Committee on Public Utilities, and referred to Committee on Water Resources.

Motion carried.

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS (OUT OF ORDER)**

Senate Bill No. 653.—An act to amend Section 336 of the Agricultural Code, relating to live stock brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Biggar, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Mayo, McBride, McCormack, Phillips, Powers, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward. 21.

NOES.—None.

Bill ordered transmitted to the Assembly.

Senator Quinn Presiding

At 2:23 p.m., Hon. Irwin T. Quinn, of the Third District, presiding.

Senate Bill No. 1056.—An act to amend Sections 347 and 363.2 of the Agricultural Code, relating to live stock sold or slaughtered without consent of the owner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward. 26.

NOES.—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 142.—An act to amend Section 862a of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to organization, incorporation and government of cities of the sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, McBride, McCormack, Metzger, Mixer,

Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 687—An act to amend Section 16f of the Bank Act, relating to adverse claims to bank deposits and the contents of safe deposit boxes standing in the name of one other than the claimant and to add two new Sections, Sections 539a and 682a to the Code of Civil Procedure, relating to the attachment of and the levy of execution upon bank accounts and the contents of safe deposit boxes standing in the name of one other than the defendant or judgment debtor.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out "TO AMEND THE TITLE OF THE BANK ACT AND TO AMEND SECTION 1 OF THE BANK ACT AND".

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 3 to 17, inclusive.

Amendment No. 3

On page 1, line 18, of the printed bill, strike out "SEC. 3.", and insert "SECTION 1."

Amendment No. 4

On page 2 of the printed bill, commencing on line 41, strike out "twice the amount claimed by such adverse claimant.", and insert "the amount claimed by such adverse claimant and need not be in an amount in excess of twice the amount claimed by such adverse claimant."

Amendment No. 5

On page 3, line 16, of the printed bill, strike out "3", first appearing therein, and insert "2".

Amendment No. 6

On page 4, line 25, of the printed bill, strike out "4", and insert "3".

Amendment No. 7

On page 5, line 3, of the printed bill, strike out "comply with the levy", and insert "immediately notify the person in whose name such account stands, other than the judgment debtor, or the person to whom such safe deposit box is rented, other than the judgment debtor, by registered mail addressed to the last address of such person known to such bank, trust company or safe deposit corporation of the fact of the service of said writ and of the delivery to it of said bond. From the time of said levy and the delivery to it of said bond such bank, trust company or safe deposit corporation shall not honor a check or other order for the payment of money drawn against the account or other credit so levied upon or permit the removal of any of the contents of the safe deposit vault or box levied upon for a period of fifteen (15) days from the mailing of said notice or until the levy is sooner released. After fifteen (15) days from the making of said levy and the delivery of said bond, if no proceedings excepting to the sufficiency of the sureties have been commenced, or if such proceedings have been commenced, when the sureties have justified said bank, trust company or safe deposit corporation shall comply with the levy, unless it has been sooner released."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 143—An act to add Section 2901 to the Health and Safety Code, relating to annexation of land to pest control districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kentz, Mann, McHenry, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Roth, Seawell, Shelley, Slater, Swan, Tickle, Wagz, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An act to amend Section 2871 of, and to add Sections 2822.5, 2871.5, 2871.7 and 2875 to, the Health and Safety Code, relating to pest abatement districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Mann, McHenry, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Roth, Seawell, Shelley, Slater, Swan, Tickle, Wagz, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 145—An act to amend Sections 2853 and 2871 of, and to add Section 2803 to, the Health and Safety Code, relating to pest abatement districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kentz, Mann, McHenry, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Roth, Shelley, Slater, Swan, Tickle, Wagz, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 685—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with the act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dend, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kentz, Mann, McHenry, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Roth, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dend, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kentz, Mann, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Roth, Seawell, Slater, Swan, Swing, Tickle, Wagz, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 101—An act to amend Section 4274 of the Political Code, relating to compensation for public services in counties of the forty-fifth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 102—An act to amend Section 4281 of the Political Code, relating to compensation of county and township officers in counties of the fifty-second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 845—An act to amend Section 2313 of the Public Resources Code, relating to mining claims, tunnel locations and mill sites, and the recording of notice of location, markings of boundaries, and performance of discovery work.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1018—An act to amend School Code Sections 2.981 and 6.190, relating to the powers of governing boards of school districts.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Seawell moved that Senate Bill No. 2 be placed on the inactive file.

Motion carried.

Senate Bill No. 318—An act to amend Sections 7332, 7376, 7400, 7420 and 7442 of, and to repeal Section 7051 and Article 13, comprising Sections 7450 to 7457, inclusive, of Chapter 10 of Division 3 of, and to add Section 7351 to, the Business and Professions Code relating to the practice of and the training for cosmetology and manikuring.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—Senators Swan, and Ward—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 619—An act to amend Sections 7302, 7321, 7324, 7330, 7341, 7332, 7334, 7351, 7360, 7372, 7373, 7376, 7382, 7383, 7391, 7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 of, to repeal Article 13, comprising Sections 7450 to 7457, inclusive, of, and to add Section 7329 to Article 3 of Chapter 10 of Division 3 of said code, relating to the practice, the training for and government of cosmetology.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 776—An act to amend Sections 4380, 4381, 4382, 4400, 4101, 4113 of, and to add Section 4101.5 to, the Water Code, or to amend Sections 4, 8 and 12 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry.

Resolution read.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 46, of the printed measure, as amended, after "board", insert "with the advice and consent of the Senate."

Amendment No. 2

On page 2 of the printed measure, as amended, strike out lines 19 to 23, inclusive.

Amendment No. 3

On page 2, line 24, of the printed measure, as amended, strike out "Sec. 3", and insert "Sec. 2."

Amendment No. 4

On page 2 of the printed measure, as amended, between lines 45 and 46, insert "The board shall have and exercise such additional powers and duties, consistent with the provisions of this article, as the Legislature shall from time to time prescribe."

Amendment No. 5

On page 2, line 46, of the printed measure, as amended, strike out "Sec. 4", and insert "Sec. 3."

Amendment No. 6

On page 2 of the printed measure, as amended, strike out lines 50 and 51, and insert "forester. The State Forester shall not be a".

Amendment No. 7

On page 3 of the printed measure, as amended, strike out lines 13 to 34, inclusive.

Amendment No. 8

On page 3, line 35, of the printed measure, as amended, strike out "Sec. 6.", and insert "Sec. 4."

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 1182—An act to provide for the organization and government of water storage and conservation districts; to provide for the acquisition, construction, maintenance and operation of works for the purposes of such districts, including the drainage, reclamation and irrigation of land; and to prescribe and define the powers, duties, purposes and responsibilities of such districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Hays, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—Senator Garrison—1.

Bill ordered transmitted to the Assembly.

Motion to Re-refer Bill to Committee

Senator Deuel moved that Senate Bill No. 371 be re-referred to the Committee on Governmental Efficiency.

Motion carried.

Senate Bill No. 181—An act to add Section 72 to the State Civil Service Act, relating to adjustment of compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Cuthbert, Cunningham, DeLap, Donel, Fletcher, Foley, Garrison, Gordon, Keating, Keene, Mayo, McHardy, McCormack, Metzger, Mitter, Myland, Parkman, Powers, Quinn, Rich, Seward, Shelley, Slater, Swan, Swang, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1062—An act authorizing the conveyance to the County of Ventura, State of California, of easements and rights of way for road and highway purposes along, in, through, or across property of the State known as the Camarillo State Hospital grounds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Cuthbert, Cunningham, DeLap, Donel, Fletcher, Foley, Garrison, Gordon, Keating, Keene, Mayo, McHardy, McCormack, Metzger, Mitter, Myland, Parkman, Powers, Quinn, Rich, Seward, Shelley, Slater, Swan, Swang, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 4:30 p.m., Hon. William P. Rich, President pro tempore of the Senate, presiding.

Senate Concurrent Resolution No. 16—Relative to a statement of position of the Legislature of this State in regard to the amendment of the Old Age Security Law and the Aid to Needy Blind Law and appointing a committee to secure changes in the Federal Social Security Act.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Cuthbert, Cunningham, DeLap, Donel, Dollinger, Fletcher, Foley, Garrison, Gordon, Keating, Keene, Mayo, McHardy, McCormack, Metzger, Mitter, Myland, Parkman, Powers, Quinn, Rich, Seward, Shelley, Slater, Swan, Swang, Tickle, Wagy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Motion to Refer Bill to Inactive File

Senator Quinn moved that Senate Bill No. 88 be placed on the inactive file.

Motion lost.

Motion to Re-refer Bill to Committee

Senator Keating moved that Senate Bill No. 88 be re-referred to the Committee on Judiciary.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 66

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of two hundred fifty dollars (\$250) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Senator DeLap Presiding

At 5.05 p.m., Hon. T. H. DeLap, of the Seventeenth District, presiding.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 456

Senator Kenny moved that Senate Bill No. 456 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 72

Senator Kenny moved that Senate Bill No. 72 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

MOTION TO RE-REFER BILL TO COMMITTEE

Senator Biggar moved that Senate Bill No. 286 be re-referred to the Committee on Business and Professions.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, Garrison, Kenny, Mayo, Metzger, Seawell, Shelley, Slater, Swan, Tickle, and Ward—14.

NOES—Senators Crittenden, DeLap, Deuel, Dillinger, Foley, Keating, McCormack, Mixer, Parkman, Powers, Quinn, Rich, and Wagy—13.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 1303—An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city for repairs, alterations or construction of school buildings or equipment.

Bill read third time.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

In line 6 of the title of the printed bill, strike out the period, and insert “, declaring the urgency thereof, and providing that this act shall take effect immediately.”

Amendment No. 2

On page 1 of the printed bill, after line 16, insert:

"Sec. 2. That not less than one hundred and ten per centum of the proceeds of the immediate preparation of the public peace, health and safety within the meaning of Section 1 of Article 4 of the Constitution, and shall therefore go into immediate effect. A statement of the facts concerning each contract shall be filed."

Large and unanticipated increases in school attendance in many parts of the State have overtaxed existing school facilities, necessitating more classrooms. Further increases are anticipated and it is probable that special sessions will be required for the commencement of the next school year. In addition to providing other methods for achieving this objective it is necessary to validate certain contracts entered into for such purposes in order that they shall be as valid as contracts entered into for the construction of the next school year. In connection with such contracts may be promptly discharged."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 468—An act to amend Section 1030 of the Agricultural Code, relating to registration of fertilizing materials.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, after "or" insert ", and" to add a new section to be numbered 1031 to.

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 3 to 28, inclusive, and insert "1030. Every producer or manufacturer of commercial or agricultural or other commercial fertilizer not exempt from registration under the provisions of Section 1026 of this code, or any agent, distributor, or person, who offers or sells or offers to sell these materials in packages filled and labeled by a registrant, before the same is offered for sale shall obtain from the director a certificate of registration authorizing the registrant to sell commercial fertilizers or agricultural minerals as the same may be. Any person who obtains such a certificate for the sale of commercial fertilizers and a certificate for the sale of agricultural minerals, but for only a separate application shall be filed and a separate fee paid."

Any person who purchases commercial fertilizers or agricultural minerals for resale to registrants only may obtain from the director, in lieu of any certificate heretofore provided, a jobber certificate of registration, authorizing him to sell commercial fertilizers or agricultural minerals to commercial fertilizer registrants only, and to sell agricultural minerals to agricultural minerals registrants only.

Each application for a certificate of registration shall be accompanied by the proper fee, as follows:

For a certificate of registration for the sale of commercial fertilizers, fifty dollars (\$50).

For a certificate of registration for the sale of agricultural minerals, fifty dollars (\$50).

For a jobber certificate of registration, twenty-five dollars (\$25).

All certificates of registration shall expire on the thirtieth day of June of the fiscal year for which they are issued. If re-registration is not obtained within one cal-"

Amendment No. 3

On page 2, line 10, of the printed bill, strike out "The provisions" and strike out all of lines 11 and 12, and insert

"Sec. 2. A new section to be numbered 1031 is hereby added to the Agricultural Code, to read as follows:

1031. It is unlawful to sell any commercial fertilizer or any agricultural mineral except in a lot properly labeled by, or a package filled and labeled by, a registrant as provided in this article."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 792—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 10 to 17, inclusive, and insert "Each lot of any economic poison sold or delivered within the State shall be accompanied by printed directions, either included in the label or otherwise furnished by the registrant, stating the use and dilution recommended by the registrant, except in the following cases:

(a) When the label bears a statement recommending that the economic poison be applied only by an agricultural pest control operator duly qualified under the provisions of Section 150 of this code; or

(b) When the economic poison, in accordance with established local custom, is to be used in its original form as sold, without dilution or further preparation for use.

A registrant of".

Amendment No. 2

On page 1, line 20, of the printed bill, immediately following "or", insert "upon the label".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 22 to 26, inclusive, and insert "limitations of warranty with respect to the use thereof, as the registrant may consider proper; but no such limitations shall exclude or waive the implied warranty that the economic poison corresponds to all claims and descriptions which the registrant has made in respect thereto or for which he is in any way responsible; nor shall any such limitation exclude or waive the implied warranty."

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 1 and 2, and insert "statement for which the registrant is responsible. The regis-".

Amendment No. 5

On page 2 of the printed bill, strike out all of line 10, and insert "expressly printed on the label, except as provided in this section."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 1212—An act to amend Sections 1, 2 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to farm debt adjustment, including extension of the period of existence of the California Farm Debt Adjustment Commission, membership upon and appointment to the commission, and further definition of the powers and duties of the commission, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, between lines 48 and 49, insert "September 15, 1941, unless hereafter and prior to September 15, 1941, 15 members of the California Farm Debt Adjustment Commission shall have been appointed and the appointment of each confirmed by the Senate, in which latter event said commission shall cease to exist and shall have no further powers and duties on and after".

Amendment No. 2

On page 2, line 50, of the printed bill, insert "Register Session of 1941," and insert "Title, fifth Register Session of the Legislature."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 467—An act to amend Section 1032 of the Agricultural Code, relating to agricultural minerals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 649—An act to amend Section 1011 of the Agricultural Code, relating to spray residue.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 656—An act to amend Section 1300.3 of the Agricultural Code, relating to processors.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of [from 14 to 26, inclusive], and insert "provided, however, that the director shall have no jurisdiction to act upon any such complaint if the substance of such complaint is included in any dispute that has been submitted to, or settled by, arbitration in accordance with the provisions of a written contract or if such process within ten (10) days after notice to the director of the filing of such verified complaint has included such dispute in arbitration in accordance with the terms of such written contract; provided, however, that the jurisdiction otherwise reserved to the director in this chapter shall be deemed restored for the purpose of this chapter if the processor fails, wilfully or neglects to select, within ten (10) days after submission, arbitrators as provided in said written contract, or if said processor otherwise fails, refuses or declines to proceed to said arbitration, or otherwise obstructs or hinders the arbitration procedure of said arbitration; provided also that the director shall have jurisdiction over any such complaint or dispute if the processor has failed to adhere to said notice with any arbitration covered under the provisions of the terms of such written contract. If the director has jurisdiction to entertain the complaint and is unable to".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 443—An act to amend Section 1249 of the Code of Civil Procedure, relating to eminent domain proceedings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1154—An act to amend Sections 673 and 674 of the Penal Code, relating to civil rights of persons sentenced to State prisons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1004—An act to amend Sections 6 and 9 of, and to add Section 18 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of, and to add a new section to be numbered 19 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1260—An act to add Article 5, comprising Sections 2780 to 2793, inclusive, to Chapter 5, Title 1, Part 3, of the Penal Code, relating to prisons and prisoners and their employment in parks, forests and fish and game camps.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "2793", and insert "2792".

Amendment No. 15

In line 3 of the title of the printed bill, after "Part 3", insert ", and to amend Section 3040,".

Amendment No. 2

On page 1, line 18, of the printed bill, as amended, strike out "employ", and insert "use".

Amendment No. 3

On page 1, line 19, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 3.5

On page 1, line 21, of the printed bill, as amended, after "article", insert "Federal officials and departments in charge of National forests and parks within California may also use or cause to be used prisoners in the State prison to perform work necessary and proper to be done in National forests and parks. The board may enter into contracts with Federal officials and departments for the purposes of this section."

Amendment No. 4

On page 2 of the printed bill, as amended, strike out line 5, and insert "able."

Amendment No. 5

On page 2, line 8, of the printed bill, as amended, after "funds", insert "to the board to pay for such labor, and where no funds are available from the agency the board may set aside its own funds".

Amendment No. 6

On page 2, line 16, of the printed bill, as amended, strike out "agency", and insert "board".

Amendment No. 7

On page 2, line 21, of the printed bill, as amended, after "relates," insert "Unclaimed awards shall be deposited in the Prisoners' Employment Fund to be expended under this article."

Amendment No. 8

On page 2, line 23, of the printed bill, as amended, strike out "agency", and insert "board".

Amendment No. 9

On page 2, line 27, of the printed bill, as amended, strike out "agency", and insert "board".

Amendment No. 10

On page 2, line 39, of the printed bill, as amended, after "Prisoners'", insert "Employment".

Amendment No. 11

On page 2, lines 42 and 43, of the printed bill, as amended, strike out "or Article 4 of this chapter,".

Amendment No. 12

On page 2, lines 48 and 49, of the printed bill as amended strike out "The agency shall provide, supervise and manage" and insert "The agency shall procure, erect and maintain the necessary camps, except that where no funds are available to the agency, the board may procure, erect and maintain the necessary camps. The board shall supervise and manage the".

Amendment No. 13

On page 3 of the printed bill, as amended, strike out (lines 1 to 3, inclusive).

Amendment No. 14

On page 3, line 4, of the printed bill as amended strike out "2780", and insert "2789".

Amendment No. 15

On page 3, line 5, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 16

On page 3, line 6, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 17

On page 3, line 14, of the printed bill, as amended, strike out "2791", and insert "2790".

Amendment No. 18

On page 3, line 15, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 19

On page 3, line 26, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 20

On page 3, line 32, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 21

On page 3, line 36, of the printed bill, as amended, strike out "2792", and insert "2791".

Amendment No. 22

On page 3, line 38, of the printed bill, as amended, strike out "employed", and insert "used".

Amendment No. 23

On page 3, line 39, of the printed bill as amended after "be that", insert "board or the".

Amendment No. 24

On page 3, lines 41 and 42 of the printed bill, as amended strike out "the Workmen's Compensation Insurance and Safety Act of 1917", and insert "Divisions 4 and 5 of the Labor Code".

Amendment No. 25

On page 3 of the printed bill, as amended, after line 44, insert "2792. Camps may be established under this article for the employment of paroled prisoners.

Sec. 2. Section 3040 of said code is hereby amended to read as follows:

3040. The board shall have the power to allow prisoners imprisoned in the State prisons to go upon parole outside the prison walls and inclosures. The board may parole prisoners in the State prisons to prisons or paroled prisoners established under Article 5, Chapter 3, Title 1, Part 3 of this code."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 285—An act to amend Section 6062 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "and generally fit for the prac."; and in line 9, strike out "tice of the law".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 943—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes and other moneys, the amount of which does not justify the cost of their collection.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 6, of the printed bill, after the comma following "payable", insert "where the amount is not in excess of fifty dollars (\$50)".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 829—An act to add Chapter 4, comprising Sections 2620 to 2624, to Part 9 of Division 2 of the Labor Code and to repeal an act entitled "An act to require employers of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, relating to drinking water facilities for employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "2624", and insert "2625".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "2624", and insert "2625".

Amendment No. 3

On page 1 of the printed bill, between lines 9 and 10, insert "2620.5. All drinking water received from the State, or any public agency or district thereof, or any county, city, or township, or any water company, shall for the purposes of this chapter be deemed to be fresh, pure, wholesome and safe drinking water."

Amendment No. 4

On page 1 of the printed bill, between lines 19 and 20, insert "2624. The provisions of this chapter shall not apply in cases where the employee is supplied with an individual water container of his own choosing by his employer."

2624.5. This chapter shall not be construed to prohibit or interfere with the installation, maintenance, and use of sanitary drinking fountains for the purpose of providing such drinking water for employees."

Amendment No. 5

On page 1, line 20, of the printed bill, strike out "2024", and insert "2025".

Amendments read and adopted.

Bill ordered printed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1614—An act to add Section 38.5 to the Alcoholic Beverage Control Act, relating to certification of compliance.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 40	Senate Bill No. 1164
Senate Bill No. 113	Senate Bill No. 1166
Senate Bill No. 214	Senate Bill No. 1167
Senate Bill No. 247	Senate Bill No. 1065
Senate Bill No. 304	Senate Bill No. 1064
Senate Bill No. 848	Senate Bill No. 1060
Senate Bill No. 904	Senate Bill No. 845
Senate Bill No. 918	Senate Bill No. 799
Senate Bill No. 1102	Senate Bill No. 1078

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 38	Senate Bill No. 1160
Senate Bill No. 39	Senate Bill No. 1164
Senate Bill No. 1303	Senate Bill No. 1162
Senate Bill No. 1124	Senate Bill No. 1158
Senate Bill No. 1087	Senate Bill No. 917
Senate Bill No. 1084	Senate Bill No. 868
Senate Bill No. 1089	Senate Bill No. 1041
Senate Bill No. 1093	Senate Bill No. 710
Senate Bill No. 1092	Senate Bill No. 557
Senate Bill No. 1097	Senate Bill No. 562
Senate Bill No. 1098	

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 653
Senate Bill No. 1056

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 1126
Senate Bill No. 474

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 780

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 344

Assembly Bill No. 1115

Assembly Bill No. 1118

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, March 26, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 962

Assembly Bill No. 963

Assembly Bill No. 964

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bills ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 279

Senate Bill No. 862

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

WAGY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 122

Senate Bill No. 140

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

WAGY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 62

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

WAGY, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, March 25, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1006

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and recommit to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 260

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and be transmitted to the inactive file.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 607

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 81

Assembly Bill No. 1202

Assembly Bill No. 725

Assembly Bill No. 120

Assembly Bill No. 1199

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 508

Senate Bill No. 787

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 233

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 232

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Constitutional Amendment No. 5

Senate Constitutional Amendment No. 12

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported resolutions ordered to second reading.

ADJOURNMENT

At 5.15 p.m., on motion of Senator Mixter, the presiding Senator declared the Senate adjourned until 10 a.m., March 28, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

EIGHTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, March 28, 1941

The Senate met at 10 a. m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Book at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggert, Brown, Carper, Collier, Custer, Cushing, DeLay, Doolittle, Drellinger, Fletcher, Egan, Garrison, Glavin, Harbo, Joseph, Judah, Keating, Kerner, Mayo, McBride, McCortland, Morgan, Myers, Myhand, Patterson, Phillips, Quisenberry, Rich, Seawell, Shofley, Slater, Swan, Tuck, Wagoner, and Watson 54.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuebel, on motion of Senator Mixter.

Senator Breed, on motion of Senator Mixter.

Senator Luckey, on motion of Senator Collier.

Senator Swing, on motion of Senator Rich.

Senator Powers, on motion of Senator Seawell.

Senator Parkman, on motion of Senator Myhand.

Senator Metzger, on motion of Senator DeLap.

Senator Deuel, on motion of Senator Mayo.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant and Mrs. Mark L. Atwood of San Francisco.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mike Morelli, J. C. Spencer and Belden Bias, all of Santa Cruz.

On request of Senator Mayo, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Master John Collier of Yreka, son of Senator Randolph Collier.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Albert Schwall of East Nicolaus.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edith Finch, teacher, and the following members of the eighth grade class from East Nicolaus Grammar School, Sutter County: Richard Nelson, Adin Goyette, Ruth Cullers, Evelyn Schwall, Lawrence Schwall, Carl Schoner, Irvin Schwall and Darwin Trimble.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. E. Badger of Rancho Santa Fe.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Forrest Black, Sacramento Junior College, Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John Watson and B. Groverman, both of Petaluma.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Weldin of Durham.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. G. England, teacher, and the following members of the Durham Elementary School: Mildred Rose, Lorraine Brines, Lorraine Brinson, Barbara Tupper, Joan Cantieni, Freda Sohney, Lois Hoeinke, Charmaine Weldin, Connie Noordhoff, Margaret Cantieni, Junior Cole, Richard Granger, Harold Adams, Sheldon Taylor, Elwin Strawn, Harold Miller, Wayne Franklin, Harry Rose, Emma Brooks, Marguerite Boyles, Claire Goodspeed, Ora Lee Franklin, Ben Cox, Milton Willadsen, Earl Decker and Gene Ferris.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hans P. Davidsen of Ferndale.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Helen Kimball, Betty Auger and Wendy Downey, all of Stanford University.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Jean Harelson of Sacramento Junior College, Sacramento.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1154

Senate Bill No. 649

Senate Bill No. 1004

Senate Bill No. 443

Senate Bill No. 467

Senate Bill No. 1005

And reports the same correctly engrossed.

RICH, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred

Senate Bill No. 1249

Has had the same under consideration, and reports the same back without recommendation.

Committee membership 9; committee vote: Ayes 5; nays 4.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred

Senate Bill No. 410

Has had the same under consideration, and reports the same back with recommendations with the recommendation: Amend, and be read as amended.

Committee membership 9; committee vote: Ayes 9; nays 0.

CUNNINGHAM, Vice Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred

Assembly Bill No. 968

Assembly Bill No. 969

Assembly Bill No. 784

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; nays 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred

Senate Bill No. 235

Has had the same under consideration, and reports the same back with recommendations with the recommendation: Amend, and be read as amended.

Committee membership 9; committee vote: Ayes 6; nays 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred

Senate Bill No. 977

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, but without further recommendation.

Committee membership 9; committee vote: Ayes 5; nays 2; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Slater:

Senate Resolution No. 67**Resolution of Esteem**

Concurring in the State-wide expression of esteem in which the Honorable Richard E. "Dick" Collins, the veteran President of the State Board of Equalization

is held on this day, which is the sixty-eighth anniversary of his birth, the Senate of the State of California in regular session assembled this twenty-eighth day of March, 1941, extend its most cordial felicitations, coupled with the hope that Mr. Collins will be spared for many more years to commemorate his birthday.

Richard E. Collins was born in Weaverville, Trinity County, California on March 28, 1873. He grew up in the great out of doors, met Nature in all its captivating environment, fished and hunted and while still a youth became interested in mining and other pursuits which made vigor in life more attractive.

For 35 years "Dick" Collins has been a member of the State Board of Equalization and as such has seen his native State advance more rapidly than in any other period. For 26 years of his splendid public service he has served as chairman of the board.

Incidentally, by reason of his long and continuous service, he is the oldest constitutional officeholder of the State of California. Members of the State Legislature throughout the years have always found him a friendly counsellor, kindly and courteous. This has served to build more and lasting friendships which is acknowledged everywhere. For this and many other courtesies; be it

Resolved by the Senate, That it extends a full measure of kindness and good will to Mr. Collins on his birthday; and be it further

Resolved, That the Secretary of the Senate be requested to forward to him a copy of this token displayed in appropriate inditing.

Resolution read, and unanimously adopted.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 344—An act to amend Section 1200 of the Fish and Game Code, relating to doves.

Bill read second time, ordered engrossed, and to third reading

Senate Bill No. 1126—An act to amend Sections 799 and 800, and to add Section 802.8 to the Fish and Game Code, relating to ababines.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

PRINTER'S NOTE. There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

On page 1, line 4, of the printed bill, following the comma after "7", strike out the balance of the line, and insert "in that part of District 10 lying north of Point Bonita at the Golden Gate, 15, 16, [17,] 19, 19A, 20 and 20A."

Amendment No. 2

On page 1 of the printed bill, strike out lines 15 to 20.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 474—An act to amend Section 458 of the Fish and Game Code, relating to export of deer or game birds.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 4, of the printed bill, following "except", insert "the holder of a nonresident hunting license or".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 279—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 862—An act to amend Section 4007 of the Public Resources Code, relating to forestry.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 122—An act to add Section 4383 to the Public Resources Code, relating to State forests, including areas suitable for timber production, outdoor recreation, water protection, and fish and game production.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

In line 2 of the title of the printed bill, strike out the words "and insert" and insert "that may be established in Santa Cruz County, and Santa Clara County".

Amendment No. 2

On page 1, line 4, of the printed bill, after "including", insert "as a State forest or State forests, including areas suitable for timber production, outdoor recreation, water protection and fish and game protection, in Santa Cruz County, and Santa Clara County".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 140—An act to add Section 2326 to the Public Resources Code, relating to the records of dissolved mining districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 7, of the printed bill, following the word "location", strike out the comma.

Amendment No. 2

On page 1, line 13, of the printed bill, following the period, strike out the balance of line 13, and all of lines 14, 15, 16, 17 and 18 to and including the period, and insert "Thereafter all such notices and documents shall be open for public inspection."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 260—An act to amend Sections 343 and 344 of the Agricultural Code, relating to fees for inspection of animals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 343 and 344", and insert "Section 343".

Amendment No. 2

On page 1 of the printed bill, between lines 15 and 16, insert

"The total of all fees collected by the department upon the same cattle moving from points within this State through one public stockyard which is posted by the Secretary of Agriculture of the United States or through one public sales yard, shall not exceed ten cents (\$0.10) per head for all inspections including inspection at point of shipment, en route, or at first destination, inspection upon release from said public stockyard or said public sales yard, and inspection at place of slaughter."

Amendment No. 3

On page 1 of the printed bill, strike out lines 16 to 28, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 1006—An act to amend Section 1265 of the Agricultural Code, relating to persons handling and dealing in agricultural products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 1265 of", and insert "add Section 1265.5 to".

Amendment No. 2

On page 1 of the printed bill, strike out all of line 1 following the period, and all of line 2, and insert "A new section to be numbered 1265.5 is hereby added to the Agricultural Code, to read as follows:".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 3 to 28, inclusive, and insert "1265.5. Before any license is issued to any dealer, the applicant shall execute and deliver to the director a surety bond in the sum of five thousand dollars (\$5,000) executed by the applicant as principal and by a surety company qualified and authorized to do business in this State as surety. Said bond shall be upon a form approved by the director, and shall be conditioned upon the payment in the manner required by this chapter of all amounts due to producers for farm products purchased by such dealer during the license year. Said bond shall be to the State in favor of every producer of farm products. In case of failure by a dealer to pay any producer or producers for farm products in the manner required by this chapter, the director shall proceed forthwith to ascertain the names and addresses of all producer-creditors of such dealer, together with the amounts due and owing to them and each of them by such dealer, and shall request all such producer-creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known producer-creditor at his last known address. If the producer-creditor so addressed fails, refuses or neglects to file in the office of the director his verified claim as requested by the director within ninety (90) days from the date of such request, the director shall thereupon be relieved of further duty or action hereunder on behalf of said producer-creditor. Upon ascertaining all claims and statements in the manner herein set forth, the director may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the director

shall thereupon bring an action on the bond in behalf of said purchaser or voters. Upon any action being commenced on said bond, the director may require the filing of a new bond and immediately upon the remedy in any action so commenced such dealer shall file a new bond and upon failure to do so must within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license. In the event that person upon the bond is not content to pay all of the entire so forth demanded and collected by the court, any such amount recovered shall be divided pro rata among such purchaser or voters. The bond required by this section shall be in addition to the bond previously or subsequently furnished by the provisions of this chapter, in that if any person upon the ground is found as commissioner merchant and does so under up to this chapter provided, and likewise in addition to filing and posting the commission merchant's bond as in this chapter provided is required to post and pay with the firm the additional bond as required and provided in this section."

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 1 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 81—An act to add Section 2730.5 to, and to amend Sections 2731, 2733, 2734 and 2736 of, the Elections Code, relating to the order of names on primary election ballots.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 697—An act to amend Sections 2790, 2805, 2806, 2816, 2819 and 2820 of, in repeal Section 2738 of, and to add new Sections 2798, 2798.3 and 2798.5 to the Elections Code, relating to State party conventions, State central committee meetings and the membership thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

PRINTER'S NOTE—There being no 7 point printed type available, the material which should appear in brackets [] in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, insert "2799" after "2804."

Amendment No. 2

On page 2 of the printed bill, between lines 15 and 46, insert:

"Sec. 5.5. Section 2804 of the Elections Code is hereby amended to read as follows:

"2804. Appointments of members to the State Central Committee shall be made in writing signed and acknowledged by the delegate before a notary public or other officer authorized to administer oaths and delivered to the Secretary of State not later than [two o'clock of the afternoon of the 21st of Thursday in September] 5 o'clock at the afternoon of the Tuesday immediately preceding the Thursday on which the convention is to convene."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 456—An act to add Section 841.5 to the Probate Code, relating to notice of hearing of petition for leasing of real property.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 841.5 to", and insert "amend Section 350 of".

Amendment No. 2

In the title of the printed bill, strike out line 2, and insert "admission to probate of lost, destroyed or suppressed wills."

Amendment No. 3

On page 1 of the printed bill, strike out "Section 841.5 is hereby added to the Probate", and insert "Section 350 of the Probate Code is hereby amended to read as follows:

350. [No will shall be proven as a lost or destroyed will unless proved to have been in existence at the time of the death of the testator, or shown to have been destroyed fraudulently or by public calamity in the lifetime of the testator, without his knowledge; nor unless its provisions are clearly and distinctly proved by at least two credible witnesses. Knowledge of the destruction of his will by public calamity shall not be imputed to an insane person who has been committed to a State hospital for the insane in this State and never restored to competency.]

Any will which has remained unrevoked, but which has been lost, destroyed or suppressed, either before or after the death of the testator, and which can not consequently be produced for probate, may be established and admitted to probate upon proof of its provisions by secondary evidence, provided said provisions are clearly and distinctly proven."

Amendment No. 4

On page 1 of the printed bill, strike out lines 2 to 8, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 72—An act to amend Section 454 and the title of Article 2 of Chapter 3, Part 2, Division 1 of, and to add Sections 408, 466 and 467 to the Revenue and Taxation Code, relating to property taxation, including inspection of information and records in the county assessor's office, subpoenaing and examining of persons by the assessor, and the filing of statements pertaining to specified property subject to taxation, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 1 to 3, inclusive, of the title of the printed bill, as amended, and insert

"An act to add Sections 408 and 467 to the Revenue and Taxation Code, relating".

Amendment No. 2

In lines 5 and 6 of the title of the printed bill, as amended, strike out "subpoenaing and examining of persons by the assessor,".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 7 to 19, inclusive.

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 1 to 15, and insert "SEC. 2. Section 467 is hereby added to the Revenue and".

Amendment No. 5

On page 2, line 2, of the printed bill, as amended, strike out "or" and insert "or"

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to textbooks.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2, line 2, of the printed bill, as amended, strike out "At the beginning of", and insert "during".

Amendment No. 2

On page 2, line 2, of the printed bill, as amended, strike "year", insert a comma and "commencing with the fiscal year beginning Jan. 1, 1942".

Amendment No. 3

On page 2, line 3, of the printed bill, as amended, strike out "The money thus paid into", and strike out all of lines 4 to 6, both inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IX thereof, relating to county superintendents of schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 27, of the printed bill, strike out the period, and insert a comma; and "which shall receive the payments of a fund composed of essential or general secondary educational offerings as a source."

Amendment No. 2

On page 2, line 4, of the printed bill, strike "or", insert "the office of county superintendent of schools of"

Amendment No. 3

On page 2, line 16, of the printed bill, strike out "according to the total average daily"; and strike out 40 at lines 17 to 21, both inclusive, and insert "prescribed by the Legislature."

Amendment No. 4

On page 3, line 6, of the printed bill, strike out "in accordance", and strike out all of line 7; and in line 8, strike out "classes thereof."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 538—An act to amend School Code Section 6.320, relating to the ordering of State textbooks by heads of State institutions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 787—An act to add Section 5.29 to the School Code, relating to the leasing of property of a State college.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 233—An act to amend School Code Sections 3.618 and 3.624, relating to the average daily attendance of physically handicapped pupils of the public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

PRENTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, following "3.618", strike out "and", and insert a comma.

Amendment No. 2

In line 1 of the title of the printed bill, following "3.624," insert "4.783, 4.795, 4.874, 4.875, 4.886 and 4.887 of, and to add Sections 3.625 and 3.626 to the School Code".

Amendment No. 3

In line 1 of the title of the printed bill, strike out "School Code".

Amendment No. 4

In line 2 of the title of the printed bill, strike out "average daily attendance", and insert "education".

Amendment No. 5

In line 3 of the title of the printed bill, strike out "pupils of the public schools", and insert "minors".

Amendment No. 6

On page 1 of the printed bill, strike out lines 3 to 19, both inclusive, and insert "3.618. Four hours of actual attendance of physically handicapped pupils in special [schools or] classes [or given individual instruction] shall count as one day of attendance. *Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils shall count as one day of attendance.* The average daily attendance of [such] all physically handicapped pupils shall be computed by dividing the total number of days of attendance of such pupils by the number of days taught in the regular schools of the district [in which the pupils are taught].

SEC. 2. Section 3.624 of the School Code is hereby amended to read as follows: 3.624. Four hours of actual attendance of physically handicapped pupils educated under the provisions of Section 3.622 *at the rate in special classes* shall count as one day of attendance. *Each clock hour of teaching time devoted to individual instruction of physically handicapped pupils under the provisions of said Section 3.622 shall count as one day of attendance.*

SEC. 3. Section 4.783 of the School Code is hereby amended to read as follows: 4.783. He shall apportion from the State School Fund to each elementary school district *and to each unapportioned county elementary school fund* an additional amount equal to one-half the excess cost of educating physically handicapped children during the preceding school year as reported by the county superintendent of schools. Such apportionment shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in [the] *each* district during said school year.

SEC. 4. Section 4.795 of the School Code is hereby amended to read as follows: 4.795. He shall allow to each elementary school district *and to each unapportioned county elementary school fund* an additional amount equal to one-half the excess cost of educating physically handicapped children as provided in this code. Such apportionment shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in [the] *each* district during the school year.

SEC. 5. Section 4.874 of the School Code is hereby amended to read as follows: 4.874. He shall apportion to each high school district *and to each unapportioned county high school fund* an additional amount equal to one-half the excess

cost of educating physically handicapped children during the preceding school year as reported by the superintendent of schools of the county. Such appropriation shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in (a) each district during said school year.

SEC. 6. Section 4.876 of the School Code is hereby amended to read as follows:

4.875. After making all other appropriations required from the State High School Fund he shall support the balance of the debt to the several high school districts and to the unincorporated county high school districts of the State pro rata on the total average daily attendance [(a) provided to each district and county during the preceding school year as reported by the county (or city and county) superintendent of schools.

SEC. 7. Section 4.886 of the School Code is hereby amended to read as follows:

4.886. He shall allow to each high school district and to each unincorporated county high school district an additional amount shall be included in the county cost of educating physically handicapped children during the preceding school year. Such appropriation shall not exceed one hundred dollars (\$100) for each unit of average daily attendance of physically handicapped children in (b) each district during said school year.

SEC. 8. Section 4.887 of the School Code is hereby amended to read as follows:

4.887. He shall compute the remainder of the appropriation to each county from the General Fund to the several high school districts and to the unincorporated county high school district of the county on the basis of the total average daily attendance [(a) provided to each district and county during the preceding school year.

SEC. 9. Section 3.625 is hereby added to the School Code to read as follows:

3.625. Each county superintendent of schools receiving for the education of physically handicapped children as provided in Section 4.876 of this code shall report annually to the Superintendent of Public Instruction an item provided for the latter the total average daily attendance of physically handicapped pupils for types of instruction provided, the cost of education, with pupils and such other information as may be required for each elementary and high school district in which such instruction is provided.

SEC. 10. Section 3.626 is hereby added to the School Code, to read as follows:

3.626. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each county superintendent of schools for the education of physically handicapped pupils in each district. The term "excess cost" as employed in this section is defined as including the total average expenditures incurred for remedial classes and for individual instruction of physically handicapped children, plus the excess amount of the current expenditures, made by all other physically handicapped pupils in the district over the amount of the current expenditures for an equal number of units of average daily attendance of pupils not classified as physically handicapped pupils in the district mentioned in the district in which the physically handicapped pupils are given instruction by the county superintendent of schools. The term "remedial classes" is defined as in Section 3.621 of this code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1115—An act to amend Section 619.5 of the Fish and Game Code, relating to Mackinaw trout.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1118—An act to amend Section 610 of the Fish and Game Code, relating to trout season and bag limits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 962—An act to amend Section 3669e of the Political Code, relating to the taxation of insurance companies and the collection of taxes from such companies, including the suspension of corporate rights, privileges and powers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 963—An act to add Section 1283 to the Insurance Code, relating to the taxation of insurers, including reciprocal or interinsurance exchanges.

Bill read second time, and ordered to third reading.

Assembly Bill No. 964—An act to add Part 7, comprising Sections 12001 to 13113, inclusive, to Division 2 of, and to add Section 50013 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the taxation of insurance companies and associations and the collection of taxes from such companies and associations, and repealing acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 725—An act to amend Section 2672 of the Elections Code, relating to a filing fee for a declaration of candidacy for an office to be voted for wholly within one county with certain exceptions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1199—An act to amend Sections 7921 and 7961 of the Elections Code, relating to the canvass of returns by the registrar of voters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1202—An act to add Section 7799 to Article 1 of Chapter 6 of Division 9 of the Elections Code, relating to the counting and canvassing of absent voter ballots by the registrar of voters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 129—An act to add Section 2700.5 to, and to amend Sections 2701, 2702 and 2843 of the Elections Code, relating to primary elections and county central committees.

Bill read second time, and ordered to third reading.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Collier, Crittenden, Cunningham, Delap, Deuel, Fletcher, Foley, Gordon, Jespersen, Kenny, Mayo, Metzger, Mixer, Phillips, Quinn, Rich, Seawell, and Slater—18.

The Secretary announced the absentees.

Time, 10.25 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 10.27 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF SENATE BILLS

Senate Bill No. 1071—An act to add Section 28.1 to the Public Utility District Act of 1921 (Stats. 1921, page 906 and amendments) providing for the addition of a section therein whereby delinquent service charges may be made a lien against the land for which such service was furnished and be collectible as an assessment against such land.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 10.30 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 40—An act to add Section 1132 to the Penal Code, relating to surrender of means of identification.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 25, of the printed bill, in paragraph, strike out "on which he is held in custody", and insert "and prior to his conviction and sentencing".

Amendment No. 2

On page 2, line 2, of the printed bill, as amended after "delivered", insert "without his consent".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 10.47 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1071 passed by the following vote:

AYES—Senators Brown, Callier, Christensen, Cunningham, DeLoap, Donel, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Kauting, Kenay, Mayo, McBride, McCormick, Metzger, Mixer, Myland, Parkman, Quinn, Rich, Seawell, Slater, Tackie, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried.

Time, 10.50 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10.53 a.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

RECESS

At 10.54 a.m., on motion of Senator Rich, the Senate recessed until 1.30 p.m.

REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 279

Senate Bill No. 787

Senate Bill No. 829

Senate Bill No. 285

Senate Bill No. 344

Senate Bill No. 792

Senate Bill No. 862

Senate Bill No. 656

Senate Bill No. 81

Senate Bill No. 943

Senate Bill No. 538

And reports the same correctly engrossed.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 997

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 3

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

DE LAP, Vice Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 55

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

DE LAP, Vice Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 540 Senate Bill No. 541

Senate Bill No. 544 Assembly Bill No. 845

Senate Bill No. 690 Assembly Bill No. 496

Senate Bill No. 692 Assembly Bill No. 1648

Senate Bill No. 694 Assembly Bill No. 1798

Has had the same under consideration, and reports the same favorably, with the recommendation: Do pass.

Committee membership: S. committee made: April 7; passed: 4.

GARRISON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 305 Senate Bill No. 550

Senate Bill No. 543 Senate Bill No. 627

Senate Bill No. 545

Has had the same under consideration, and reports the same favorably, with the recommendation: Amend, and the same as reported.

Committee membership: S. committee made: April 7; passed: 5.

GARRISON, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 19: By Senator Collier: Relative to the naming of the "Dr. Ernest M. Foss Memorial Bridge."

Without reference to committee.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 64

Assembly Bill No. 75

Assembly Bill No. 139

Assembly Bill No. 140

Assembly Bill No. 223

Assembly Bill No. 279

Assembly Bill No. 349

Assembly Bill No. 350

Assembly Bill No. 411

Assembly Bill No. 546

Assembly Bill No. 663

Assembly Bill No. 704

Assembly Bill No. 832

Assembly Bill No. 851

Assembly Bill No. 991

Assembly Bill No. 1093

Assembly Bill No. 1114

Assembly Bill No. 1193

Assembly Bill No. 1275

Assembly Bill No. 1278

Assembly Bill No. 1461

Assembly Bill No. 1978

Assembly Bill No. 1982

Assembly Bill No. 1895

Assembly Bill No. 2118

Assembly Bill No. 2547

Assembly Bill No. 2548

ARTHUR A. GUINNESS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 64—An act to add Section 201.5 to the State Civil Service Act, prohibiting discrimination upon account of race, religion or color and prescribing means for the enforcement thereof.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 75—An act to amend Section 4255 of the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 139—An act to amend Section 2825 of the Streets and Highways Code, relating to special assessments and public improvements, including the preparation of reports on proposed improvements.

Referred to Committee on Transportation.

Assembly Bill No. 140—An act to amend Section 3 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, relating to special assessments and public improvements, including the preparation of reports on proposed improvements.

Referred to Committee on Judiciary.

Assembly Bill No. 223—An act to amend Sections 737e and 737v of the Political Code, relating to the salaries of judges of the superior court.

Referred to Committee on Local Government.

Assembly Bill No. 279—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section designated Section 14½, relating to claims against the Los Angeles County Flood Control District.

Referred to Committee on Local Government.

Assembly Bill No. 349—An act to amend Section 643 of the Welfare and Institutions Code, relating to annual report of the probation officer.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 350—An act to amend Section 1871 of the Code of Civil Procedure, relating to expert witnesses.

Referred to Committee on Judiciary.

Assembly Bill No. 411—An act to add Sections 11b and 11c to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Referred to Committee on Local Government.

Assembly Bill No. 516—An act to add Section 543 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Bill No. 663—An act to amend Section 3463 of the Political Code, relating to the lien of assessments for reclamation districts.

Referred to Committee on Water Resources.

Assembly Bill No. 701—An act to add Section 335a to the Penal Code, relating to the seizure and destruction of machines or devices prohibited by the Lottery and Gambling Laws.

Referred to Committee on Judiciary.

Assembly Bill No. 832—An act to amend Section 3166 of the Civil Code, relating to the time of payment of negotiable instruments.

Referred to Committee on Judiciary.

Assembly Bill No. 851—An act to add Section 2768a to the Civil Code, and to amend Section 2771 thereof, relating to chattel mortgages on aircraft.

Referred to Committee on Judiciary.

Assembly Bill No. 901—An act to add Section 681.5 to the Code of Civil Procedure, relating to execution of judgments.

Referred to Committee on Judiciary.

Assembly Bill No. 1053—An act to add Section 258 to the School Code, relating to the inclusion of territory within a school district.

Referred to Committee on Education.

Assembly Bill No. 1114—An act to amend Section 484a of the Penal Code, relating to the unauthorized removal of plants and other substances from public or private lands or rights of way.

Referred to Committee on Judiciary.

Assembly Bill No. 1161—An act to add Section 14430.5 to the Health and Safety Code, relating to county fire protection districts and civil service rates applicable thereto.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1255—An act to amend Section 5691 of the Code of Civil Procedure, relating to alias writs of attachment.

Referred to Committee on Judiciary.

Assembly Bill No. 1328—An act to amend Section 2 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1461—An act to add Section 88 to the California Toll Bridge Authority Act, relating to the collection of tolls on toll bridges or other toll highway crossings constructed or acquired under the provisions of said act.

Referred to Committee on Transportation.

Assembly Bill No. 1678—An act to amend Section 1662 of the Probate Code, requiring the issuance of public records by the official in charge thereof to be used in matters under the jurisdiction of the Veterans Administration of the United States.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1682—An act to amend Section 423 of the Probate Code, relating to nomination of a person to act as administrator of a decedent's estate.

Referred to Committee on Judiciary.

Assembly Bill No. 1895—An act to amend Section 1274 of the Code of Civil Procedure, relating to escheated property.

Referred to Committee on Judiciary.

Assembly Bill No. 2318—An act to add a new section to the School Code, to be numbered 5.723a, relating to sabbatical leaves.

Referred to Committee on Education.

Assembly Bill No. 2547—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations and the applicability thereof.

Referred to Committee on Local Government.

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 207

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMI'S, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1068—An act to add Section 135.8 to the Vehicle Code, requiring reports of damaged fences.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried. Time, 1.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1016—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Quinn, Rich, Seawell, and Slater—23.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2:55 p.m., on motion of Senator Garrison, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1065 passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kenny, May, McBride, Myhand, Phillips, Quinn, Rich, Seawell, and Slater—23.

NOES—Senators Judah and Tickle—2.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1183—An act to add Section 45.5 to the Vehicle Code, relating to definition of impairment of husbandry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, May, McBride, McCormack, Myhand, Phillips, Quinn, Rich, Slater, Seawell, Wagon, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Tickle moved that Senate Bill No. 1097 be placed on the inactive file.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 20: By Senator Rich—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization, and the Members of the Senate and Assembly.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 20, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 20

Senate Concurrent Resolution No. 20—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, Members of the Board of Equalization, and the Members of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kenny,

Mayo, McBride, McCormack, Mixer, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—29.
Nots—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 207—An act to amend Section 616 of the Fish and Game Code, relating to trout and whitefish in Tuolumne County.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 207?

Amendment No. 1

In line 2 of the title of the printed bill, before the period, strike out "County", and insert "and Mariposa Counties, declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1, line 3, of the printed bill, strike out "County", and insert "and Mariposa Counties".

Amendment No. 3

On page 1, line 6, of the printed bill, strike out "County", and insert "and Mariposa Counties".

Amendment No. 4

On page 1 of the printed bill, after line 7, insert
"Sec. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of this State and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

By advancing the date of the opening of the trout fishing season in Tuolumne and Mariposa Counties, fishermen will be encouraged to commence fishing earlier in the year, in consequence of which fewer fishermen will be engaged in that sport during the season of greatest danger from fire in those counties, with a resultant reduction of fire hazards endangering fishermen and campers. In order to permit the advantages contemplated by this act to be secured during the approaching fishing season, it is necessary that it go into effect immediately."

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jepsen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—28.
Nots—None.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 207 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gorden, Jepsen, Judah, Keating, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—27.
Nots—None.

Above bill ordered enrolled.

MOTION TO AMEND SCHEDULE OF COMMITTEES FOR APRIL

Senator Rich moved that the schedule of committee meetings for April be amended in order that meetings of the Committee on Education may be held on Thursday mornings and those of the Committee on Finance on Wednesday mornings.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1124—An act to amend Sections 1205, 1212 and 1214 of the Health and Safety Code, relating to clinics and dispensaries.
 Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dellinger, Fletcher, Foley, Gorman, Jorgensen, Judah, Keagy, Maye, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tackie, Wagz, and Ward—28.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 38—An act to amend Section 69022 of the Code of Civil Procedure, relating to exemption from execution or attachment.
 Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, Crittenden, Foley, Keagy, Phillips, Seawell, and Swan—7.

NOES—Senators Brown, Collier, DeLap, Dellinger, Judah, Maye, McCormack, Mixer, Myland, Rich, Slater, Tackie, Wagz, and Ward—14.

Senate Bill No. 39—An act to add Section 1107 to Chapter 4 of Title 1 of Part 3 of the Code of Civil Procedure, relating to the issuance of writs of review, mandate and prohibition.
 Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dellinger, Fletcher, Foley, Gorman, Jorgensen, Judah, Keagy, Maye, McCormack, Mixer, Myland, Quinn, Seawell, Slater, Swan, Tackie, Wagz, and Ward—24.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 557—An act to amend Sections 975, 977 and 980 of the Code of Civil Procedure, and to add Sections 980a, 980b and 980c to said code, relating to appeals from justices' and police courts.
 Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dellinger, Fletcher, Foley, Gorman, Judah, Keagy, Maye, McCormack, Mixer, Myland, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tackie, Wagz, and Ward—26.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 710—An act to add Section 1144 to the Penal Code, relating to criminal jury trials in municipal courts.
 Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dellinger, Fletcher, Foley, Jorgensen, Judah, Keagy, Maye, McCormack, Mixer, Myland, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tackie, Wagz, and Ward—25.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An act to amend Section 714 of the Probate Code, relating to actions on rejected claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, McCormack, Mixer, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 904—An act to amend Section 415 of the Code of Civil Procedure, relating to proof of service of summons and complaint.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Jespersen, Judah, Kenny, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 216—An act to amend Section 564 of the Code of Civil Procedure, relating to appointment of receivers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Wagy, and Ward—25.
NOES—None.

MOTION TO RECONSIDER

Senator Phillips moved to reconsider the vote whereby Senate Bill No. 216 was passed.

Postponement of Reconsideration

On motion of Senator Phillips, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 216 was passed, was continued until the next legislative day.

MOTION TO RECONSIDER

Senator Foley moved to reconsider the vote whereby Senate Bill No. 904 was passed.

Postponement of Reconsideration

On motion of Senator Foley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 904 was passed, was continued until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 247—An act to amend Section 725a of the Code of Civil Procedure, relating to foreclosure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Foley, Gordon, Jespersen, Judah, Kenny, McBride, McCormack, Mixer,

Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wags, and Ward—26.
NAYS—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Phillips moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 216 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 304—An act to validate the assessment and equalization of property for tax purposes, and the levy of taxes thereon, by sixth class cities, and to validate tax sales, certificates of tax sales, tax deeds and other conveyances resulting therefrom.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Foley, Gordon, Jepsen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wags, and Ward—24.
NAYS—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 46—An act to amend Sections 43, 44 and 46 of the Alcoholic Beverage Control Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wags, and Ward—26.
NAYS—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1184—An act to add Section 15 to the State Civil Service Act, relating to intermittent employment by the State and the rights of persons so employed.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jepsen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wags, and Ward—25.
NAYS—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468—An act to amend Section 1030 of the Agricultural Code, relating to registration of fertilizing materials.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467—An act to amend Section 1032 of the Agricultural Code, relating to agricultural minerals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 649—An act to amend Section 1011 of the Agricultural Code, relating to spray residue.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 656—An act to amend Section 1300.3 of the Agricultural Code, relating to processors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443—An act to amend Section 1249 of the Code of Civil Procedure, relating to eminent domain proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, Mixer, Myhand, Phillips, Seawell, Slater, Swan, Tickle, and Wagy—22.
NOES—Senator Ward—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 943—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the

collection of taxes and other moneys, the amount of which does not justify the cost of their collection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Collier, Crutcher, Cunningham, Foley, Garrison, Gordon, Jorgensen, Judah, Keene, Mayo, McBride, Mixer, Phillips, Seawell, Slater, Swan, Tickle, Wagy, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 829—An act to add Chapter 4, comprising Sections 2620 to 2624, to Part 9 of Division 2 of the Labor Code and to repeal an act entitled "An act to require employees of labor to furnish, without charge, pure drinking water to their employees during working hours," approved May 24, 1915, relating to drinking water facilities for employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Collier, Crutcher, Cunningham, DeWinger, Foley, Garrison, Gordon, Jorgensen, Judah, Keene, Mayo, McBride, Mixer, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2433—An act to amend Section 89 of the Agricultural Code, relating to moneys of district agricultural associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Collier, Crutcher, Cunningham, DeWinger, Foley, Garrison, Gordon, Jorgensen, Judah, Keene, Mayo, McBride, McCutcheon, Mixer, Phillips, Seawell, Slater, Swan, Tickle, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 844—An act to amend Section 6210 of the School Code, relating to the sale of personal property belonging to one school district to another.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 3.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 22—Relative to construction of a dam on the Stanislaus River.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Seawell, Slater, Swan, Tickle, Wagy, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 659—An act to amend Section 161a of the Civil Code, relating to interests in community property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Seawell, Slater, Swan, Tickle, and Wagy—22.

NOES—Senator Ward—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 262—An act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Seawell, Slater, Swan, Tickle, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1401—An act to amend Sections 981, 3016, 3035, 3036, 3039, 3040, 11715 and 12091, and to repeal Section 3017 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Seawell, Slater, Swan, Tickle, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1397—An act to amend Sections 1703.5, 1704, 1708, 1709 and 1713 of, to repeal Section 1713.8 of the Insurance Code and to add Sections 1708.5, 1708.6 and 1709.2 thereto, relating to the transaction of life and disability insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McCormack, Mixer, Myhand, Phillips, Seawell, Slater, Swan, Tickle, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 883—An act to amend School Code Section 5.654, relating to the dismissal of permanent employees of a school district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Critchfield, Cunningham, Deinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Josiah, Keady, Keady, May, McQuinn, Myland, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagg, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1160—An act to amend School Code Section 5 460, relating to librarians in elementary and secondary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Critchfield, Cunningham, Deinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Josiah, Keady, Keady, May, McQuinn, Myland, Phillips, Quinn, Seawell, Slater, Tickle, Wagg, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 843—An act to amend Section 170 of the School Code, relating to transportation of pupils.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Critchfield, Cunningham, Deinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Josiah, Keady, Keady, May, McQuinn, Myland, Phillips, Quinn, Seawell, Slater, Swan, Tickle, Wagg, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1495—An act to amend the Fish and Game Code by amending Section 612 thereof, relating to steelhead trout fishing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Carter, Critchfield, Cunningham, Deinger, Fletcher, Foley, Gordon, Jespersen, Josiah, May, McQuinn, MAYN, Myland, Phillips, Quinn, Rich, Sholey, Slater, Swan, Tickle, Wagg, and Ward—23.

NOES—Garrison—1.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Jespersen moved to reconsider the vote whereby Assembly Bill No. 1397 was passed.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1397 was passed, was continued until the next legislative day.

MOTION TO STRIKE BILL FROM FILE

Senator Tickle moved that Senate Bill No. 524 be stricken from the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 176—An act to amend Section 15 of an act entitled "An act to provide for the refunding of the indebtedness represented by bonds of special improvement districts payable from

taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands, to provide for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts, to provide for the levy of assessments or reassessments for the payment of such refunding bonds, to enforce the liens of such assessments or reassessments, to provide for proceedings to test the validity of such refunding and reassessment, to provide for contributions of public funds to assist in such refunding, and to provide for the use of Federal bankruptcy courts therein," approved June 5, 1933, as amended, relating to credits in making the reassessment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 177—An act to amend Section 17 of an act entitled "An act to provide for the refunding of the bonded indebtedness of special improvement districts, the bonds of which are payable from taxes or from special assessments levied wholly or partly in accordance with the assessed value of lands and for the issue and sale or exchange of refunding bonds and the retirement of unpaid bonds of such districts and the cancellation of unpaid taxes and assessments of such districts, and for the levy of assessments and reassessments to pay such refunding bonds and to enforce the liens of such assessments and reassessments, and to provide for contributions of public funds to assist in such refunding or the payment of refunding bonds, and for proceedings to test the validity of such refunding and assessment or reassessment proceedings and the use of the bankrupt laws of the United States of America in any refunding," approved July 20, 1935, as amended, relating to credits in making the assessment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1110—An act to add Section 395.2 to the Military and Veterans' Code, relating to employees of school districts performing military services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myhand, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 230—An act to amend Section 14599 of the Health and Safety Code and to add two new sections, to be numbered Sections 14920 and 14921, to the Health and Safety Code, providing for the cancellation or refund of erroneous, mistaken, or illegal special assessments for abating weeds, and providing for cancellation of any such assessments when the property is acquired by the State or by any county, city, school district, or other political subdivision and which because of said public ownership is not subject to sale for delinquent taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggall, Carter, Collier, Cunningham, DeLong, Fletcher, Foley, Garrison, Jaspersen, Judah, Kenny, Mayo, McBrade, McCormack, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Tabb, Ward, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1125—An act to add Division 4, comprising Sections 2800 to 3012, Division 5, comprising Sections 3200 to 3554, Division 6, comprising Sections 4000 to 4677, Division 7, comprising Sections 5000 to 6794, Division 8, comprising Sections 7000 to 4776, Division 9, comprising Sections 8000 to 8062, Division 10, comprising Sections 8500 to 8851, Division 14, comprising Sections 18000 to 19291, Division 15, comprising Sections 22000 to 22202, and Division 50, comprising Section 50000, to repeal the division handling of Division 20, and to amend by renumbering Sections 10000, 10001, 10002 and 10003 to be Sections 50001, 50002, 50003 and 50004, respectively, of the Streets and Highways Code, thereby consolidating and revising the law relating to public ways, works and improvements, and including but not limited to procedures for making, maintaining and financing the same, and to repeal certain acts or parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggall, Brown, Carter, Collier, Criffenden, Cunningham, DeLong, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Mayo, McBrade, McCormack, Mixer, Myhand, Quinn, Seawell, Slater, Swan, Tabb, Ward, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1476—An act adding Section 14593 to the Health and Safety Code, relating to dissolution of fire protection districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggall, Brown, Carter, Collier, Criffenden, Cunningham, DeLong, Fletcher, Foley, Garrison, Gordon, Jaspersen, Kenny, Mayo, McBrade, McCormack, Mixer, Myhand, Quinn, Rich, Seawell, Slater, Swan, Tabb, Ward, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1614—An act to add Section 38.5 to the Alcoholic Beverage Control Act, relating to certificates of compliance.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 28, of the printed bill, after "board", strike out "shall", and insert "may".

Amendment No. 2

On page 2, line 2, of the printed bill, after "violated", strike out "revoked", and insert "revoke".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 555—An act to amend Sections 106, 107, 108 and 109 of the Streets and Highways Code, relating to cooperative agreements as to bridges, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry.

Resolution read.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 40, of the printed measure as amended, after "Sec. 4.", insert "On the operative date hereof the unencumbered balance of all funds heretofore lawfully available, or then to be allocated by the Director of Natural Resources, for the maintenance and support of the State officer, board, or agency heretofore administering the provisions of Division 4 of the Public Resources Code, shall become available for the support and maintenance of the board herein created subject to like limitations, other than departmental power of allocation, as heretofore existed with respect thereto. On said operative date the State Board of Forestry

and the office of State Forester and Chief of the Division of Forestry provided for by the Public Resources Code are hereby abolished,
Sec. 5."

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1398—An act to amend Sections 760, 781 and 1706.8 of, and to add Section 760.5 to the Insurance Code relating to insurance, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Baggart, Brown, Carter, Collins, Crockerham, DeLong, Fletcher, Fisher, Gairson, Gordon, Jackson, Jidd, Kenny, Mike McHugh, McCormack, Myler, Myland, Quinn, Ross, Seabell, Seaton, Slater, Swan, Tinkle, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggart, Brown, Carter, Collins, Crockerham, DeLong, Fletcher, Fisher, Gairson, Gordon, Jackson, Jidd, Kenny, Mike McHugh, McCormack, Myler, Myland, Quinn, Ross, Seabell, Seaton, Slater, Swan, Tinkle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 43

Senator Kenny moved that Senate Bill No. 43 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 43—An act to amend Section 117 of the Political Code, relating to Congressional districts.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend", and insert "add Section 90 to Article 2 of Chapter 2 of Title 1 of Part 2, and Section 110 to Chapter 3 of Title 1 of Part 2 of, and to repeal".

Amendment No. 2

Strike out line 2 of the title of the printed bill, and insert "the division of this State into districts for the election of legislative representatives, including districts for the election of Assemblymen and Representatives in Congress."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "Section 117 of the Political Code is hereby", and insert "Section 90 is hereby added to Article 2 of Chapter 2 of Title 1 of Part 2 of the Political Code, to read as follows:

90. The State is divided into 80 Assembly districts, which shall be designated and constituted as follows:

1. The Counties of Del Norte, Humboldt and Mendocino shall constitute the First Assembly District.

2. The Counties of Trinity, Siskiyou, Modoc, Lassen, Plumas and Sierra shall constitute the Second Assembly District.

3. The Counties of Shasta, Tehama, Glenn, Colusa and Yolo shall constitute the Third Assembly District.

4. The Counties of Butte, Yuba and Sutter shall constitute the Fourth Assembly District.

5. The Counties of Lake, Napa and Solano shall constitute the Fifth Assembly District.

6. The Counties of Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Inyo and Mono shall constitute the Sixth Assembly District.

7. The Counties of Sonoma and Marin shall constitute the Seventh Assembly District.

8. All that portion of the County of Sacramento described as follows: shall constitute the Eighth Assembly District.

9. All that portion of the County of Sacramento not included in the Eighth Assembly District, as fixed and defined by this section, shall constitute the Ninth Assembly District.

10. The County of Contra Costa shall constitute the Tenth Assembly District.

11. All that portion of the County of San Joaquin described as follows: shall constitute the Eleventh Assembly District.

12. All that portion of the County of San Joaquin not included in the Eleventh Assembly District, as fixed and defined by this section, shall constitute the Twelfth Assembly District.

13. All that portion of the County of Alameda described as follows: shall constitute the Thirteenth Assembly District.

14. All that portion of the County of Alameda described as follows: shall constitute the Fourteenth Assembly District.

15. All that portion of the County of Alameda described as follows: shall constitute the Fifteenth Assembly District.

16. All that portion of the County of Alameda described as follows: shall constitute the Sixteenth Assembly District.

17. All that portion of the County of Alameda described as follows: shall constitute the Seventeenth Assembly District.

18. All that portion of the County of Alameda described as follows: shall constitute the Eighteenth Assembly District.

19. All that portion of the City and County of San Francisco described as follows: shall constitute the Nineteenth Assembly District.

20. All that portion of the City and County of San Francisco described as follows: shall constitute the Twentieth Assembly District.

21. All that portion of the City and County of San Francisco described as follows: shall constitute the Twenty-first Assembly District.

22. All that portion of the City and County of San Francisco described as follows: shall constitute the Twenty-second Assembly District.

23. All that portion of the City and County of San Francisco described as follows: shall constitute the Twenty-third Assembly District.

24. All that portion of the City and County of San Francisco described as follows: shall constitute the Twenty-fourth Assembly District.

25. All that portion of the City and County of San Francisco described as follows: shall constitute the Twenty-fifth Assembly District.

26. The County of San Mateo shall constitute the Twenty-sixth Assembly District.

27. All that portion of the County of Santa Clara described as follows: shall constitute the Twenty-seventh Assembly District.

28. All that portion of the County of Santa Clara not included in the Twenty-seventh Assembly District, as fixed and defined by this section, shall constitute the Twenty-eighth Assembly District.

29. The County of Stanislaus shall constitute the Twenty-ninth Assembly District.

30. The counties of Merced and Madera shall constitute the Thirtieth Assembly District.

31. The counties of San Benito and Santa Cruz shall constitute the Thirty-first Assembly District.

32. The counties of Monterey and San Luis Obispo shall constitute the Thirty-second Assembly District.

33. All that portion of the County of Fresno described as follows: shall constitute the Thirty-third Assembly District.

34. All that portion of the County of Fresno not included in the Thirty-third Assembly District shall constitute the Thirty-fourth Assembly District.

35. The counties of Kings and Tulare shall constitute the Thirty-fifth Assembly District.

36. The County of Santa Barbara shall constitute the Thirty-sixth Assembly District.

37. The County of Ventura shall constitute the Thirty-ninth Assembly District.

38. All that portion of the County of Kern including within its boundaries all Judicial Township Number 2, Judicial Township Number 4, Judicial Township Number 5, Judicial Township Number 7, Judicial Township Number 9, Judicial Township Number 12, Judicial Township Number 13, Judicial Township Number 14, Judicial Township Number 15, Judicial Township Number 16, and Judicial Township Number 17, in any judicial township created on January 1, 1941, shall constitute the Fourth Senate Assembly District.

39. All that portion of the County of Kern not included in the Thirty-ninth Assembly District and not within any other district constitutes the Thirtieth Senate Assembly District.

40. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of the Central Freeway of the Los Angeles River and the center line of the Southern Pacific Railroad Company's Right of Way (main line to Van Nuys at Alexander Avenue), thence southerly along the center line of said right of way to the center line of 1941 Street, thence northerly along the center line of 1941 Street to the center line of Mission Road, thence southerly along the center line of Mission Road to the center line of Marquette Street, thence southerly along the center line of Marquette Street to the center line of Santa Street, thence southerly along the center line of Santa Street to the center line of Valley Boulevard, thence southerly along the center line of Valley Boulevard to the southerly prolongation of the center line of Indiana Street, thence southerly along said southerly prolongation of the center line of Indiana Street to an angle point in the center line of the City of Los Angeles at the point defined on March 1, 1941, for the intersection of Mainland Avenue and Indiana Street, thence southerly along said southerly prolongation of the center line of Indiana Street to the center line of the City of Los Angeles at the point defined on March 1, 1941, for the intersection of Mainland Avenue and Indiana Street, thence southerly along the center line of said intersection following the same in all its various courses to point of beginning, shall constitute the Fourth Senate District.

41. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northwesterly corner of the County of Los Angeles, with corner lying on the northwesterly line of Sec. 4, T. 1 S. N. R. 10 W. S. R. B. & M., thence easterly along the line of said corner and following the same in all its various courses to the northwesterly line of Sec. 1, T. 1 N. R. 7 W. S. R. B. & M., thence westerly along said line to the northwestern corner of Sec. 6, T. 2 N. R. 11 W. S. R. B. & M., thence southerly along the center line of 1941 Street to the northwestern corner of Sec. 1, T. 2 N. R. 11 W. S. R. B. & M., thence southerly along said line to the northwestern corner of Sec. 2, T. 2 N. R. 10 W. S. R. B. & M., thence southerly along said line to the southerly prolongation of the first intersection with the center line of the City of Los Angeles as the same existed March 1, 1941 (in Verdugo Boulevard); thence southerly along the boundary of said city and following the same in all its various courses to its first intersection with the northwesterly corner of the City of Los Angeles, as the same existed on a map dated September 1, 1939, as published in the office of the Recorder of the County of Los Angeles, as shown on map recorded in Book 103, pages 16 and 17, of Patents, in the office of the Recorder of the County of Los Angeles; thence northwesterly along the boundary of the City of Los Angeles and following the same in all its various courses to the center line of the Southern Pacific Railroad Company's Right of Way (Valley Line); thence northwesterly along the center line of said right of way to the southerly prolongation of that portion of the southerly boundary of the City of San Fernando, as the same existed on a map dated June 1, 1939, published in the office of the Recorder of the County of Los Angeles; thence southerly along the southerly prolongation of the center line of Rinaldi Street, thence southerly along said prolongation and center line of Rinaldi Street and following the same in all its various courses to the northerly prolongation of the westerly line of Tract No. 10081, as shown on map recorded in Book 103, pages 28 to 30 of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along said last mentioned prolongation to its first intersection with the boundary of the City of Los Angeles, as the same existed on the above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the westerly boundary of the County of Los Angeles; thence southerly along said last mentioned boundary and following the same in all its various courses to the point of beginning, shall constitute the Fifth Senate District.

42. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the northerly line of Sec. 8, T. 1 S. R. 10 W. S. R. B. & M., and the northwesterly boundary of the County of Los Angeles;

thence northeasterly along the boundary of said county and following the same in all its various courses to its first intersection with the boundary of the City of Los Angeles, as the same existed March 1, 1941; said point being also the center of Sec. 23, T. 2 N., R. 17 W., S. B. B. & M.; thence north along the boundary of said city and following the same in all its various courses to the northerly prolongation of the westerly line of Tract No. 10081, as shown on map recorded in Book 143, pages 28 to 30, of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along said prolongation to the center line of Rinaldi Street; thence northeasterly along the center line of Rinaldi Street and following the same in all its various courses and its northeasterly prolongation thereof to the southwesterly boundary of the City of San Fernando, as the same existed on the above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in said boundary lying on the southwesterly line of Lot 231, Maclay Rancho, as shown on map recorded in Book 37, pages 5 to 16, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence southwesterly along the southwesterly prolongation of that portion of the southeasterly boundary of said last mentioned city lying southeasterly of the southeasterly line of Lot 230, of said last mentioned tract, to the center line of the Southern Pacific Railroad Company's Right of Way (Valley Line); thence southeasterly along the center line of said right of way to the northerly boundary of the City of Burbank, as the same existed on the above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the most southerly corner thereof, said corner being also a point in the northerly boundary of the City of Los Angeles, as the same existed on above mentioned date; thence northeasterly along said last mentioned boundary and following the same in all its various courses to the center line of Goodwin Avenue; thence westerly along the center line of Goodwin Avenue to the westerly terminus thereof; thence westerly in a direct line to the most southeasterly corner of the Rancho Providencia as shown on map recorded in Book 4, page 20 of Patents in the office of the Recorder of the County of Los Angeles; thence westerly along the southerly boundary of the Rancho Providencia to the center line of Barham Boulevard; thence southwesterly along the center line of Barham Boulevard to the center line of the Pacific Electric Railway Company's Right of Way; thence southeasterly along the center line of said last mentioned right of way to the southeasterly prolongation of that portion of the northeasterly line of Woodrow Wilson Drive lying between Treasure Trail and Cahuenga Boulevard; thence northwesterly along said last mentioned prolongation and northeasterly line of Woodrow Wilson Drive to a point in the southerly boundary of that certain territory annexed to the City of Los Angeles May 22, 1915, known as the San Fernando addition; thence westerly along the boundary of said last mentioned annexation and following the same in all its various courses to an angle point in the City of Los Angeles as the same existed on above mentioned date, said angle point being also the most easterly corner of fractional Sec. 33, T. 1 N., R. 16 W., S. B. B. & M.; thence southwesterly along the boundary of said last mentioned city to the southerly line of fractional Sec. 18, T. 1 S., R. 16 W., S. B. B. & M.; thence westerly along section lines to the southeast corner of Sec. 13, T. 1 S., R. 19 W., S. B. B. & M.; thence northerly and westerly along the easterly and northerly lines of said Sec. 13 to the southeast corner of Sec. 11, said last mentioned township and range; thence northerly along the easterly lines of said last mentioned section to the northeast corner thereof; thence westerly along section lines to the point of beginning, shall constitute the Forty-second Assembly District.

43. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the most westerly corner of the boundary of the City of Glendale as the same existed on March 1, 1941; thence northeasterly along the boundary of said city and following the same in all its various courses to its first intersection with the boundary of the City of Los Angeles as the same existed on the above mentioned date; thence westerly along the boundary of the said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the Forty-third Assembly District.

44. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the northeasterly prolongation of the center line of Dallas Street, as shown on map of Tract No. 5963, recorded in Book 80, pages 87 and 88, of Maps, in the office of the Recorder of the County of Los Angeles, and the center line of the Official Bed of the Los Angeles River; thence southeasterly along the center line of said river and following the same in all its various courses to the center line of North Spring Street; thence northeasterly along the center line of North Spring Street to the center line of North Broadway; thence northeasterly and easterly along the center line of North Broadway to the center line of Daly Street; thence southerly along the center line of Daly Street to the center line of the Southern Pacific Railroad Company's Right of Way in Alhambra Avenue; thence westerly along the center line of said last mentioned right of way to the

[illegible]

45. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the northwesterly prolongation of the center line of Division Street with the southeast corner of the Southern Pacific Railway Company's Right of Way (Avenue 1 and 2), said northwesterly prolongation to the southeast corner of Tract No. 3867, as shown on said map, in Book 44, pages 20 and 21, of Maps, in the office of the Recorder of the County of Los Angeles, thence north easterly along said prolongation and center line of Division Street to the center line of Avenue 30, thence southeasterly along the center line of Avenue 30 to the center line of Bank Street, thence northerly along the center line of Bank Street to the center line of Isabel Street, thence southeasterly along the center line of Isabel Street and following the same in all its various courses to the center line of Amabel Street, thence southeasterly along the center line of Amabel Street to the center line of Figueroa Street, thence northeasterly along the center line of Figueroa Street to the center line of Avenue 37, thence southeasterly along the center line of Avenue 37 to the center line of Arroyo Seco Avenue, thence northeasterly along the center line of Arroyo Seco Avenue to the center line of Marmon Way, thence northerly along the center line of Marmon Way and following the same in all its various courses to the northwesterly prolongation of the center line of that portion of Avenue 44 lying between Figueroa Street and Marmon Way, thence southeasterly along said prolongation and center line of Avenue 44 to the center line of Figueroa Street, thence northeasterly along the center line of Figueroa Street and following the same in all its various courses to the center line of Avenue 60 (from the southeast), thence southeasterly along the center line of Avenue 60 to the center line of Arroyo Seco Parkway, thence northeasterly along

the center line of Arroyo Seco Parkway and following the same in all its various courses to the center line of Marmion Way; thence southeasterly along the center line of Marmion Way to the center line of Arroyo Drive; thence easterly along the center line of Arroyo Drive to the northerly prolongation of the most westerly boundary of the City of South Pasadena as the same existed on March 1, 1941; thence southerly along said last mentioned prolongation to the northerly terminus of said most westerly boundary, being also an angle point in the boundary of the City of Los Angeles as the same existed on said date; thence southerly along the boundary of said City of Los Angeles and following the same in all its various courses to an angle point in said boundary, said angle point lying on center line of Indiana Street, as shown on map of Boston Heights, recorded in Book 19, page 28, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence northerly along the center line of Indiana Street and the northerly prolongation thereof to the center line of Valley Boulevard; thence westerly along the center line of Valley Boulevard to the center line of Soto Street; thence southwesterly along the center line of Soto Street to the center line of Marengo Street; thence northwesterly along the center line of Marengo Street to the center line of Mission Road; thence southwesterly along the center line of Mission Road to the center line of Daly Street; thence northerly along the center line of Daly Street to the center line of North Broadway; thence westerly and southwesterly along the center line of North Broadway to the center line North Spring Street; thence southwesterly along the center line of North Spring Street to the center line of the Official Bed of the Los Angeles River; thence northwesterly along the center line of said river to the southwesterly prolongation of the center line of that portion of Granada Street lying between Cypress Avenue and San Fernando Road; thence northeasterly along said last mentioned prolongation to the southwesterly line of the aforesaid Southern Pacific Railroad Company's Right of Way (Valley Line); thence northwesterly along the southwesterly line of said right of way to the point of beginning, shall constitute the Forty-fifth Assembly District.

46. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the southwesterly prolongation of the center line of that portion of Culver Boulevard lying between Trolley Way and Ocean Front Walk with the southwesterly boundary of the County of Los Angeles; thence northeasterly along said southwesterly prolongation and center line of Culver Boulevard and following the same in all its various courses to the center line of Pershing Drive (from the northwest); thence northwesterly along the center line of Pershing Drive to the northwesterly boundary of the City of Los Angeles, as same existed on March 1, 1941; thence northeasterly along the boundary of said city and following the same in all its various courses to the center line of Victoria Avenue, as shown on map of Tract No. 911, recorded in Book 16, page 188, of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along the center line of Victoria Avenue to the center line of Fifty-second Street; thence easterly along the center line of Fifty-second Street to the center line of the Los Angeles Railway Corporation's Right of Way in Crenshaw Boulevard; thence southerly along the center line of said right of way to the center line of Slauson Avenue; thence easterly along the center line of Slauson Avenue to the center line of Western Avenue; thence southerly along the center line of Western Avenue to the center line of Manchester Avenue; thence westerly along the center line of Manchester Avenue to the easterly boundary of the City of Inglewood, as the same existed on the above mentioned date; thence southerly along the boundary of said last mentioned city to an angle point in said last mentioned boundary at or near the center of Sec. 2, T. 3 S., R. 14 W., S. B. B. & M.; being also on the center line of Arlington Avenue; thence southerly along the center line of Arlington Avenue to the center line of El Segundo Boulevard; thence westerly along the center line of El Segundo Boulevard to the easterly boundary of the City of Hawthorne, as the same existed on the above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Prairie Avenue; thence southerly along the center line of Prairie Avenue to the northwesterly boundary of the City of Torrance, as the same existed on the above mentioned date; thence southwesterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in the boundary of the City of Redondo Beach, as the same existed on the above mentioned date, said angle point being at or near the northeasterly corner of Block 21 of Tract 10019, as shown on map recorded in Book 182, pages 1 to 13, inclusive, of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along the boundary of said last mentioned city to an angle point in the northwesterly boundary of the City of Torrance, as the same existed on above mentioned date, said point being also the southeasterly corner of Block 70 of the above mentioned Tract No. 10019; thence westerly along the boundary of said City of Torrance and following the same in all its various courses to the westerly boundary of the County of Los Angeles; thence north along the boundary of said county and following the same in all its various courses to the point of beginning, shall constitute the Forty-sixth Assembly District.

47. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Allen Avenue as shown on map of Tract No. 1209, recorded in Book 29, page 9, of Maps in the office of the Recorder of the County of Los Angeles, and the northerly boundary of the City of Pasadena, as same existed March 1, 1941; thence southerly along the center line of Allen Avenue to an angle point in the boundary of said city lying between Monte Vista Street and Villa Street; thence southerly along the boundary of said city and following the same in all its various courses to the center line of Allen Avenue as shown on map of Arroyo Tract, recorded in Book 8, page 117, of Maps in the office of the Recorder of the County of Los Angeles; thence southerly along the center line of Allen Avenue to that portion of the northerly boundary of said city lying between Keystone Street and Blaine Street; thence southerly along the boundary of said city and following the same in all its various courses to the northwesterly corner of Lot 35, as shown on Arroyo Map No. 3 recorded in Book 52, page 50, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence southerly along the boundary of said city and following the same in all its various courses to the point of beginning, shall constitute the Easternmost Arroyo Tract.

48. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northwesterly corner of Sec. 2, T. 2 N., R. 13 W., S. B. B. & M.; thence easterly along the northerly line between T. 2 and 4 N. in the northwesterly corner of Sec. 1, T. 2 N., R. 12 W., S. B. B. & M.; thence southerly along the easterly line of said Sec. 1, to the northwesterly corner of Sec. 6, T. 2 N., R. 11 W., S. B. B. & M.; thence easterly along the northerly line of said Sec. 6 to the northwesterly corner thereof; thence southerly along section line between northwesterly corner of Sec. 32, T. 2 N., R. 11 W., S. B. B. & M.; thence easterly along the boundary line between T. 1 and 2 N., to the center and northwesterly corner of Sec. 4, T. 4 N., R. 11 W., S. B. B. & M.; thence southerly along section line to the center of Sec. 10; said last mentioned boundary and angle, said last mentioned point being also the northwesterly corner of the City of Montebello in the same existed on March 1, 1941; thence southerly along the northerly boundary of said city to the northwesterly corner of the City of Arroyo; in the same existed on above mentioned date, thence westerly along the northerly boundary of the City of Arroyo and following the same in all its various courses to an angle point nearest to the southwest corner of Football Boulevard and Middlebush Avenue; thence southerly in a direct line to an angle point in the boundary of said last mentioned city at the southeast corner of Football Boulevard and Middlebush Avenue; thence southerly along the westerly boundary of said last mentioned city to the center line of the Pacific Electric Railway Company's Rego or Way to Huntington Drive; thence southerly along the center line of said right of way to the northerly boundary of the City of San Marino, as same existed on the above mentioned date; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in the boundary of the City of Pasadena, as the same existed on above mentioned date, said last mentioned angle point being in Lot 7 of the San Marino Tract, as shown on map recorded in Book 42, page 91, of Miscellaneous Records in the office of the Recorder of the County of Los Angeles; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of that portion of Allen Avenue lying between Keystone Avenue and Blaine Street; thence southerly along the center line of Allen Avenue to that portion of the northerly boundary of said last mentioned city lying between Louisa Street and Corson Street; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to that portion of the center line of Allen Avenue lying between Villa Street and Monte Vista Street; thence northerly along the center line of Allen Avenue to the northerly boundary of said last mentioned city; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the Arroyo Addition to said last mentioned city; thence northerly along the boundary of said Arroyo Addition and following the same in all its various courses to the northwesterly corner of Lot 35, as shown on Arroyo Map No. 3 recorded in Book 52, page 50, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles, said corner being in the westerly boundary of the City of Pasadena, as the same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the boundary of the

City of Glendale, as the same existed on the above mentioned date; thence southwesterly along the boundary of said last mentioned city and following the same in all its various courses to the southerly prolongation of the westerly line of Sec. 26, T. 2 N., R. 13 W., S. B. B. & M.; thence northerly along said southerly prolongation and northerly along section lines to the point of beginning, shall constitute the Forty-eighth Assembly District.

49. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northeast corner of Sec. 6, T. 2 N., R. 11 W., S. B. B. & M.; thence easterly along the township line between T. 2 and 3, north to the easterly boundary of the County of Los Angeles; thence southwesterly along the boundary of said county and following the same in all its various courses to the center line of Brea Canyon Road; thence northerly along the center line of Brea Canyon Road and following the same in all its various courses to the center line of Brea Canyon Cut-off Road; thence northwesterly along the center line of Brea Canyon Cut-off Road and following the same in all its various courses to the center line of Walnut Drive; thence easterly along the center line of Walnut Drive to the center line of Water Street; thence northerly along the center line of Water Street to the center line of the Los Angeles and Salt Lake Railroad Company's Right of Way (Riverside Branch); thence westerly along the center line of said right of way to the southerly prolongation of the center line of Center Street; thence northerly along said prolongation and center line of Center Street to the center line of La Puente Road; thence northeasterly along the center line of La Puente Road to the range line between R. 9 and 10 W.; thence northerly along said range line to the northwest corner of Sec. 30, T. 1 S., R. 9 W., as same is established by projecting government section lines; thence easterly in a direct line to the southeast corner of Sec. 20, said last mentioned township and range, as same is established by projecting government section lines; thence northerly in a direct line to the east and west quarter section line in fractional Sec. 8, T. 1 S., R. 9 W., in the Rancho San Jose as shown on map recorded in Book 2, pages 292 and 293, of Patents, in the office of the Recorder of the County of Los Angeles; thence westerly along quarter section lines to the center line of Azusa Canyon Road; thence southerly along the center line of Azusa Canyon Road to the northerly boundary of the City of West Covina, as same existed on March 1, 1941; thence westerly along the boundary of said city and following the same in all its various courses to the center line of Willow Avenue; thence southwesterly along the center line of Willow Avenue to the center line of Francisquito Avenue; thence northwesterly along the center line of Francisquito Avenue to the center line of West Ramona Boulevard; thence southwesterly along the center line of West Ramona Boulevard to the center line of the San Gabriel River; thence northeasterly along the center line of said San Gabriel River to the northeasterly line of the Rancho San Francisquito, as shown on map recorded in Book 1, pages 31 and 32, of Patents, in the office of the Recorder of the County of Los Angeles; thence northwesterly along the northeasterly line of the said rancho to the southeasterly boundary of the City of Arcadia, as same existed on above mentioned date; thence southwesterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point therein at the southeast corner of Foothill Boulevard and Michillinda Avenue; thence northeasterly in a direct line to an angle point in the boundary of said last mentioned city at the northeast corner of Foothill Boulevard and Michillinda Avenue; thence northerly along the westerly boundary of said last mentioned city and following the same in all its various courses to the northeast corner thereof, being a point in the westerly boundary of the City of Monrovia, as the same existed on above mentioned date; thence northerly along the westerly boundary of said last mentioned city to the northwesterly corner thereof, being also the center of Sec. 10, T. 1 N., R. 11 W., S. B. B. & M.; thence northerly along quarter section lines to the township line between T. 1 and 2 N.; thence westerly along said last mentioned township line to the southwest corner of Sec. 32, T. 2 N., R. 11 W., S. B. B. & M.; thence northerly along section lines to point of beginning, shall constitute the Forty-ninth Assembly District.

50. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Oak Avenue with the southerly boundary of the City of Arcadia, as the same existed on March 1, 1941; thence easterly along the boundary of said city and following the same in all its various courses to the northeasterly line of the Rancho San Francisquito, as shown on map recorded in Book 1, pages 31 and 32 of Patents, in the office of the Recorder of the County of Los Angeles; thence southeasterly along the boundary of said rancho to the center line of the San Gabriel River; thence southwesterly along the center line of said river and following the same in all its various courses to the center line of West Ramona Boulevard; thence northeasterly along the center line of West Ramona Boulevard to the center line of Francisquito Avenue; thence southeasterly along the center line of Francisquito Avenue to the center line of Willow Avenue; thence northeasterly along the center line of Willow Avenue to the southwest boundary of the City of West Covina, as the same existed on

above mentioned date, thence northeasterly along the boundary of said city and following the same in all its various courses to the center line of Adams Canyon Road, said point being near the northeast corner of Lot 16 of the Eugene Higgins Subdivision of the Hollywood Tract, as shown on map recorded in Book 70, page 37, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence northerly along the same line to Adams Canyon Road to the east and west quarter section line of Sec. 9, T. 1 S., R. 10 W., S. 11 & M., thence easterly along quarter section line to the quarter line of fractional Sec. 8, T. 1 S., R. 9 W., in the Bureau of Land Use, as shown on map recorded in Book 2, pages 292 and 293, of Patents, in the office of the Recorder of the County of Los Angeles, said point being near the intersection of the center line of Garbin Boulevard and Valley Center Avenue; thence southerly, to a right of way to the southeast corner of Sec. 20, said line southerly crossing and crossing over said right of way and following government prolongation of said line thence southerly to a street line to the northwest corner of Sec. 30, T. 1 S., R. 9 W., as shown as subdivision for proposed government section lines and quarter section lines, to a point in the ridge line between R. 9 and 10 W.; thence southerly along said ridge line to the center line of La Puente Road; thence southwesterly along the center line of La Puente Road to the center line of Center Street; thence southerly along the center line of Center Street and the southerly prolongation thereof to the center line of the Los Angeles and Salt Lake Railroad Company's Right of Way (Riverbank Branch); thence easterly along the center line of said right of way to the center line of Water Street; thence southerly along the center line of Water Street to the center line of Walnut Drive; thence southwesterly and southerly along the center line of Walnut Drive to the center line of River Canyon Canal; thence southerly along the center line of River Canyon Canal to a point and following the same in all its various courses to the southwest corner of the southwest quarter of Sec. 13, T. 3 S., R. 11 W., in the Bureau of Land Use, as shown on map recorded in Book 1, pages 490 and 491 of Patents, in the office of the Recorder of the County of Los Angeles, said point being in the center line of Rosemead Avenue; thence westerly along the center line of Rosemead Avenue to the center line of Lurline Avenue; thence southerly along the center line of Lurline Avenue to the center line of Imperial Highway; thence westerly along the center line of Imperial Highway to the center line of Culverville Road; thence southerly along the center line of Culverville Road to the center line of Lakeland Avenue; thence westerly along the center line of Lakeland Avenue to the center line of The Atchison, Topeka & Santa Fe Railroad Company's Right of Way (Main Line Los Angeles to San Diego); thence southerly along the center line of said right of way to the center line of Anaheim Telegraph Road; thence westerly along the center line of Anaheim Telegraph Road and following the same in all its various courses to a point due south of the most southerly corner of the City of Montebello, as the same existed on above mentioned date; thence due north to said last mentioned most southerly corner; thence northeasterly along the boundary of said city and following the same in all its various courses to the southerly prolongation of the center line of Walnut Drive Avenue; thence southerly along said prolongation; center line northerly prolongation; center line and northerly prolongation of said center line of Walnut Drive Avenue to the center line of the Southern Pacific Railroad Company's Right of Way (Main Line to Yuma); thence southwesterly along the center line of said right of way to the southerly prolongation of the center line of Encinita Avenue; thence southerly along said prolongation and center line of Encinita Avenue to the center line of Garibaldi Avenue; thence easterly along the center line of Garibaldi Avenue to the center line of Oak Avenue; thence northerly along the center line of Oak Avenue to the point of beginning, shall constitute the Fiftieth Assembly District.

51. All that part of the County of Los Angeles within the following described boundaries:

Beginning at an angle point in the boundary of the City of Los Angeles, as the same existed March 1, 1941, said angle point being in the intersection of Indiana Street and McJannet Street; thence easterly along the boundary of said city and following the same in all its various courses to the southwest corner of the City of Alhambra, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the boundary of the City of Monterey Park, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the first intersection with the northerly boundary of the City of Montebello, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the southeasterly line of Church Road; thence northeasterly along said southeasterly line of Church Road and the northeasterly prolongation thereof to the center line of The Atchison,

Topeka & Santa Fe Railway Company's Right of Way (Main Line Los Angeles to San Diego); thence northwesterly along the center line of said right of way to its first intersection with the southeasterly boundary of the City of Vernon, as the same existed on above mentioned date; thence northeasterly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the southerly boundary of the City of Los Angeles, as the same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the Fifty-first Assembly District.

52. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northwesterly corner of the City of Vernon, as the same existed March 1, 1941, at or near the northwesterly corner of Twenty-fifth and Alameda Streets, said point of beginning being also an angle point in the boundary of the City of Los Angeles, as same existed on the above mentioned date; thence easterly along the boundary of said City of Los Angeles and following the same in all its various courses to an angle point in aforesaid City of Vernon at or near the north-easterly corner of Lot 16, of Tract No. 8626, as shown on map recorded in Book 121, pages 96 to 100, of Maps, in the office of the Recorder of the County of Los Angeles; thence southwesterly along the boundary of said City of Vernon and following the same in all its various courses to the center line of The Atchison, Topeka & Santa Fe Railway Company's Right of Way (Main Line Los Angeles to San Diego); thence southeasterly along the center line of said right of way to the northeasterly prolongation of the southeasterly line of Church Road; thence southwesterly along said northeasterly prolongation and southeasterly line of Church Road to its first intersection with the boundary of the City of Montebello, as same existed on above mentioned date; thence southwesterly along the boundary of said last mentioned city and following the same along all its various courses to the most southerly corner thereof; thence due south to the center line of Anaheim Telegraph Road; thence southeasterly along the center line of Anaheim Telegraph Road to the center line of the official channel of the Rio Hondo; thence southwesterly along the center line of said official channel and following the same in all its various courses to its first intersection with the northerly boundary of the City of South Gate, as the same existed on above mentioned date; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in the boundary of said last mentioned city near the northwesterly corner of Tract No. 3233 as shown on map recorded in Book 36, page 70, of Maps, in the office of the Recorder of the County of Los Angeles; thence northerly along the northerly prolongation of that portion of the boundary of said last mentioned city lying on the westerly line of said last mentioned tract to the center line of Southern Pacific Railroad Company's Right of Way (Santa Ana Branch); thence northwesterly along the center line of said right of way to the southerly prolongation of the center line of that portion of Santa Fe Avenue lying between Florence Avenue and Sale Place; thence northerly along said southerly prolongation and center line of Santa Fe Avenue to the southerly boundary of the City of Huntington Park, as the same existed on above mentioned date; thence westerly along the boundary of said city to the first angle point therein, said angle point being near the southwesterly corner of Lot A, Tract No. 4286, as shown on map recorded in Book 45, pages 27 and 28, of Maps, in the office of the Recorder of the County of Los Angeles; said angle point being also in the center line of Florence Avenue, thence westerly along the center line of Florence Avenue to the center line of Compton Avenue; thence northerly along the center line of Compton Avenue to the northerly boundary of the above mentioned City of Los Angeles; thence easterly along the boundary of said city and following the same in all its various courses to the point of beginning, shall constitute the Fifty-second Assembly District.

53. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northwesterly corner of the City of South Pasadena, as the same existed on March 1, 1941, said corner being at the northwesterly corner of Lot 2, Tract No. 3119, as shown on map recorded in Book 33, page 94 of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along the boundary of said city and following the same in all its various courses to the most westerly corner of the City of San Marino, as the same existed on above mentioned date; thence southeasterly along the northerly boundary of said last mentioned city and following the same in all its various courses to the center line of the Pacific Electric Railway Company's Right of Way in Huntington Drive; thence north-easterly along the center line of said right of way to the westerly boundary line of the City of Arcadia, as the same existed on the aforementioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Oak Avenue; thence southerly along the center line of Oak Avenue to the center line of Garibaldi Avenue; thence westerly along the center line of Garibaldi Avenue to the center line of Encinita Avenue; thence southerly along the center line of Encinita Avenue and the southerly prolonga-

tion thereof to the center line of the Southern Pacific Railroad Company's Right of Way (Main Line to Yuma); thence northwesterly along the center line of said right of way to the southwesterly prolongation of the center line of Walnut Grove Avenue; thence southwesterly along said southwesterly prolongation, thence along said prolongation, center line and southwesterly prolongation of the center line of Walnut Grove Avenue to the southern boundary of the City of Marmonia; thence along the same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the southeasterly boundary of the City of Marmonia Park; thence along the same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the southeasterly boundary of the City of Alhambra; thence along the same existed on above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the line intersecting with the southeasterly boundary of the aforementioned City of South Pasadena; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the Fifty-fourth Assembly District.

54. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the most southerly corner of the City of Glendale, by the same existed on March 1, 1941; and southeasterly along the same to the southwesterly line of the Southern Pacific Railroad Company's Right of Way (Valley Line), being the an angle point in the boundary of the City of Los Angeles by the same existed on above mentioned date; thence southwesterly along the boundary of said last mentioned city and following the southeasterly boundary of the City of Los Angeles, said angle point being the southeasterly prolongation of the center line of the City of South Pasadena; thence along the same southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Avenue 60; thence southwesterly along the center line of Avenue 60 to the center line of Figueroa Street; thence southwesterly along the center line of Figueroa Street and following the same in all its various courses to the center line of Avenue 44; thence southwesterly along the center line of Avenue 44 to the southeasterly prolongation thereof to the center line of Marmonia Way; thence southeasterly along the center line of Marmonia Way and following the same in all its various courses to the center line of Arroyo Seco Avenue; thence southwesterly along the center line of Arroyo Seco Avenue to the center line of Avenue 37; thence northwesterly along the center line of Avenue 37 to the center line of Avenue 35; thence northwesterly along the center line of Avenue 35 to the center line of Figueroa Street; thence northwesterly along the center line of Figueroa Street to the center line of Arroyo Street; thence northwesterly along the center line of Arroyo Street to the center line of Inland Street; thence westwardly along the center line of Inland Street and following the same in all its various courses to the center line of Bank Street; thence northwesterly along the center line of Bank Street to the center line of Avenue 30; thence northwesterly along the center line of Avenue 30 to the center line of Dallas Street; thence southwesterly along the center line of Dallas Street and its southeasterly prolongation to the southwesterly line of the Southern Pacific Railroad Company's Right of Way (Valley Line); thence southwesterly along the southwesterly prolongation of said right of way to the southwesterly prolongation of the southeasterly prolongation of Griffith Street lying between Cypress Avenue and San Francisco Road; thence southwesterly along said last mentioned prolongation to the center line of the Oldall Road of the Los Angeles River; thence northwesterly along the center line of said river to the northwesterly prolongation of the center line of Dallas Street; thence southwesterly along said prolongation and center line of Dallas Street to the center line of Riverside Drive; thence northwesterly along the center line of Riverside Drive to the southwesterly prolongation of the center line of Tylman Street; thence northwesterly along said prolongation and center line of Tylman Street to the point of beginning, shall constitute the Fifty-fourth Assembly District.

55. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Seventh Street and Westmoreland Avenue, as shown on page of the Palmer Trust recorded in Book 7, page 97, of Maps, in the office of the Recorder of the County of Los Angeles; thence westerly along the center line of Seventh Street to the center line of Hoover Street; thence southerly along the center line of Hoover Street to the center line of Eighth Street; thence southwesterly along the center line of Eighth Street and following the same in all its various courses to the center line of Francisco Street; thence northwesterly along the center line of Francisco Street to the center line of Seventh Street; thence southwesterly along the center line of Seventh Street to the center line of Figueroa Street; thence southwesterly along the center line of Figueroa Street to the center line of

Ninth Street (from the southeast); thence southeasterly along the center line of Ninth Street to the center line of Maple Avenue; thence southwesterly along the center line of Maple Avenue to the center line of Jefferson Boulevard; thence northwesterly along the center line of Jefferson Boulevard to the center line of Main Street; thence southwesterly along the center line of Main Street to the center line of Thirty-fifth Street; thence northwesterly along the center line of Thirty-fifth Street to the center line of Hill Street; thence northeasterly along the center line of Hill Street to the center line of the Pacific Electric Railway Company's Right of Way (Santa Monica Air Line); thence westerly along the center line of said right of way to the center line of Figueroa Street; thence northeasterly along the center line of Figueroa Street to the center line of Jefferson Boulevard; thence northwesterly along the center line of Jefferson Boulevard to the center line of Hoover Street, said Hoover Street lying southeasterly of and adjacent to the southeasterly line of Block Q, of West Los Angeles, as shown on map recorded in Book 54, page 75, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence northeasterly and northerly along the center line of Hoover Street to the center line of Washington Boulevard; thence westerly along the center line of Washington Boulevard to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the center line of Ninth Street; thence easterly along the center line of Ninth Street to the center line of Vermont Avenue; thence southerly along the center line of Vermont Avenue to the center line of Ninth Street (from the east); thence easterly along the center line of Ninth Street to the center line of Westmoreland Avenue; thence northerly along the center line of Westmoreland Avenue to the point of beginning, shall constitute the Fifty-fifth Assembly District.

56. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Western Avenue and Los Feliz Boulevard, as shown on map of Tract No. 3825, recorded in Book 41, page 78, of Maps in the office of the Recorder of the County of Los Angeles; thence northeasterly along the center line of Los Feliz Boulevard to the southwesterly prolongation of the center line of a private street known as Western Canyon Road; thence northeasterly along said prolongation and center line of Western Canyon Road and following the same in all its various courses to the southerly boundary of Griffith Park, as shown on County Surveyor's Map No. 2325, on file in the office of the Surveyor of the County of Los Angeles; thence westerly and northerly along the boundary of Griffith Park to its intersection with a direct line connecting the most southeasterly corner of the Rancho Presidente, as shown on map recorded in Book 4, page 20 of Patents in the office of the Recorder of the County of Los Angeles, with the westerly terminus of the center line of Goodwin Avenue; thence easterly in a direct line to said most westerly terminus; thence easterly along the center line of Goodwin Avenue to the easterly boundary of the City of Los Angeles as the same existed on March 1, 1941; thence southeasterly along the boundary of said city to an angle point at the center line of Tyburn Street; thence southwesterly along the center line of Tyburn Street and its prolongation to the center line of Riverside Drive; thence southeasterly along the center line of Riverside Drive to the southwesterly prolongation of the center line of Dallas Street; thence southwesterly along said last mentioned prolongation to the center line of Chavez Ravine Drive; thence southeasterly along the center line of Chavez Ravine Drive and following the same in all its various courses to the center line of Elysian Park Drive; thence southwesterly along the center line of Elysian Park Drive and the southwesterly prolongation thereof to the northwesterly prolongation of the center line of Poria Street from the southwest (Elysian Park Drive and Chavez Ravine Drive are park roads lying within Elysian Park as per Ordinance No. 37351 of the City of Los Angeles); thence southwesterly along said last mentioned prolongation of the center line of Poria Street to the northwesterly prolongation of the center line of that certain alley lying adjacent to and parallel with the northerly line of Block 6, of Golden West Heights, as shown on map recorded in Book 34, page 91, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence southeasterly along said last mentioned prolongation and center line of said alley to the center line of Sutherland Street; thence southwesterly along the center line of Sutherland Street to the center line of Macbeth Street; thence southeasterly along the center line of Macbeth Street to the center line of Quintero Street; thence southwesterly along the center line of Quintero Street to the center line of Sunset Boulevard, thence northwesterly along the center line of Sunset Boulevard and following the same in all its various courses to the center line of Fountain Avenue; thence westerly along the center line of Fountain Avenue to the center line of Hoover Street (from the south); thence southerly along the center line of Hoover Street to the center line of Temple Street; thence southeasterly along the center line of Temple Street to the center line of Hoover Street (from the southwest); thence southwesterly and southerly along the center line of Hoover Street to the center line of Sixth Street; thence southeasterly along the center line of Sixth Street to the center line of Lafayette

Park Place (from the southeast), thence southeasterly along the center line of Lafayette Park Place to the point of intersection of Seventh Street; thence westerly along the center line of Seventh Street to the center line of Vermont Avenue; thence northerly along the center line of Vermont Avenue to the center line of Beverly Boulevard; thence westerly along the center line of Beverly Boulevard to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the point of beginning, said boundary line Fifty-ninth Assembly District.

57. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the westerly boundary of the Rancho Pico de la Cruz, as shown on map entitled "Book 4, page 20" of Plats, in the office of the Recorder of the County of Los Angeles, with the center line of Bishop Boulevard; thence easterly along said westerly boundary to the same southeasterly corner of said Rancho Pico de la Cruz; thence easterly along a direct line connecting said last mentioned corner with the westerly corner of the center line of Grandview Avenue to the intersection of said corner line with the westerly boundary of Griffith Park as shown on County Surveyor's Map No. 11111, in the office of the Surveyor of the County of Los Angeles; thence southerly and easterly along the boundary of said Griffith Park to the corner line of a certain street known as Western Avenue Canyon Road; thence southerly along the center line of said Western Avenue Canyon Road and the southeasterly prolongation thereof to the center line of Lee Valley Boulevard; thence southerly along the center line of Lee Valley Boulevard to the center line of Western Avenue; thence southerly along the center line of Western Avenue to the center line of Beverly Boulevard; thence westerly along the center line of Beverly Boulevard to the boundary of the Rancho Addition to the City of Los Angeles, said boundary line between Griffith and Vista Streets; thence southerly along the boundary of said Rancho Addition and following the same in all its various courses to the center line of Beverly Boulevard; thence southerly along the center line of Beverly Boulevard to the center line of Fairfax Avenue; thence northerly along the center line of Fairfax Avenue to the westerly boundary of the City of Los Angeles, as the same is located on above mentioned map; then the westerly line of Pico Boulevard; thence westerly along the boundary line of said last mentioned city and following the same in all its various courses to the center line of Hollywood Avenue; thence northerly along the center line of Hollywood Avenue to the center line of Santa Avenue; thence westerly along the center line of Santa Avenue to the westerly boundary of the Hollywood Consolidated City of Los Angeles; thence northerly along the boundary of said consolidation and following the same in all its various courses to the center line of El Capitan Place; thence southerly along the center line of El Capitan Place to the center line of Outpost Drive; thence northerly along the center line of Outpost Drive and following the same in all its various courses to the center line of Mulholland Highway; thence southerly along the center line of Mulholland Highway to the center line of Rose Lane Terrace; thence northerly along the center line of Rose Lane Terrace to the center line of Palo Verde Drive; thence southerly along the center line of Palo Verde Drive and following the same in all its various courses to the center line of Woodrow Wilson Drive extending northerly and southerly from Carnegie Boulevard; thence southeasterly and northeasterly along the center line of Woodrow Wilson Drive to a point due south of the intersection of the southeasterly line of said portion of Woodrow Wilson Drive with the southeasterly boundary of the San Francisco Addition to the City of Los Angeles; thence due north to said last mentioned intersection; thence southeasterly along the northeasterly line of said Woodrow Wilson Drive and the southeasterly prolongation thereof to the center line of the Pacific Electric Railway Company's Right of Way; thence southeasterly along the center line of said right of way to the center line of Bishop Boulevard; thence southeasterly along the center line of Bishop Boulevard to the point of beginning, shall constitute the Fifty-seventh Assembly District.

58. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Beverly Boulevard and Highland Avenue, as shown on map of Type No. 8498 recorded in Book 25, pages 54 to 55 of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along the center line of Beverly Boulevard to the center line of Vermont Avenue; thence southerly along the center line of Vermont Avenue to the center line of Seventh Street; thence southerly along the center line of Seventh Street to the center line of Westmoreland Avenue; thence southerly along the center line of Westmoreland Avenue to the center line of Ninth Street; thence westerly along the center line of Ninth Street to the center line of Vermont Avenue; thence northerly along the center line of Vermont Avenue to the center line of Ninth Street (from the west); thence westerly along the center line of Ninth Street to the center line of Western Avenue; thence southerly along the center line of Western Avenue to the center line of Washington Boulevard; thence westerly along the center line of Washington

Boulevard to the center line of Victoria Avenue; thence northeasterly along the center line of Victoria Avenue to the center line of Pico Boulevard; thence westerly along the center line of Pico Boulevard to the center line of Highland Avenue; thence northerly along the center line of Highland Avenue to the center line of Wilshire Boulevard; thence westerly along the center line of Wilshire Boulevard to the center line of Highland Avenue (from the north); thence northerly along the center line of Highland Avenue to the point of beginning, shall constitute the Fifty-eighth Assembly District.

59. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the most northeasterly corner of the Rancho San Vicente y Santa Monica, as shown on map recorded in Book 3, pages 30 and 31, of Patents, in the office of the Recorder of the County of Los Angeles, said corner being on the southerly boundary of the San Fernando Addition to the City of Los Angeles; thence easterly along the boundary of said last mentioned addition to the northeasterly line of Woodrow Wilson Drive extending northwesterly from Cahuenga Boulevard; thence due south to the center line of Woodrow Wilson Drive; thence southwestwesterly and southeasterly along the center line of Woodrow Wilson Drive to the center line of Palo Vista Drive; thence southeasterly along the center line of Palo Vista Drive and following the same in all its various courses to the center line of Base Line Terrace; thence southerly along the center line of Base Line Terrace to the center line of Mulholland Highway; thence southerly along the center line of Mulholland Highway to the center line of Outpost Drive; thence southwestwesterly along the center line of Outpost Drive and following the same in all its various courses to the center line of El Cerrito Place; thence southerly along the center line of El Cerrito Place to the northwesterly boundary of the Hollywood Consolidation to the City of Los Angeles; thence southwestwesterly along the boundary of said last mentioned consolidation and following the same in all its various courses to the center line of Selma Avenue; thence easterly along the center line of Selma Avenue to the center line of Hayworth Avenue; thence southerly along the center line of Hayworth Avenue to the center line of Sunset Boulevard; thence westerly along the center line of Sunset Boulevard to the center line of Hayworth Avenue (from the south); thence southerly along the center line of Hayworth Avenue to its first intersection with the southerly boundary of the City of Los Angeles, as the same existed on March 1, 1941, said boundary lying between Sunset Boulevard and Fountain Avenue; thence easterly along the boundary of said city and following the same in all its various courses to the center line of Fairfax Avenue; thence southerly along the center line of Fairfax Avenue to the center line of Beverly Boulevard; thence easterly along the center line of Beverly Boulevard to the westerly boundary of the Rosewood Addition to the City of Los Angeles; thence southerly along the boundary of said last mentioned addition and following the same in all its various courses to the center line of Beverly Boulevard; thence easterly along the center line of Beverly Boulevard to the center line of Highland Avenue; thence southerly along the center line of Highland Avenue to the center line of Wilshire Boulevard; thence easterly along the center line of Wilshire Boulevard to the center line of Highland Avenue (from the southwest); thence southwestwesterly along the center line of Highland Avenue to the center line of Pico Boulevard; thence westerly along the center line of Pico Boulevard and following the same in all its various courses to the center line of Heath Avenue; thence northwesterly along the center line of Heath Avenue to a point due west of an angle point in the City of Beverly Hills, as the same existed on above mentioned date, lying at or near the northwesterly corner of Lot 8, Tract No. 11179, as shown on map recorded in Book 204, pages 4 to 6 of Maps, in the office of the Recorder of the County of Los Angeles; thence due east to said angle point; thence northwesterly along the boundary of said last mentioned city and following the same in all its various courses to the southerly line of Sec. 11, T. 1 S., R. 13 W., S. B. B. & M.; thence westerly along section lines to the southwestwesterly corner of fractional Sec. 10, of said last mentioned township and range, said corner being on the northeasterly boundary of the Rancho San Vicente y Santa Monica; thence northwesterly along the boundary of said rancho to the point of beginning, shall constitute the Fifty-ninth Assembly District.

60. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the northwesterly boundary of the County of Los Angeles and the north line of Sec. 8, T. 1 S., R. 19 W., S. B. B. & M.; thence easterly along section lines to the northeast corner of Sec. 11, said last mentioned township and range; thence southerly along the easterly line of said last mentioned section to the northwesterly corner of Sec. 23, said last mentioned township and range; thence easterly and southerly along the northerly and easterly lines of said last mentioned section to the northwesterly corner of Sec. 19, T. 1 S., R. 18 W., S. B. B. & M.; thence easterly along section lines to the first intersection with the boundary of the City of Los Angeles, as the same existed March 1, 1941; thence northeasterly along the boundary of said city to the southerly boundary of the San

Fernando Addition to the City of Los Angeles, thence easterly along the southeasterly boundary of said addition to the County of Los Angeles to the E. 1/4 of Sec. 10, T. 1 S., R. 15 W., S. B. B. & M.; thence easterly along section lines to the first intersection with the boundary of the City of Beverly Hills, as the same existed on a certain mentioned date; thence southeasterly along the southeasterly boundary of said city and following the same in all its various courses to the point of beginning, shall constitute the Sixty-first Assembly District.

61. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the most southeasterly corner of the City of Santa Monica, as same existed March 1, 1931, being also a point of the southeasterly boundary of the County of Los Angeles; thence southeasterly along the boundary of said City of Santa Monica and following the same in all its various courses to the center line of Pico Boulevard; thence northeasterly along the center line of Pico Boulevard and following the same in all its various courses to the center line of Western Avenue; thence southeasterly along the center line of Western Avenue to the center line of Washington Boulevard; thence easterly along the center line of Washington Boulevard to the center line of Belmont Avenue; thence southeasterly along the center line of Belmont Avenue to the center line of Adams Boulevard; thence westerly along the center line of Adams Boulevard to the center line of Crenshaw Boulevard; thence southeasterly along the center line of Crenshaw Boulevard to the southeasterly boundary of the Pico Addition to the City of Los Angeles; thence westerly along said last mentioned boundary to the westerly boundary of the Rancho Conejo O'Connell & Co. Tract, as shown on map recorded in Book 4, page 259, of Patents, in the office of the Recorder of the County of Los Angeles; thence southeasterly along the boundary of said last mentioned tract and following the same in all its various courses to the north and south quarter section line in Sec. 17, T. 2 S., R. 14 W., S. B. B. & M.; thence southeasterly along said quarter section line to the east and west quarter section line in said Sec. 17; thence easterly along said last mentioned quarter section line and following the southeasterly prolongation thereof to the westerly line of Tract No. 6157, as shown on map recorded in Book 144, pages 77 to 81 inclusive, of Maps, in the office of the Recorder of the County of Los Angeles; thence southeasterly along the southeasterly line of said last mentioned tract to the center line of Channing Drive; thence easterly and southeasterly along the center line of Channing Drive to the center line of Franklin Way; thence northeasterly along the center line of Franklin Way to the center line of Muller Avenue; thence southeasterly along the center line of Muller Avenue to the center line of Angeles Vista Boulevard; thence southeasterly along the center line of Angeles Vista Boulevard to the center line of Muller Avenue (from the south); thence southeasterly along the center line of Muller Avenue to the center line of Fifty-second Street; thence easterly along the center line of Fifty-second Street to the westerly boundary of the City of Los Angeles, as same existed on the above mentioned date; thence southeasterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Pershing Drive; thence southeasterly along the center line of Pershing Drive to the center line of Culver Boulevard; thence southeasterly along the center line of Culver Boulevard and following the same in all its various courses, and the southwesterly prolongation thereof to the southwesterly boundary of the aforesaid county; thence northwesterly along the boundary of said county and following the same in all its various courses to the point of beginning, shall constitute the Sixty-first Assembly District.

62. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Maple Avenue with the center line of Ninth Street, said point being at or near the most northerly corner of Lot 1, Block B, Moran Tract, as shown on map recorded in Book 16, page 27, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence southeasterly along the center line of Ninth Street to the center line of Olympic

Boulevard; thence southeasterly along the center line of Olympic Boulevard to the center line of Alameda Street; thence southerly along the center line of Alameda Street to the southerly boundary of the City of Los Angeles, as same existed on March 1, 1941; thence westerly along the boundary of said city and following the same in all its various courses to the center line of Slauson Avenue (from the west); thence westerly along the center line of Slauson Avenue to the center line of Main Street; thence northerly along the center line of Main Street to the center line of Santa Barbara Avenue; thence easterly along the center line of Santa Barbara Avenue to the center line of Woodlawn Avenue; thence northerly along the center line of Woodlawn Avenue to the center line of Maple Avenue; thence northeasterly along the center line of Maple Avenue to the center line of Washington Boulevard; thence southeasterly along the center line of Washington Boulevard to the center line of Maple Avenue (from the north); thence northeasterly along the center line of Maple Avenue and following the same in all its various courses to the point of beginning, shall constitute the Sixty-second Assembly District.

63. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Washington Boulevard and Bronson Avenue, as shown on map of the Cheswick Tract recorded in Book 22, pages 98 and 99, of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along the center line of Washington Boulevard to the center line of Hoover Street (from the south); thence southerly along the center line of Hoover Street and southwesterly along the center line of that portion of Hoover Street lying southeasterly of and adjacent to the southeasterly line of Block (C) West Los Angeles, as shown on map recorded in Book 54, page 75, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles, to the center line of Jefferson Boulevard; thence southeasterly along the center line of Jefferson Boulevard to the center line of Figueroa Street; thence southwesterly along the center line of Figueroa Street to the center line of the Pacific Electric Railway Company's Right of Way (Santa Monica Air Line); thence westerly along the center line of said right of way to the center line of Vermont Avenue; thence southerly along the center line of Vermont Avenue to the center line of the Los Angeles Railway Corporation's Right of Way (in Santa Barbara Avenue); thence westerly along the center line of said last mentioned right of way and following the same in all its various courses to the center line of Vernon Avenue; thence westerly along the center line of Vernon Avenue and following the same in all its various courses to the southeasterly boundary of the City of Los Angeles, as the same existed March 1, 1941; thence southeasterly along the boundary of said city and following the same in all its various courses to the center line of Fifty-second Street, as shown on map of Tract No. 5535, recorded in Book 76, pages 74 and 75, of Maps, in the office of the Recorder of the County of Los Angeles; thence westerly along the center line of Fifty-second Street to the center line of Mullen Avenue; thence northerly along the center line of Mullen Avenue to the center line of Angeles Vista Boulevard; thence northeasterly along the center line of Angeles Vista Boulevard to the center line of Mullen Avenue (from the northwest); thence northwesterly and northerly along the center line of Mullen Avenue to the center line of Larado Way; thence southwesterly along the center line of Larado Way to the center line of Chanson Drive; thence westerly along the center line of Chanson Drive to the westerly line of Tract No. 6177, as shown on map recorded in Book 144, pages 77 to 81, both inclusive, of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along said tract line to the easterly prolongation of the east and west quarter section line of fractional Sec. 17, T. 2 S., R. 14 W., S. B. B. & M.; thence easterly along said prolongation and east and west quarter section line of said section to the north and south quarter section line in said Sec. 17; thence northerly along said last mentioned quarter section line to the southwesterly boundary of the Rancho Cienega O'Paso de la Tierra, as shown on map recorded in Book 1, page 259, of Patents, in the office of the Recorder of the County of Los Angeles; thence northwesterly along the boundary of said rancho and following the same in all its various courses to the southerly boundary of the City of Los Angeles, as the same existed on above mentioned date, being also the southerly boundary of the Palms Addition to the City of Los Angeles; thence easterly along the boundary of said Palms Addition to the center line of Crenshaw Boulevard; thence northerly along the center line of Crenshaw Boulevard to the center line of Adams Boulevard; thence easterly along the center line of Adams Boulevard to the center line of Bronson Avenue; thence northeasterly along the center line of Bronson Avenue to the point of beginning, shall constitute the Sixty-third Assembly District.

64. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Fountain Avenue and Hoover Street, as shown on map of City Boundary Tract, recorded in Book 12, page 7, Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence easterly along the center line of Fountain Avenue to the center line of Sunset Boulevard; thence southeasterly along the center line of Sunset Boulevard and following the same in all its various courses to the center line of Boylston Street;

thence southwesterly along the center line of Boylston Street to the center line of Bellevue Avenue; thence northwesterly along the center line of Huntley Drive to the center line of Boylston Street (from the southeast); thence northwesterly along the center line of Boylston Street and the northwesterly prolongation thereof to the easterly prolongation of the center line of Huntley Drive; thence westerly along and prolongation of Huntley Drive to the center line of Huntley Drive (from the south); thence southward along the center line of Huntley Drive to the center line of Boylston Street; thence southwesterly along the center line of Huntley Street to the center line of Sixth Street; thence northwesterly along the center line of Sixth Street to the center line of Sixth Street (from the southeast); thence southwesterly along the center line of Sixth Street to the center line of Wilshire Drive; thence southwesterly along the center line of Wilshire Drive to the center line of Wilshire Boulevard; thence northwesterly along the center line of Wilshire Boulevard to the center line of Kew Street; thence northwesterly along the center line of Kew Street to the center line of Ingraham Street (from the southeast); thence southwesterly along the center line of Ingraham Street to the center line of Kew Street (from the southeast); thence southwesterly along the center line of Kew Street to the center line of Seventh Street; thence southwesterly along the center line of Seventh Street to the center line of Francisco Street; thence northwesterly along the center line of Francisco Street to the center line of Fourth Street; thence northwesterly along the center line of Fourth Street and thence along the same to its various corners to the center line of Hoover Street; thence northwesterly along the center line of Hoover Street to the center line of Lafayette Park Place; thence northwesterly along the center line of Lafayette Park Place to the center line of Sixth Street; thence northwesterly along the center line of Sixth Street to the center line of Hoover Street; thence northward and easterly along the center line of Hoover Street to the center line of Temple Street; thence northwesterly along the center line of Temple Street to the center line of Hoover Street; thence northward along the center line of Hoover Street to the point of beginning, and constitute the Sixty-fourth Assembly District.

65. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of the eastern end of Vermont Avenue extending southwesterly from Crenshaw Boulevard with the northwesterly boundary of the City of Los Angeles, as the same existed on March 1, 1941; thence north, easterly and easterly along the center line of Vermont Avenue to the center line of the Los Angeles Railway Corporation's Right of Way (the Eastern Boulevard); thence northerly, northwesterly, and easterly along the center line of said right of way to the center line of Vermont Avenue; thence northward along the center line of Vermont Avenue to the center line of the Pacific Electric Railway Company's Right of Way (Santa Monica Air Line) in Exposition Park; thence northward along the center line of said last mentioned right of way to the center line of Hill Street; thence southwesterly along the center line of Hill Street to the center line of Figueroa Street; thence southwesterly along the center line of Figueroa Street to the center line of Main Street; thence northwesterly along the center line of Main Street to the center line of Jefferson Boulevard; thence southwesterly along the center line of Jefferson Boulevard to the center line of Maple Avenue; thence southwesterly along the center line of Maple Avenue to the center line of Western Avenue; thence southward along the center line of Western Avenue to the center line of Santa Barbara Avenue; thence westerly along the center line of Santa Barbara Avenue to the center line of Main Street; thence southward along the center line of Main Street to the center line of Slauson Avenue; thence westerly along the center line of Slauson Avenue to the center line of the Los Angeles Railway Corporation's Right of Way in Crenshaw Boulevard; thence northerly along the center line of said last mentioned right of way to the center line of Figueroa Street; thence westerly along the center line of Figueroa Street to the center line of Vermont Avenue; thence northerly along the center line of Vermont Avenue to the southerly boundary of the aforesaid City of Los Angeles; thence easterly along the boundary of said city and following the same in all its various corners to the point of beginning, shall constitute the Sixty-fifth Assembly District.

66. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Slauson Avenue with the center line of Western Avenue, as shown on map of Tract No. 1273 recorded in Book 47, page 96, of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along the center line of Slauson Avenue to the easterly boundary of the City of Los Angeles as the same existed on March 1, 1941; thence northerly along the boundary of said city and following the same in all its various corners to the center line of Compton Avenue; thence southward along the center line of Compton Avenue to the center line of Firestone Boulevard; thence westerly along the center line of Firestone Boulevard to the center line of Manchester Avenue; thence westerly along the center line of Manchester Avenue to the center line of Western Avenue; thence northerly along the center line of Western Avenue to the point of beginning, shall constitute the Sixty-sixth Assembly District.

67. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Manchester Avenue with the easterly boundary of the City of Inglewood as the same existed on March 1, 1941; thence easterly along the center line of Manchester Avenue to the center line of Firestone Boulevard; thence easterly along the center line of Firestone Boulevard to the center line of Compton Avenue from the north; thence northerly along the center line of Compton Avenue to the center line of Florence Avenue; thence easterly along the center line of Florence Avenue to the southwesterly corner of the City of Huntington Park as the same existed on the above mentioned date, said corner being at or near the southwest corner of Tract No. 4286 as shown on map recorded in Book 45, pages 27 and 28, of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along the boundary of said last mentioned city to the center line of Santa Fe Avenue; thence southerly along the center line of Santa Fe Avenue and the southerly prolongation of that portion of Santa Fe Avenue lying between Florence Avenue and Sale Place to the center line of the Southern Pacific Railroad Company's Right of Way (Santa Ana Branch); thence southeasterly along the center line of said right of way to the northerly prolongation of that portion of the westerly boundary of the City of South Gate, as same existed on the above mentioned date, lying on the westerly line of Tract No. 3233, as shown on map recorded in Book 36, page 70, of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along said last mentioned prolongation to the boundary of said last mentioned city; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the northerly boundary of the City of Lynwood as the same existed on the above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of 107th Place; thence westerly along the center line of 107th Place to the easterly boundary of the aforesaid City of Los Angeles; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Avalon Boulevard; thence southerly along the center line of Avalon Boulevard to the center line of Rosecrans Avenue; thence westerly along the center line of Rosecrans Avenue to the center line of San Pedro Street; thence southerly along the center lines of San Pedro Street, Avalon Boulevard and Wilmington and Los Angeles Road to the southerly line the Bassett Tract, as shown on map recorded in Book 2, page 44, of Maps, in the office of the Recorder of the County of Los Angeles; thence westerly along the southerly line of said last mentioned tract and the westerly prolongation thereof to the center line of Main Street; thence southerly along the center line of Main Street to the center line of Victoria Street; thence southwesterly along the center line of Victoria Street to the westerly boundary of the aforesaid City of Los Angeles; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to an angle point in said boundary at or near the northwest corner of Lot 1, Tract No. 4671, as shown on map recorded in Book 56, pages 30 and 31, of Maps, in the office of the Recorder of the County of Los Angeles; thence due north to the center line of 190th Street; thence westerly along the center line of 190th Street to the easterly boundary of the City of Torrance, as the same existed on aforementioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the southerly prolongation of the center line of Prairie Avenue; thence northerly along said prolongation and center line of Prairie Avenue to the southerly boundary of the City of Hawthorne, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of El Segundo Boulevard; thence easterly along the center line of El Segundo Boulevard to the center line of Arlington Avenue; thence northerly along the center line of Arlington Avenue to the center of Sec. 2, T. 3 S., R. 14 W., S. B. B. & M., said point being also an angle point in the boundary of the City of Inglewood, as the same existed on the above mentioned date; thence northerly along the boundary of said last mentioned city to the point of beginning, shall constitute the Sixty-seventh Assembly District.

68. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the most westerly corner of the City of Torrance, as the same existed on March 1, 1941, being also a point in the southwesterly boundary of the County of Los Angeles; thence easterly along the boundary of said City of Torrance and following the same in all its various courses to an angle point in the boundary of the City of Redondo Beach, as the same existed on the above mentioned date, said point being also the southeasterly corner of Block 70, Tract No. 10019, as recorded in Book 182, pages 1 to 13, inclusive, of Maps, in the office of the Recorder of the County of Los Angeles; thence northwesterly along the boundary of said City of Redondo Beach to a point in the northwesterly boundary of the City of Torrance, as same existed on above mentioned date, said point being at or near the northeasterly corner of Block 21, of said last mentioned tract; thence northeasterly along the boundary of said last mentioned city and following the same in all its various courses

to the center line of 1900th Street; thence easterly along the center line of 1900th Street to a point due north of its intersection with the boundary of said City of Los Angeles, as hereinafter set forth; thence northwesterly along the northwesterly corner of Lot 1, Tract No. 4671, as shown on map recorded in Book 56, pages 59 and 61 of Maps, in the office of the Recorder of the County of Los Angeles; thence due south to said last mentioned corner point; thence easterly along the boundary of said last mentioned city and following the same to its first intersection to the center line of American Highway; thence northwesterly along the center line of Victoria Street to the center line of Main Street; thence northerly along the center line of Main Street and following the same to all its various courses to the center line of Dominguez Street; thence easterly along the center line of Dominguez Street to the northerly line of Tract No. 3848, as shown on map recorded in Book 42, pages 68 and 69 of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along said northerly line and the northerly line of Tract No. 4054, as shown on map recorded in Book 44, pages 39 and 41 of Maps, in the office of the Recorder of the County of Los Angeles; and the southerly prolongation of said last mentioned line to the center line of Wilmington and Los Angeles Road; thence westerly along the center line of Wilmington and Los Angeles Road; thence northerly along the center line of Wilmington and Los Angeles Road to the northerly boundary of said county and following the same to all its various courses to the center line of Wilmington and Los Angeles Road; thence easterly along the center line of Wilmington and Los Angeles Road to the center line of Main Street; thence northerly along the center line of Main Street to the westerly prolongation of the southerly line of the Rossmore Tract, as shown on map recorded in Book 2, page 44 of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along said prolongation and southerly line of said last mentioned tract to the center line of Wilmington and Los Angeles Road; thence northwesterly along the center line of Wilmington and Los Angeles Road, center line of Avalon Boulevard, and the center line of San Pedro Street to the center line of Rossmore Avenue; thence easterly along the center line of Rossmore Avenue to the center line of Avalon Boulevard; thence northerly along the

Also including the Islands of Santa Catalina and San Clemente, plus anything the Sixth and Eleventh Amendments.

69. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northwesterly corner of the City of South Gate, as the same existed on March 1, 1941, and following the same to all its various courses to the center line of Sunset Ave. Street and Long Beach Boulevard; thence easterly along the boundary of said city and following the same to all its various courses to the center line of the Harbor Channel and the Rio Hondo; thence northwesterly along the center line of said Harbor Channel and following the same to all its various courses to the center line of American Telegraph Road; thence easterly along the center line of American Telegraph Road and following the same to all its various courses to the center line of The Archibald, Tinsley & Santa Fe Railroad Company's Right of Way Avenue; thence Los Angeles to San Diego; thence northwesterly along the center line of said right of way to the center line of Lakeland Road; thence easterly along the center line of Lakeland Road to the center line of Carmonita Road; thence easterly along the center line of Carmonita Road to the center line of Longview Highway; thence easterly along the center line of Longview Highway to the center line of Exposition Avenue; thence southerly along the center line of Exposition Avenue to the center line of Rossmore Avenue; thence easterly along the center line of Rossmore Avenue to the easterly boundary of the County of Los Angeles; thence northerly along the boundary of said county and following the same to all its various courses to its first intersection with the northerly boundary of the City of Long Beach, as the same existed on March 1, 1941, said point of intersection being the last center line corner of Lot 52, of Tract No. 10548, as shown on map recorded in Book 174, pages 15 to 23, both inclusive, of Maps, in the office of the Recorder of the County of Los Angeles; thence westerly along the boundary of said City of Long Beach and following the same to all its various courses to its first intersection with the easterly boundary of the City of Los Angeles, as the same existed on March 1, 1941; thence northerly along the boundary of said City of Los Angeles and following the same to all its various courses to the southerly prolongation of the center line of Wilmington Avenue; thence northerly along the center line of Wilmington Avenue to the easterly prolongation of the northerly line of Tract No. 4054, as shown on map recorded in Book 44, pages 39 to 41, both inclusive, of Maps, in the office of the Recorder of the County of Los Angeles; thence westerly along said easterly prolongation and northerly line of said last mentioned tract and westerly along the northerly line of Tract No. 3848, as shown on map recorded in Book 42, pages 68 and 69 of Maps, in the office of the Recorder of the County of Los Angeles; thence southerly along the center line of Dominguez Street from the west; thence westerly along the center line of said Dominguez Street to the center line of Main Street; thence northerly along the center line of Main Street to the westerly prolongation of the southerly line of the Rossmore Tract, as shown on map recorded in Book 2, page 44 of Maps, in the office of the Recorder of the County of Los Angeles; thence easterly along said prolongation and southerly line of said last mentioned tract to the center line of Wilmington and Los Angeles Road; thence northwesterly along the center line of Wilmington and Los Angeles Road, center line of Avalon Boulevard, and the center line of San Pedro Street to the center line of Rossmore Avenue; thence easterly along the center line of Rossmore Avenue to the center line of Avalon Boulevard; thence northerly along the

center line of Avalon Boulevard to the southerly boundary of the aforesaid City of Los Angeles; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of 107th Place; thence easterly along the center line of 107th Place to the westerly boundary of the City of Lynwood, as same existed on the above mentioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to its first intersection with the southerly boundary of the City of South Gate, as same existed on the above mentioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the Sixty-ninth Assembly District.

70. All that part of the County of Los Angeles within the following described boundaries:

Beginning at the northwest corner of the City of Long Beach, as the same existed on March 1, 1941, said corner being also the northwesterly corner of the Gateway Annex to said City of Long Beach; thence easterly along the boundary of said city and following the same in all its various courses to the southeasterly boundary of the County of Los Angeles; thence southwesterly along the boundary of said county and following the same in all its various courses to the southwesterly prolongation of the center line of Sixteenth Place, as shown on map of Alamitos Beach Townsite recorded in Book 59, page 11, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence northerly along said southwesterly prolongation and center line of Sixteenth Place to the center line of Ocean Boulevard; thence northwesterly along the center line of Ocean Boulevard to the center line of Cherry Avenue; thence northerly along the center line of Cherry Avenue to the center line of Fourth Street; thence westerly along the center line of Fourth Street to the center line of Alamitos Avenue; thence northeasterly along the center line of Alamitos Avenue to the center line of California Avenue; thence northerly along the center line of California Avenue to the northeasterly boundary of aforesaid City of Long Beach; thence northwesterly along the boundary of said city and following the same in all its various courses to the center line of California Avenue; thence northerly along said center line of California Avenue and its northwesterly prolongation thereof to its intersection with the northwesterly line of the Bixby Knolls-Country Club Manor District Annexation to the City of Long Beach; thence southwesterly along said last mentioned annexation line to an angle point in the boundary of the City of Long Beach, as the same existed on above mentioned date; said angle point lying at or near the northwesterly corner of San Antonio Drive and Atlantic Avenue; thence southwesterly along the boundary of said city and following the same in all its various courses to an angle point in said boundary, said angle point being in the southeasterly line of Lot 40, Tract No. 3554, as shown on map recorded in Book 38, pages 44 and 45, of Maps, in the office of the Recorder of the County of Los Angeles; thence southwesterly along said southeasterly line of Lot 40 and its southwesterly prolongation to center line of Long Beach Boulevard; thence northwesterly along the center line of Long Beach Boulevard to the southeasterly boundary of the Long Beach Boulevard District Annexation to the City of Long Beach; thence northeasterly along said southeasterly boundary to the center line of Atlantic Avenue; thence northerly along the center line of Atlantic Avenue to the southerly boundary of the Gateway Park Annexation to the City of Long Beach; thence westerly along the boundary of said last mentioned annexation and following the same in all its various courses to the point of beginning, shall constitute the Seventieth Assembly District.

71. All that part of the County of Los Angeles within the following described boundaries:

Beginning at a point in the northwest corner of the City of Long Beach, as same existed on March 1, 1941, said point being at or near the intersection of the northerly prolongation of the westerly line of Hesperian Avenue with the northerly line of 223d Street, said point being also in the easterly boundary of the City of Los Angeles as same existed on above mentioned date; thence easterly along the boundary of the City of Long Beach and following the same in all its various courses to the southwesterly corner of the Gateway Annexation to said City of Long Beach; thence easterly along the southerly boundary of said annexation to the center line of Atlantic Avenue; thence southerly along the center line of Atlantic Avenue to the southeasterly boundary of the Long Beach Boulevard District Annexation to the City of Long Beach; thence southwesterly along the boundary of said last mentioned annexation and following the same in all its various courses to the center line of Long Beach Boulevard; thence southeasterly along the center line of Long Beach Boulevard to the southwesterly prolongation of the southeasterly line of Lot 40, Tract No. 3554, as shown on map recorded in Book 38, pages 44 and 45, of Maps, in the office of the Recorder of the County of Los Angeles; thence northeasterly along said southwesterly prolongation to the first angle point in the boundary of the City of Long Beach, as same existed on above mentioned date; thence southeasterly along the boundary of said last

mentioned city and following the same to all its eastern boundary to the north easterly line of the Bayview Islands Community Club Mines District; thence southerly to the City of Long Beach; thence southerly along said east and west meridional transportation line to the northwesterly prolongation of the center line of California Avenue; thence southerly along said east and west meridional transportation and northwesterly and southerly along the center line of California Avenue to the line represented by the southerly boundary of the City of Long Beach; on the same corner on the above mentioned date, thence westerly along the boundary of said City of Long Beach and following the same to all its eastern boundary to the north line of California Avenue; thence southerly along the same line to the center line of Alhambra Avenue; thence southerly along the center line of Alhambra Avenue to the center line of Fourth Street; thence easterly along the center line of Fourth Street to the center line of Cherry Avenue; thence southerly and southwesterly along the center line of Cherry Avenue to the corner lot of Ocean Boulevard; thence southerly along the center line of Ocean Boulevard to the center line of Sixteenth Place; thence southerly along the center line of Sixteenth Place and the southerly prolongation thereof to the southerly boundary of the County of Los Angeles; thence westerly along the boundary of the County of Los Angeles and following the same to all its eastern boundary to the east international line, the northwesterly boundary of the City of Los Angeles on the same corner on the above mentioned date; thence southerly along the boundary of said last mentioned City and following the same to all its eastern boundary to the point of beginning, then constitute the Seventy-seventh Assembly District.

72. All that portion of the County of San Bernardino described as follows: shall constitute the Seventy-seventh Assembly District.

73. All that portion of the County of San Bernardino not included within the Seventy-seventh Assembly District, as fixed and defined by this section, shall constitute the Seventy-eighth Assembly District.

74. All that portion of the County of Orange described as follows: shall constitute the Seventy-ninth Assembly District.

75. All that portion of the County of Orange not included in the Seventy-ninth Assembly District, as fixed and defined by this section, shall constitute the Eighty Assembly District.

76. The County of Riverside shall constitute the Eighty-first Assembly District.

77. The County of Imperial shall constitute the Eighty-second Assembly District.

78. All that portion of the County of San Diego described as follows: shall constitute the Eighty-third Assembly District.

79. All that portion of the County of San Diego described as follows: shall constitute the Eighty-fourth Assembly District.

80. All that portion of the County of San Diego not included within the Eighty-third and Eighty-fourth Assembly Districts, as fixed and defined by this section, shall constitute the Eighty-fifth Assembly District.

SEC. 2. Section 119 is hereby added to Chapter 3 of Title 1 of Part 2 of the Political Code, to read as follows:

119. The State is divided into 23 Congressional districts which are designated and constituted as follows:

1. The counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, Napa, Lake, Yolo, Colusa, Glenn and Tehama shall constitute the First Congressional District.

2. The counties of Siskiyou, Shasta, Butte, Lassen, Colusa, Butte, Sutter, Sierra, Nevada, Alpine, Marysville, Colusa, Plumas, El Dorado, Yuba, Placer and Trinity shall constitute the Second Congressional District.

3. The counties of Sacramento, San Joaquin and Solano shall constitute the Third Congressional District.

4. All that portion of the City and County of San Francisco comprising the following Assembly districts: shall constitute the Fourth Congressional District.

5. All that portion of the City and County of San Francisco not included in the Fourth Congressional District shall constitute the Fifth Congressional District.

6. All that portion of the County of Alameda comprising the following Assembly districts: and the county of Contra Costa shall constitute the Sixth Congressional District.

7. All that portion of the County of Alameda not included in the Sixth Congressional District shall constitute the Seventh Congressional District.

8. The counties of San Mateo, Santa Clara, San Benito and Santa Cruz shall constitute the Eighth Congressional District.

9. The counties of Stanislaus, Madera, Merced and Fresno shall constitute the Ninth Congressional District.

10. The counties of Kern, Tulare and Kings shall constitute the Tenth Congressional District.

11. The counties of Monterey, San Luis Obispo, Santa Barbara and Ventura shall constitute the Eleventh Congressional District.

12. All that portion of the County of Los Angeles comprising the Forty-ninth, Fiftieth and Fifty-third Assembly districts, shall constitute the Twelfth Congressional District.

13. All that portion of the County of Los Angeles comprising the Forty-fifth, Fifty-fourth and Fifty-sixth Assembly districts, shall constitute the Thirteenth Congressional District.

14. All that portion of the County of Los Angeles comprising the Forty-fourth, Fifty-fifth, Sixty-second and Sixty-fourth Assembly districts, shall constitute the Fourteenth Congressional District.

15. All that portion of the County of Los Angeles comprising the Fifty-seventh, Fifty-eighth, Sixty-third and Sixty-fifth Assembly districts, shall constitute the Fifteenth Congressional District.

16. All that portion of the County of Los Angeles comprising the Fifty-ninth, Sixtieth and Sixty-first Assembly districts, shall constitute the Sixteenth Congressional District.

17. All that portion of the County of Los Angeles comprising the Forty-sixth, Sixty-sixth, Sixty-seventh and Sixty-eighth Assembly districts, shall constitute the Seventeenth Congressional District.

18. All that portion of the County of Los Angeles comprising the Sixty-ninth, Seventieth and Seventy-first Assembly districts, shall constitute the Eighteenth Congressional District.

19. All that portion of the County of Los Angeles comprising the Fortieth, Fifty-first and Fifty-second Assembly districts, shall constitute the Nineteenth Congressional District.

20. All that portion of the County of Los Angeles comprising the Forty-second, Forty-third, Forty-seventh and Forty-eighth Assembly districts, shall constitute the Twentieth Congressional District.

21. All that portion of the County of Los Angeles comprising the Forty-first Assembly District, and all of the County of San Bernardino, all of the County of Inyo and all of the County of Mono, shall constitute the Twenty-first Congressional District.

22. The counties of Orange, Riverside and Imperial shall constitute the Twenty-second Congressional District.

23. The County of San Diego shall constitute the Twenty-third Congressional District.

Sec. 3. This act shall supersede those provisions of Section 78 of the Political Code which describe Assembly districts.

Sec. 4. Section 117 of the Political Code is hereby repealed.

Sec. 5. Any precinct, or portion of any precinct, not situate within any portion of an Assembly district, as such districts are described in this act, shall be attached to and constitute a part of the Assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last Federal Census, a less population than any other such district adjacent thereto."

Amendment No. 4

On page 1 of the printed bill, strike out lines 2 to 28, inclusive, and strike out all of pages 2 and 3.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 21: By Senator Slater—Relative to reports of the Department Encampment, Roll Call, and the Annual Convention of the Department of California and Nevada Grand Army of the Republic.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 21, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 21

Senate Concurrent Resolution No. 21—Relative to Reports of the Department Encampment, Roll Call, and the Annual Convention of the Department of California and Nevada Grand Army of the Republic.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Fisher, Gordon, Johnson, Jolley, Kenny, Marr, McCallin, McSwannick, Mixter, Michael, Phillips, Quinn, Rich, Seawell, Stone, Swan, Wagg, and Ward—24.

NOTES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby the urgency clause to Assembly Bill No. 1398 was adopted.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby the urgency clause to Assembly Bill No. 1398 was adopted, was continued until the next legislative day.

MOTION TO RECONSIDER

Senator Ward moved to reconsider the vote whereby Senate Bill No. 443 was passed.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 443 was passed, was continued until the next legislative day.

MOTION TO RECONSIDER

Senator Kenny moved to reconsider the vote whereby Senate Bill No. 38 was refused passage.

Postponement of Reconsideration

On motion of Senator Kenny, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 38 was refused passage, was continued until the next legislative day.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Seawell moved to withdraw his motion to reconsider the vote whereby the urgency clause to Assembly Bill No. 1398 was adopted.

Motion carried.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 19—Relative to the naming of the "Dr. Ernest M. Fine Memorial Bridge."

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagz, and Ward—26.
NAYS—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1260

Senate Bill No. 1303

Senate Bill No. 468

Senate Bill No. 1212

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 687

Senate Constitutional Amendment No. 6

And reports the same correctly re-engrossed.

RICH, Chairman

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.48 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 844 passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagz, and Ward—28.
NAYS—None.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 4.50 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., March 31, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-SEVENTH LEGISLATIVE DAY
EIGHTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 31, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Brown, Collier, Cunningham, Teddie, Foss, Gallagher, Fletcher, Fisher, Gordon, Luckey, Mayo, McRae, McCortland, Mixon, Mitchell, Pennington, Rich, Slater, Swing, Tickle, and Wray. 21.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2:05 p.m.

The President directed the Sergeant at Arms to close the doors and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. A. Vurgason of National City.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator James B. Holohan and his daughter, Miss Josephine Holohan, of Watsonville.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Oscar Martin of Nice, Lake County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Very Reverend Thomas J. W. McNamara of San Diego.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James S. Copley, owner of the Glendale News-Press, of Glendale.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. B. Patterson, secretary, Pacific Horsemen's Association, of Arcadia.

COMMUNICATIONS

A communication from Senator Fletcher, relative to Assembly Bill No. 1545, and Senate Bills Nos. 180, 560, 877, 974, 975 and 976, was received and read, and referred to the Committee on Rules.

REMARKS

Senator Swing called attention to the oranges which were distributed to the members through the courtesy of Charles M. Brown of Redlands, California's leading Democrat.

Senator Biggar called attention to the tins of turkey tamales which were the gift to the members of Oscar Martin, of Nice, Lake County.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 207 An act to amend Section 616 of the Fish and Game Code, relating to trout and whitefish in Tuolumne and Mariposa counties, declaring the urgency of this act, to take effect immediately;
And reports that the same has been correctly enrolled, and presented to the Governor on the thirty-first day of March, 1941, at 2 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 40
Senate Constitutional Amendment No. 6
And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 122	Senate Bill No. 474
Senate Bill No. 140	Senate Bill No. 697
Senate Bill No. 233	Senate Bill No. 1006
Senate Bill No. 260	Senate Bill No. 1126
Senate Constitutional Amendment No. 3	

And reports the same correctly engrossed.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1015
Senate Constitutional Amendment No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation. Aye, and no vote on the committee.

Committee membership 11; committee room, April 6, room 5.

SWING, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MARCH 31, 1941.

MR. PRESIDENT: Your Committee on Geographical Relinquishment, to which was referred:

Senate Bill No. 1191

Has had the same under consideration, and reports the same back with amendments with the recommendation. Aye, and no vote on the committee.

Committee membership 11; committee room, April 6, room 5.

SWING, Chairman.

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 68

Resolved, That the following warrant be and do is hereby suggested to the position be cancelled so forth as provided by law, with the compensation and expenses his name, pay the weekly, beginning March 31, 1941, and the Controller is hereby directed to draw his warrant in favor of the suggested person for the same relative amount, and the Treasurer is hereby directed to pay the same.

See page

100-1000

Tony Delap, Jr., Page

82-00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Cunningham, Delap, Dunn, Jennings, Foy, Foley, Garrison, Gordon, Jaspersen, Judith, Kenny, Kunkel, Larkin, Mann, McBurn, McCormack, Metzger, Mixter, Myles, Parkman, Powers, Quinn, Rich, Slater, Swing, Tickle, Wag, and Ward—31.

NOES—None.

By Senator Tickle:

Senate Resolution No. 69

Resolved, That Julian W. Lindsay be and do is hereby suggested to the position of Marling Clerk at \$4 per day in the position of Assistant Clerk of \$4 per day, beginning March 31, 1941, and the Controller is hereby directed to draw his warrants in favor of said person in said amounts, and the Treasurer is hereby directed to pay the same.

See page

100-1000

Julian W. Lindsay

87-00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Brown, Gordon, Cunningham, Delap, Dunn, Jennings, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judith, Kenny, Kunkel, Larkin, Mann, McBurn, McCormack, Metzger, Mixter, Myles, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wag, and Ward—32.

NOES—None.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Kenny, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 38 was refused passage, was continued until the next legislative day.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Foley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 904 was passed.

The roll was called, and Senate Bill No. 904 reconsidered by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Seawell, Swing, Wagy, and Ward—26.

NOES—None.

Bill ordered placed on the inactive file.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Foley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 443 was passed.

The roll was called, and Senate Bill No. 443 reconsidered by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered referred to Committee on Judiciary.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Jespersen moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1397 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS (OUT OF ORDER)**

Senate Bill No. 40—An act to add Section 1132 to the Penal Code, relating to surrender of means of identification.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Luckey, Mayo, McBride, McCormack, Metzger, Michael, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagg, and Ward—32

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2:35 p. m. on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

AYES—Senators Broad, Brown, Brown, Carlin, Collins, Critchfield, Cunningham, DeLap, Doney, Dyllinger, Ferguson, Ferry, Gilchrist, Gorman, Harwood, Ladd, Kneeling, Knevel, Kunkel, Lusk, Mayo, McBride, McCormack, Metzger, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagg, and Ward—32

NOES—None.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Mayo moved that Senate Bill No. 292 be placed on the inactive file.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 754—An act to amend the title and Section 1 of "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, relating to the acquisition, development, and disposal of electrical power by irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Broad, Brown, Carlin, Critchfield, Cunningham, Dyllinger, Ferry, Ferguson, Gorman, Ladd, Kneeling, Knevel, Kunkel, Lusk, Mayo, McBride, McCormack, Metzger, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagg, and Ward—32

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 292—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound waters in Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any department or agency of the State for the construction of said dam and appurtenant works, and for the acquisition of the lands or property necessary therefor; to make an appropriation therefor; and to declare the urgency thereof and to provide it take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 292:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 15, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL No. 292

"An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound waters in Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to provide for water conservation and flood control; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any department or agency of the State for the construction of said dam and appurtenant works, and for the acquisition of the lands or property necessary therefor, and for utilization of the waters to be supplied thereby; to make an appropriation therefor; and to declare the urgency thereof and to provide it take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the budget bill.

I therefore recommend consideration of Senate Bill No. 292 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Motion to Amend

Senator Gordon moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 37, of the printed bill, as amended in Senate March 21st, strike out the period following "Constitution", and insert ", and shall therefore take effect immediately."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Motion to Set Special Order

Senator Crittenden moved that Senate Concurrent Resolution No. 11 be made a special order of business for Tuesday, April 1, 1941, at 2.30 p.m.

Motion carried.

Motion to Re-refer Bill to Committee

Senator Quinn moved that Senate Bill No. 165 be re-referred to the Committee on Military and Veterans Affairs.

Motion carried.

Senate Bill No. 1087—An act to add Section 658a to the Political Code, relating to the powers and duties of the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel,

Luckey, Mayo, McBride, McCosmick, Metzger, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Sawall, Stadler, Sutor, Strong, Tickle, Wagy, and Ward—25.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 423—An act to add Article 2.5 (comprising Sections 90 to 90.6, inclusive) to Chapter 1, Division 1 of the Streets and Highways Code, relating to the budgeting of State highway funds, specifying the powers and duties of the California Highway Commission and the State Highway Engineer as contained therein, and providing for the making and distribution of reports thereon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggett, Brand, Brown, Cullen, Cuthbertson, Cunningham, Delap, Donel, Dellinger, Fletcher, Foley, Gorman, Harrison, Jett, Keady, Langer, Marks, Metzger, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Sutor, Strong, Tickle, Wagy, and Ward—30.
 NOES—Senators Carter, and Garrison—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1092—An act to repeal Section 511 of the Public Resources Code, relating to publications issued by the Department of Natural Resources.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggett, Brand, Brown, Cullen, Cuthbertson, Cunningham, Delap, Donel, Dellinger, Fletcher, Gorman, Harrison, Jett, Keady, Langer, Marks, McCosmick, Metzger, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Sutor, Strong, Tickle, Wagy, and Ward—30.
 NOES—Senators Carter, Foley, Gorman, McBride, Sawall, Stadler, and Sweeney—7.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1098—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments.

Amendment No. 1

On page 2, lines 5, 6 and 7, of the printed bill, strike out "and it shall supervise the administration of State aid to all persons receiving or eligible to receive State aid", and insert a period.

Amendment No. 2

On page 2, line 10, of the printed bill, strike out "department", and insert "State Board of Social Welfare".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1100—An act to amend Section 661 of the Political Code, relating to the creation of deficiencies in special fund appropriations.

Bill read third time.

Motion to Amend

Senator Tickle moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 11, and before line 12, between "which" and "could", insert "were not and".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1103—An act to amend Section 663 of the Political Code, relating to the State Board of Control.

Bill read third time.

Motion to Amend

Senator Tickle moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Sec. 663. State Board of Control.", and insert "663."

Amendment No. 2

On page 1, line 22, of the printed bill, strike out "Secretaries."

Amendment No. 3

On page 2, line 7, of the printed bill, strike out "Other Employees."

Amendment No. 4

On page 2, line 15, of the printed bill, strike out "Seal."

Amendment No. 5

On page 2, line 19, of the printed bill, strike out "Powers and Duties."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1091—An act to repeal Sections 4351, 4352 and 4353 of the Public Resources Code, relating to the State Nursery.

Bill read third time.

Previous Question

Senator Mayo moved the previous question.

Motion carried.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Swing, Tickle, Wagy, and Ward—28.

NOES—Senators Carter, Foley, Garrison, Gordon, Jespersen, Kenny, Luckey, Slater, and Swan—9.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1102—An act to abolish the State Planning Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Tickle, Wagy, and Ward—30.

NOES—Senators Garrison, and Swan—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1107—An act to add Section 67 to the State Civil Service Act, relating to the creation of new positions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jacobson, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixon, Myland, Parkinson, Phillips, Poulos, Quinn, Seawell, Shelley, Slater, Swing, Tisdle, Wagy, and Ward—35.

NOES—Senators Carter, Dillinger, Gorman, and Swan—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 848—An act to amend the Building and Loan Association Act by adding to Article 7 thereof a new section to be numbered Section 7.09, relating to liability and assessments of stockholders.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixon, Myland, Parkinson, Phillips, Poulos, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tisdle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Shelley Presiding

At 4:32 p.m., Hon. John F. Shelley, of the Fourteenth District, presiding.

Senate Bill No. 1303—An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education at any city for repairs, alterations or construction of school buildings or equipment.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixon, Myland, Parkinson, Phillips, Poulos, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tisdle, Wagy, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixon, Parkinson, Phillips, Poulos, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tisdle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 838—An act to amend Section 695 of the Political Code, relating to services furnished State agencies other than those supported by the General Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey,

Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131—An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, and portions of the lands granted to the City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon certain trusts and conditions," approved May 25, 1919, and granted to the said City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions," approved April 5, 1927, which have been and which may be hereafter improved, filled, and reclaimed, unavailable and unuseful for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions may be irrevocably alienated and conveyed free of public use and trust by the said county or the said city to the owner or owners of uplands contiguous thereto, or otherwise sold as herein provided.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 918—An act to amend Section 40 of the State Civil Service Act, relating to hearings and subpoenas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—Senators Crittenden, Foley, and Shelley—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109—An act to amend Section 7 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Deuel:

Request for Permission to Introduce a Bill

SENATE CHAMBER, S. JOURNAL, March 31, 1941.

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 1, of the Constitution, I request permission to introduce a bill the title of which is as follows:

An act to provide for the alteration of the existing boundaries between counties for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

Respectfully submitted,

SENATOR DEUEL.

Recommendation of Committee on Rules

SENATE CHAMBER, S. JOURNAL, March 31, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman.
DEUEL
DILLINGER
TICKLE
MYLAND

The roll was called, and permission granted by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crites, Crites, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenney, Knudsen, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—35.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1306: By Senator Deuel.—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

Referred to Committee on Local Government.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 917:—An act to amend Section 144 of and to add Sections 144.5 and 172.5 to the State Civil Service Act, relating to the State civil service and the rights and duties of employees in the State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenney, Knudsen, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 502—An act to amend Section 2953 of the Civil Code, relating to agreements waiving statutory rights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of, and to add a new section to be numbered 19 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read third time.

Motion to Amend

Senator Kuchel moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 23, of the printed bill, after the comma following "banks", insert "common carriers,".

Amendment No. 2

In line 1 of the title of the printed bill, after "of", strike out the comma; and strike out all of line 2, and insert "an act".

Amendment No. 3

On page 1, line 15, of the printed bill, strike out "chapter", and insert "act".

Amendment No. 4

On page 1, line 17, of the printed bill, strike out "chapter", and insert "act".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 474—An act to amend Section 458 of the Fish and Game Code, relating to export of deer or game birds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 268—An act to amend the chapter heading of Chapter 8 of Division 9 and to amend Sections 10600, 10601, 10602, 10603, 10607, 10625 and 10626 of the Health and Safety Code, relating to vital statistics, including proceedings to establish the fact of birth, death or marriage, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES. Senators Bigger, Bross, Brown, Carter, Coleman, Cunningham, DeLoach, Douch, Duffinger, Fletcher, Felt, Gifford, Joch, Keating, Kinn, Kinnel, McMetzger, Miller, Peterson, Phillips, Phillips, Quinn, Rich, Seaman, Shaffer, Smith, Swain, Swain, Tinkle, Wagon, and Ward—42.

NOES. None.

The roll was called, and the bill passed by the following vote:

AYES. Senators Bigger, Bross, Brown, Carter, Coleman, Cunningham, DeLoach, Douch, Duffinger, Fletcher, Felt, Gifford, Joch, Keating, Kinn, Kinnel, McMetzger, Miller, Peterson, Phillips, Phillips, Quinn, Rich, Seaman, Shaffer, Smith, Swain, Swain, Tinkle, Wagon, and Ward—42.

NOES. None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAIRMAN, Sacramento, March 31, 1941.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 25.

Assembly Concurrent Resolution No. 26.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.
By ROBERT J. FINNIE, Assistant Clerk.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 25. Mourning the death of Hugh Lovett Spears, member of the State Board of Prison Directors.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 25, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 25

Assembly Concurrent Resolution No. 25. Mourning the death of Hugh Lovett Spears, member of the State Board of Prison Directors.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS
(RESUMED)**

The following resolution was read:

Assembly Concurrent Resolution No. 26.—Relative to expressing wishes for the speedy recovery of Christopher Thomas Merchant, member of the State Board of Prison Directors.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 26, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 26

Assembly Concurrent Resolution No. 26—Relative to expressing wishes for the speedy recovery of Christopher Thomas Merchant, member of the State Board of Prison Directors.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Chittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Mayo, Meizger, Minter, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

President of the Senate Presiding

At 5.40 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 279—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, after line 16, insert

"No real property or interest therein, shall be purchased by the State Park Commission except either (a) pursuant to a statute specifically authorizing the purchase of the particular tract, or (b) subject to ratification by the Legislature by concurrent resolution. The purchase of any land or interest therein by the State Park Commission which is not so expressly authorized or ratified is void."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Labor

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1141

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1167

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and place on the inactive file.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

PHILLIPS, Chairman

Above reported bill ordered to inactive file.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred,

Senate Bill No. 87

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman.

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred,

Senate Bill No. 669

Senate Bill No. 670

Senate Bill No. 830

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman.

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred,

Senate Bill No. 10

Senate Bill No. 186

Senate Bill No. 679

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

McCORMACK, Chairman.

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Concurrent Resolution No. 12

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman.

Above reported resolution re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 562

Senate Bill No. 563

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

DELAP, Vice Chairman.

Above reported bills ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 416
 Assembly Bill No. 417
 Assembly Bill No. 1244
 Assembly Bill No. 95
 Assembly Bill No. 353
 Assembly Bill No. 1804
 Assembly Bill No. 639
 Assembly Bill No. 471
 Assembly Bill No. 1632

Assembly Bill No. 1390
 Assembly Bill No. 155
 Assembly Bill No. 199
 Assembly Bill No. 2098
 Assembly Bill No. 347
 Assembly Bill No. 348
 Assembly Bill No. 351
 Assembly Bill No. 2021

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 416—An act to amend Section 739 of the Vehicle Code, relating to the filing of notices to appear in court, the fixing of bail and the indorsement thereof upon such notices, the deposit of bail and the forfeiture thereof for failure to appear.

Referred to Committee on Transportation.

Assembly Bill No. 417—An act to add Section 739.1 to the Vehicle Code, relating to notices to appear in court and to the filing of complaints and amended complaints charging offenses under said code.

Referred to Committee on Transportation.

Assembly Bill No. 1244—An act to add Article 2 to Chapter 2 of Part 2 of Division 3 of the School Code, relating to the supervision of instruction in elementary schools.

Referred to Committee on Education.

Assembly Bill No. 95—An act to amend Section 737hh of the Political Code, relating to compensation of the judges of the Superior Court in and for the County of Sacramento.

Referred to Committee on Local Government.

Assembly Bill No. 353—An act to repeal Section 651.6 of, and to add Section 651.6 to the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Assembly Bill No. 1804—An act to add Sections 6953, 6954, 6955 and 6956 to the Labor Code, relating to the use of safety glass on electric cars and electric locomotives.

Referred to Committee on Labor.

Assembly Bill No. 639—An act to amend Section 7101 of the Labor Code, relating to safety in employment.

Referred to Committee on Labor.

Assembly Bill No. 471—An act to amend Section 89 of the Code of Civil Procedure, relating to original jurisdiction.

Referred to Committee on Judiciary.

Assembly Bill No. 1632—An act to amend Section 4095 of the Political Code, relating to the issuance and cancellation of county warrants.

Referred to Committee on Local Government.

Assembly Bill No. 1390—An act to amend Sections 125, 152.5 and 172 of and to add Section 151.6 to the State Civil Service Act, relating to State civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 155—An act to add Article 3, comprising Section 1980, to Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to the employment of persons who are members of the Communist Party or of any organization or group which advocates the overthrow of the Government by force and violence.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 199—An act to add Section 4041.13b to the Political Code, relating to the powers and duties of purchasing agents.

Referred to Committee on Local Government.

Assembly Bill No. 2098—An act to repeal an act entitled "An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving and protecting the channel of the Pajaro River," approved May 28, 1929, and to abolish the Pajaro River Flood Control Fund, which is created thereby.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 347—An act to amend Section 726 of the Welfare and Institutions Code, relating to serving of notice of hearing by mail.

Referred to Committee on Judiciary.

Assembly Bill No. 348—An act to amend Sections 633 and 641 of the Welfare and Institutions Code, relating to term of office, compensation, powers and duties of probation officers.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 351—An act to amend Section 631 of the Welfare and Institutions Code, relating to probation officers, assistant probation officers and deputy probation officers.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2021—An act to add Section 453b to the Political Code, and to repeal an act entitled "An act to provide for the reversion of unexpended balances of certain appropriations," approved May 18, 1921, relating to the reversion of unexpended balances of certain appropriations.

Referred to Committee on Governmental Efficiency.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1249—An act to amend Sections 16001 and 16102 of the Business and Professions Code, relating to licensing by cities and counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 110—An act to amend the title of, and to add Sections 4, 5, 6, 7 and 8 to, an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to exclude uninhabited territory therefrom," approved June 11, 1913, relating to the exclusion of uninhabited and sparsely inhabited territory from municipal corporations of the sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 18 to 21, inclusive; and in line 22, strike out "(c)", and insert "(b)".

Amendment No. 2

On page 2, line 13, of the printed bill, after "horticulture," insert "and".

Amendment No. 3

On page 2 of the printed bill, strike out lines 15 to 18, inclusive, and insert "minor children, if any,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 235—An act to add Article 4, 5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4.5", and insert "4.5".

Amendment No. 2

On page 1, line 3, of the printed bill, strike out "trading", and insert "trade".

Amendment No. 3

On page 1, line 9, of the printed bill, strike out "reasonable", and insert "reasonably".

Amendment No. 4

On page 2, line 17, of the printed bill, strike out "8", and insert "3".

Amendment No. 5

On page 2 of the printed bill, between lines 37 and 38, insert "6552.5. As used in this article, "barber" means any registered barber actively engaged in the practice of barbering".

Amendment No. 6

On page 3, line 29, of the printed bill, strike out "barber shop", and insert "barbers".

Amendment No. 7

On page 3, line 45, of the printed bill, strike out "35", and insert "51".

Amendment No. 8

On page 3, line 51, and page 4, line 1, of the printed bill, strike out "the majority of barbershop owners or managers affected", and insert "barber shop owners and operators."

Amendment No. 9

On page 4, line 7, of the printed bill, strike out "\$", and insert "3."

Amendment No. 10

On page 4 of the printed bill, strike out lines 16 to 24, inclusive.

Amendment No. 11

On page 2, line 11, of the printed bill, after "commence", insert "with it is so intended that the terms of this act shall in no way apply to persons performing further service on railroad passenger trains, and such trains shall not be apply."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 977—An act to regulate the practice of naturopathy. Defines naturopathy. Creates Board of Naturopathic Examiners, prescribing its qualifications, powers, duties and compensation. Board empowered to examine applicants, issue, deny, suspend and revoke licenses to practice naturopathy, investigate and inspect institutions teaching naturopathy and issue or deny certificates of approval thereto. Prescribes educational and other qualifications of licentiates, grounds for denial, suspension and revocation of licenses. Awards licentiates, within scope of license, same rights granted physicians under public health laws. Specifies unlawful acts, prescribing penalties and disposition of moneys received. Prescribes rights and duties of naturopathic colleges. Defines terms used in act. Repeals conflicting laws.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 13, line 37, of the printed bill, strike out "_____ dollars (\$_____)", and insert "Fifteen dollars (\$15)".

Amendment No. 2

On page 13, line 46, of the printed bill, strike out "_____ dollars (\$_____)", and insert "Fifteen dollars (\$15)".

Amendment No. 3

On page 3, line 48, of the printed bill, strike out "The board may employ", and strike out lines 49 and 50.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 55—An act to amend Section 661 of the Political Code, relating to the creation of deficiencies in appropriation.

Bill read second time.

Motion to Amend

Senator Metzger moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, after "deficiencies", and before "can", insert "are strictly emergency in character and were not and could not have been foreseen at the time of the passage of the Budget Bill and which".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 997—An act to amend Section 7 of the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 7", and insert "add Section 7.1 to".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 25, inclusive; on page 2, strike out lines 1 to 52, inclusive; and on page 3, strike out lines 1 to 18, inclusive, and insert

"SECTION 1. Section 7.1 is hereby added to the Alcoholic Beverage Control Act, to read as follows:

Sec. 7.1. No license issued under this act shall be subject to transfer and the board shall refuse to transfer any license unless:

1. At least seven days before the filing of the transfer application with the board the licensee or the intended transferee shall record in the office of the county recorder of the county or counties in which the premises to which said license has been issued are situated, a notice of the intended transfer, stating the name and address of the licensee, the name and address of the intended transferee, the kind of license or licenses intended to be transferred, the address or addresses of the premises to which the license or licenses have been issued, the date when and the place where the purchase price or consideration for the transfer of the license or licenses, if any there be, is to be paid and the amount of such purchase price or consideration, if any there be; and

2. At least seven days before the filing of a transfer application with the board the licensee and the intended transferee shall establish an escrow with some person, corporation or association, not a party to the transfer, acting as escrow holder, and said intended transferee shall deposit with said escrow holder the full amount of the purchase price or consideration, if any there be, to be paid in connection with said transfer, and said licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with said escrow holder, directing said escrow holder, out of said purchase price or consideration, to pay the claims of such of the bona fide creditors of the licensee as shall file their said claims with said escrow holder within said period of seven days after the recording of the notice provided for in Subdivision 1 of this section or if such purchase price or consideration shall not be sufficient to pay said claims in full, to distribute said consideration pro rata to said creditors of said licensee; said agreement shall also provide that said escrow holder shall make such payment or distribution within a reasonable time after the completion of the transfer of said license. A certified copy of the recorded notice of intended transfer and a copy of said escrow agreement certified by the escrow holder to be a true and correct copy thereof shall be filed with the board together with any transfer application.

The provisions of this section shall not apply to any transfer of a license made by an executor, administrator, guardian, trustee, receiver or other person acting in the legal or proper discharge of official duty, or in the discharge of any trust imposed upon him by law, nor to any transfer or assignment, statutory or otherwise, made for the benefit of creditors."

Amendments read and adopted.

Bill ordered printed, and re-referred to the Committee on Governmental Efficiency.

Senate Bill No. 540—An act to amend Section 23 of, and to add Section 23 5 to the California Irrigation District Act, relating to irrigation district elections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 544—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending Section 26, relating to annual estimate for taxes, and Section 28, relating to annual tax levy, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 690—An act to amend Sections 4, 5 and 6 of the California District Securities Commission Act, relating to the procedure for certifying district bonds as legal investments, for use as security for the performance of any act, and the effect thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 692—An act to repeal an act entitled "An act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release," approved May 1, 1911.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 694—An act to amend Sections 1 and 5 of the California Irrigation District Act, relating to the formation and government of irrigation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 919—An act to amend Section 41b of the California Irrigation District Act, relating to the segregation of land on irrigation district assessment rolls.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 305—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, by reenacting Sections 68, 69 and 72; and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 74 relating to statutes codified in the Water Code, Section 75 authorizing the district to engage in the electrical power business, and Section 76 granting rights of way for electrical light and power lines; declaring the legislative intention as to unconstitutionality and declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "Sec.": strike out lines 4 to 7, inclusive, of the title; and in line 8, strike out "way for electrical lights and power lines", and insert

"Sec. 74, relating to statutes to be codified in the proposed Water Code".

Amendment No. 2

On page 2 of the printed bill, strike out lines 34 to 51, inclusive, and on page 3, strike out lines 1 to 46, inclusive.

Amendment No. 3

On page 3, line 47, of the printed bill, strike out "Sec. 7", and insert "Sec. 5"

Amendment No. 4

On page 4, line 3, of the printed bill, strike out "8", and insert "6".

Amendment No. 5

On page 4, line 12, of the printed bill, strike out "9", and insert "7".

Amendment No. 6

On page 4, line 27, of the printed bill, strike out "The district also has in contemplation the con-", and strike out lines 28 to 32, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 543—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding thereto new Sections 21.1 and 21.2, relating to allocation of proceeds of contracts or other sources of payment to the payment of bonds and 21.3, relating to redemption of bonds and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

On page 2, line 37, of the printed bill, strike out "of said".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 545—An act to provide for the acquisition, development, and disposal of electrical power by Palo Verde Irrigation District and granting to said district right of ways for electric light and power lines.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Water Resources:

Amendment No. 1

On page 2, line 11, of the printed bill, after "apply", change the period to a comma, and insert "provided, however, that said district shall not incur any bonds or other contractual obligation with the United States for or in connection with the borrowing by the district of funds for the construction, acquisition, operation, leasing and control of plants for the generation, transmission, distribution, sale and lease of electrical energy without first securing authorization therefor from the electors of said district by a two-thirds affirmative vote at an election wherein proceedings shall be had, in so far as applicable, in the manner provided in the case of the ordinary issuance of district bonds."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 968—An act to amend Section 7694 of the Business and Professions Code, relating to funeral directing and embalming.

Bill read second time, and ordered to third reading.

Assembly Bill No. 969—An act to amend Sections 7686.5, 7695, 7697, 7716, 7718 of the Business and Professions Code, relating to funeral directing and embalming.

Bill read second time, and ordered to third reading.

Assembly Bill No. 784—An act to amend Section 12510 of the Business and Professions Code, relating to the use of false or improper equipment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 345—An act to amend Section 14a of the California Irrigation District Act, relating to annual statements by the board of directors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 499—An act to amend Section 21 of the California Irrigation District Act, relating to irrigation district elections.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1648—An act to repeal Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1798—An act to add Section 52.5 to the California Irrigation District Act, relating to the surrender of obligations to irrigation districts.

Bill read second time, and ordered to third reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, March 24, 1941; Tuesday, March 25, 1941; Wednesday, March 26, 1941; Thursday, March 27, 1941; and Friday, March 28, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

MOTION TO TAKE BILLS FROM THE INACTIVE FILE

Senator Foley moved that Senate Bill Nos. 760, 1274 and 761 be taken from the inactive file and placed on the second reading file.

Motion carried.

ADJOURNMENT

At 5.50 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., April 1, 1941, out of respect to the memory of the late Hugh Lovett Spears, member of the State Board of Prison Directors, of Grapevine.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-EIGHTH LEGISLATIVE DAY

EIGHTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 1, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding

Secretary J. A. Beek at the desk

ROLL CALL

The roll was called, and the following answered to their names:

Senators Bigger, Breed, Brown, Carter, Cline, Cunningham, Delap, DeLong, Foley, Gordon, Judah, Luecke, McBride, McHenry, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Tickle, and Wagg—22

Call of the Senate

Senator Metzger moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 1:35 p.m.

The President directed the Sergeant-at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor and Mrs. George Kennedy of Sebastopol, Supervisor E. J. Guidotti of Guerneville, and Dolph Young, Secretary, Petaluma Chamber of Commerce, Petaluma.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. J. W. Guiberson and Miss Claire Guiberson of Corcoran.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. W.

Saunders, J. W. Saunders, Jr., and Grover Shannon, all of Tudor, Sutter County.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth Mecum, teacher, and the following students of the low eighth grade of Stanford Junior High School, Sacramento: Aileen Alt, Albert Bayless, Barbara Bertolucci, Albert Burdick, Louis Cetinich, Robert Chadwick, Juanita Chase, Thomas Clemens, Nancy Compton, Marguerite De Vore, Bill Dickinson, Marian Dudley, John Evers, Bill Frey, James Gildersleeve, Richard Gillette, Edmund Gomes, Bill Greer, Barbara Harrison, Marcel Hart, Eleanor Hess, Myron King, Mardell Lepetit, Bill Franklin, Robert Lundy, Neil Mahoney, Mary McBain, Violet McCoombs, Cyril McKinty, Ralph Neiger, Bill Pearson, Janet Rodgers, Donald Sanders, Carolyn Storz, Jean Vandervoort and Jacqueline Weaver.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. E. Cooper of Bonsall.

On request of Senators Kenny and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. B. Patterson of Los Angeles.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mayor Angelo J. Rossi and City Attorney John O'Toole of San Francisco.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 1, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am pleased to inform you that I have received from the Clerk of the House of Representatives of the United States certification that pursuant to Section 22, Subdivision (B), of the Act of Congress of the United States of America entitled "An act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929, as amended by public, numbered 481, Seventy-sixth Congress, approved April 25, 1940, that the State of California shall be entitled, in the Seventy-eighth Congress and in each Congress thereafter until the taking effect of a reapportionment under said act, as amended, or subsequent statute, to 23 Representatives in the House of Representatives of the Congress of the United States.

I have caused to be filed with the office of the Secretary of State the original of this official document.

Respectfully yours,

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 31, 1941

*To the Senate and Assembly
of the California Legislature*

GREETINGS: I present herewith a copy of a resolution adopted by the Legislature of the State of Utah and approved by the Governor of that State on March 17, 1941, entitled "Memorializing Congress to initiate a movement to give silver a standing in the Monetary System of the United States of America as a basic money, at a given ratio of silver to gold."

It is in pursuance to and out of respect to the request made by the Legislature of Utah that I send you copy of this resolution.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

S. C. M. No. 1—By Mr. Williams

Memorializing Congress to initiate a movement to give silver a standing in the Monetary System of the United States of America as a basic money at a given ratio of silver to gold.

Be it resolved by the Legislature at the State of Utah, the Governor memorializing therein:

WHEREAS, The people of this State and the Nation are interested in having some basic money which will freely pass current to help encourage the trade of the United States with foreign countries; and

WHEREAS, Some foreign countries are improving the United States of its rightful share of world trade by a system of controlled and managed money and by the exchange and barter of the products of said various Nations instead of the use of money; and

WHEREAS, Previous to now, dissipation of gold and silver deposits have been made only where surface indications give a probability the existence of such resources; and

WHEREAS, If a proper plan for these matters is accepted through the amendment of silver, deposits of gold and silver now hidden beneath the surface of the earth will be opened; and

WHEREAS, All efforts heretofore made in the direction of currency substitution have been based upon the theories which failed to provide for the substitution of silver; and

WHEREAS, In order to relieve the present worldwide depression it is necessary either to provide for extension of debt payment and employment to them, or to provide for a managed currency, or, to provide exchange of gold and silver in some relation to each other; and

WHEREAS, The exchange of gold and silver is the best means; and

WHEREAS, It appears necessary for the purpose of securing an increasing trade with various countries by the United States that a system of money be adopted which is readily available to the various countries with whom the United States trades; and

WHEREAS, The United States of America, over a period of time has increased domestically mined silver at a fixed price pursuant to act of Congress; and

WHEREAS, The Congress has treated silver as a commodity instead of a monetary basis of metallic money; and

WHEREAS, The Government of the United States has, through sound and wellfounded measures, attempted to alleviate the result of unemployment throughout the United States; and

WHEREAS, Because of the low price of silver many mines in the United States have been unable to operate and consequently many thousands of miners have been thrown out of employment and their wives and children and themselves have become dependent on relief; and

WHEREAS, When the silver prices close down the smelters which are the largest consumers of coal within the State, except smelting used in steel materials, affects the railroads and their employees. That the families of the coal, silver miners, and railroad employees become dependent upon relief. That local farmers who find a ready market among the miners, and the railroad men lose their markets so that the closing of silver mines, affects not only the silver mines, but also the coal miners, railroad men, the farmers, and the Nation in general. All classes then become at least partially dependent upon relief and the burden thereby is upon the entire State or States; and

WHEREAS, The making of silver as a part of the Monetary System of the United States at a given ratio to gold would stabilize the mining industry and allow reemployment of miners, railroad men and lessen the relief fund; now therefore be it

Resolved, by the Legislature at the State of Utah the following memorializing therein, That we earnestly recommend the enactment of legislation by Congress for the use of silver in our monetary systems as a basic money, thereby increasing the supply of metallic money for use as a circulating medium and as a base for currency and credit at a ratio to gold as hereinabove provided; and be it further

Resolved, That the Secretary of State forward copies of this memorial to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the Congress of the United States, the United States Senators and Representatives from the State of Utah, and to the Governors of the various States, with the request that the said Governors submit it for action by the Legislators of their States.

* Misspelled word.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 540

Senate Bill No. 694

Senate Bill No. 544

Senate Bill No. 919

Senate Bill No. 690

Senate Bill No. 1249

Senate Bill No. 692

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 110

Senate Bill No. 545

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 543

Senate Bill No. 627

Senate Bill No. 55

Senate Bill No. 550

Senate Bill No. 235

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1100

Senate Bill No. 292

Senate Bill No. 1103

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1005

Senate Bill No. 279

Senate Bill No. 1098

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 154

Senate Bill No. 463

Senate Bill No. 1253

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1122

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

METZGER, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 1162

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 880

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend and refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1403

Assembly Bill No. 2298

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1404

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Chairman

Above reported bill ordered to second reading

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 19

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 156

Assembly Bill No. 1409

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 156—An act to amend Section 517 of the Code of Civil Procedure, relating to claim and delivery of personal property

and the steps to be followed in obtaining possession of such property in a building or inclosure.

Referred to Committee on Judiciary.

Assembly Bill No. 1409—An act to add Section 6.493 to the School Code, relating to the furnishing of supplies to pupils of the public schools.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill No. 1101—An act to abolish the State Division of Architecture.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "to abolish the State Division of Architecture", and insert "relating to State improvements, buildings, and other projects, and imposing upon the Department of Public Works through the Division of Architecture the responsibility for economic use of funds".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert "SECTION 1. All work on State improvements, buildings and other projects coming under the provisions of the State Contract Act having to do with new construction, major construction and equipment, minor construction, improvement and equipment, and other building and improvement projects for which funds are appropriated by the Legislature to any other State department or other agency, shall be performed by the Department of Public Works through the Division of Architecture. Said department shall determine the type of construction, the materials to be used, and all other matters with reference to such projects as tend to affect the cost thereof; provided, that the improvements from a functional standpoint shall be reasonably adequate for their intended usage and in this respect satisfactory to the agency into whose jurisdiction any specific project, improvement or improvements shall pass upon completion. The Department of Public Works is charged with the judicious and economical usage of the funds appropriated for such projects.

In the event the agency to whom the appropriation has been made is dissatisfied with the decision of the Department of Public Works as to the type and method of construction and the adequacy of the proposed improvements to meet the needs of the agency to which the appropriation was made, such agency may appeal to the State Board of Control and upon the unanimous approval of the members thereof, the Department of Public Works shall revise its plans and specifications for the particular improvement and resubmit them to the agency concerned. No project shall be built at an estimated cost of more than that recommended by the Department of Public Works, except upon orders of the agency for whom the project is being constructed, such orders to have been previously approved by the Board of Control adopted by unanimous vote."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1015—An act creating the office of State Manager, and prescribing his powers and duties.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 11, inclusive, and insert "Governor from a list of five names submitted to him by an Administrative Board

which shall consist of the Attorney General, State Controller, one member appointed by the Governor and two members appointed to the Legislature. He shall be removable at the pleasure of the Governor and may be removed for cause by the Administrative Board. He shall receive a salary of fifty thousand dollars (\$15,000) per year."

Amendment No. 2

On page 3, line 46, of the printed bill, after the period insert "The State Department of Finance and the office of Director of Finance are hereby attached. From and after the effective date of this act all the revenues and business of the said department shall be under the supervision and direction of the manager."

Amendment No. 3

On page 3 of the printed bill, strike out lines 51 and 52, and strike out lines 1 and 2 on page 4, and insert "Finance. Whichever be the proper one."

Amendment No. 4

On page 4 of the printed bill, strike out lines 6, 7 and 8, and insert "Finance such duty, jurisdiction and".

Amendment No. 5

On page 4 of the printed bill, strike out lines 16 to 18, inclusive, and insert "Sec. 8. From and after the taking effect of this act the manager shall be in possession of all records, books, papers, equipment, supplies, moneys, funds, appropriations, lands and other property, real and personal, now or hereafter held by or under the control of the Department of Finance or of the Director of Finance, from whatsoever source derived, and the title to all such property is hereby transferred to the manager."

All persons employed in the Department of Finance or in any of its divisions at the effective date hereof shall continue without change their status as employees of the State under the provisions of Article XXIV of the Constitution and laws in execution thereof."

Amendment No. 6

On page 4 of the printed bill, between lines 34 and 35, insert

"Sec. 10a. Any action of the manager in making disbursements from the Emergency Fund, in approving requests for disbursing appropriations, or in accounting, bond purchases or sales, shall be subject to the approval of the Administrative Board."

Amendments read and adopted.

Bill ordered printed, and is referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 38, relating to the power of the Legislature over administrative offices of the State Government.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 and 5 of the title, and insert "directing the Legislature to create the office of State Manager and providing for his appointment."

Amendment No. 2

On page 1 of the printed bill, strike out lines 9 to 14, inclusive, and insert

"Sec. 38. There is hereby created a State Manager who shall exercise such".

Amendment No. 3

On page 1 of the printed bill, strike out lines 17 to 19, inclusive, and insert "ment of the State Government as the Legislature may deem to be in the interest of efficiency and economy. The State Manager shall be appointed by the Governor from a list of five names submitted to him by an Administrative Board consisting of the Attorney General, the State Controller, one member appointed by the Governor and two members elected by the Legislature. The State Manager shall be

removable at the pleasure of the Governor or he may be removed for cause by the Administrative Board."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1141—An act to add Section 555 to Chapter 1, Part 2, Division 2 of the Labor Code, relating to work performed upon days of rest and compensation paid therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert "An act to amend Section 554 of, and to add Section 555 to,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "of".

Amendment No. 3

In line 3 of the title of the printed bill, strike out "and compensation paid therefor".

Amendment No. 4

On page 1 of the printed bill, strike out lines 1 to 15, inclusive, and insert "SECTION 1. Section 554 of the Labor Code is hereby amended to read as follows:

554. This chapter shall not apply to any case of emergency [...] *nor to any provisions of Chapters 2 to 5, inclusive, of Part 2 of Division 2 of this code.*

SEC. 2. Section 555 is hereby added to said code, to read as follows:

555. *No employer shall cause any employee to work more than six days out of seven, unless there is an express agreement between the employer and the employee to that effect.*"

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 1167—An act to amend Section 11 of, and to add Section 11.1 to, the California Unemployment Relief Act of 1935, relating to the application of civil service to the State Relief Administration.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2, line 14, of the printed bill, after "examinations", insert "which shall not be limited in any way whatsoever to present or past employees of the State Relief Administration,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to the inactive file.

Senate Bill No. 669—An act to add Sections 3220.5 and 3240.5 to the Streets and Highways Code, relating to the closing or abandonment

of city streets and providing for the reservation of certain easements therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 670—An act to amend Sections 950 and 960 of, and to add Section 960.5 to, the Streets and Highways Code, relating to the abandonment of county highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 830—An act to repeal Section 981 and to amend Sections 980 and 1022 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 10—An act to amend Section 180 of and to add Section 180.5 to the Vehicle Code, relating to transfers of title or interest in motor vehicles, including the validity of a transfer of a security interest in a vehicle pursuant to a trust receipt transaction.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 1, of the printed bill, following "where," insert "if such certificate of ownership has been issued."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 186—An act to repeal Sections 70 of, and to add a new Section 70 and Sections 70.1, 70.6 and 80 to, the Streets and Highways Code, relating to the California Highway Commission and providing for the establishment, appointment, organization, and expenses thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 18, inclusive, and insert "Commission consisting of five members, one of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, from each of the highway districts defined herein."

The State is hereby divided into five highway districts, as follows:

District 1 comprising the Counties of Siskiyou, Medford, Trinity, Shasta, Lassen, Tehama, Plumas, Tuolumne, Mono, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Mariposa, and Inyo.

District 2 comprising the Counties of Del Norte, Mendocino, Butte, Sutter, Lake, Sonoma, Napa, Solano, Humboldt, Glenn, Yuba, Colusa, Butte, and Yuba.

District 3 comprising the Counties of Sacramento, Contra Costa, Merced, Fresno, Tulare, San Joaquin, Stanislaus, Madera, Kings, and Kern.

District 4 comprising the Counties of San Francisco, San Mateo, San Benito, Monterey, Santa Barbara, Alameda, Santa Clara, Santa Cruz, San Luis Obispo, and Ventura.

District 5 comprising the Counties of Los Angeles, San Bernardino, San Diego, Orange, Riverside, and Imperial.

Of the members first appointed, one member shall be appointed to serve until January 15, 1943; two to serve until January 15, 1944; and two to serve until January 15, 1945.

At the expiration of each term the person appointed to fill the vacancy shall serve for four years; thereafter the term of office of each member shall be four years."

Amendment No. 2

On page 1, line 24, of the printed bill, after "Governor," insert "during the term for which he was appointed,".

Amendment No. 3

On page 2 of the printed bill, strike out lines 11 to 16, inclusive.

Amendment No. 4

On page 2 of the printed bill, strike out lines 47 to 49, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 679—An act to amend Sections 820, 822 and 823 of, and to add Section 820.5 to, the Streets and Highways Code, relating to cooperation with the United States, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended, after "and", insert "administrative".

Amendment No. 2

On page 3, line 12, of the printed bill, as amended, after "and", insert "administrative".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 562—An act to amend Section 49 of the Alcoholic Beverage Control Act, relating to the importation of alcoholic beverages and consignment thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "by the sender thereof".

Amendment No. 2

On page 1, line 14, of the printed bill, between "licensed" and "under", insert "for the account of the licensee".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 563—An act to amend Section 67.1 of the Alcoholic Beverage Control Act, relating to the tax on wine used for industrial purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, between the words following "manufacturers", and "retailers", insert "trading companies".

Amendment No. 2

On page 1, line 11, of the printed bill, following "traders" insert "retailers".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 760.—An act to amend Sections 7110 and 7113 of the Business and Professions Code relating to the regulation of contractors.

Bill read second time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the original bill, as amended, strike out "Sections 7110 and 7113", and insert "Section 7110".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 14 to 30, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1274.—An act to amend Section 17025 of the Business and Professions Code and Section 6 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair competition and discrimination.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 761.—An act to add Sections 7028.5, 7065.5, 7074, 7106.5, 7121 and 7137, and Article 9, consisting of Sections 7140 to 7145, inclusive, to Chapter 9 of Division 3 of, and to amend Sections 7002, 7026, 7059, 7068, 7069 and 7090 of, and to repeal Sections 7055, 7056, 7057, 7058, 7074, 7137, 7138 and 7139 of, the Business and Professions Code, relating to the regulation of contractors.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 285.—An act to add Section 395.4 to the Military and Veterans Code, relating to leaves of absence of public employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 17, of the printed bill, after "Constitution", insert ", and as such shall take effect immediately".

Amendment read and adopted.

Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 70

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, as of March 31, 1941.

	Per day
Ann Kelly French-----	\$5 00

Resolution read and adopted.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 1.50 p.m., on motion of Senator Metzger, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—39.

THIRD READING OF SENATE BILLS

Senate Bill No. 687—An act to amend Section 16f of the Bank Act, relating to adverse claims to bank deposits and the contents of safe deposit boxes standing in the name of one other than the claimant and to add two new sections, Sections 539a and 682a to the Code of Civil Procedure, relating to the attachment of and the levy of execution upon bank accounts and the contents of safe deposit boxes standing in the name of one other than the defendant or judgment debtor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, and Tickle—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 292—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities; said dam and appurtenant works to impound waters in Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to authorize the Department of Finance to construct said dam and appurtenant works.

to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any department or agency of the State for the construction of soil bank and appurtenant works, and for the acquisition of the lands or property necessary therefor, to make an appropriation therefor, and to declare the urgency thereof and to provide it take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES. Senators: Biggs, Wood, Brown, Cullen, Cummings, DeLoe, Fletcher, Foley, Gorman, Jorgensen, Latta, E. van, Keadel, May, McHenry, McInerney, Metzger, Miller, Milford, Patterson, Peterson, Rife, Sargent, Seeling, Stein, Swing, Tickle and Wiley—29.

NOES. None.

The roll was called, and the bill passed by the following vote:

AYES. Senators: Biggs, Wood, Brown, Cullen, Cummings, DeLoe, Fletcher, Foley, Gorman, Jorgensen, Latta, E. van, Keadel, May, McHenry, McInerney, Metzger, Miller, Milford, Patterson, Peterson, Rife, Sargent, Seeling, Stein, Swing, Tickle and Wiley—28.

NOES. None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3—An act to amend Sections 50 and 472 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight and the payment of weight fees for commercial vehicles.

Bill read third time.

Motion to Amend

Senator Jorgensen moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 15 to 18, inclusive.

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 19 to 22, inclusive, and insert "less than 6,000 pounds, for the vehicle the gross weight of which does not exceed 6,500 pounds and which is not used for the conveyance of persons for hire, transporting persons or property for hire, transportation or public utility, or more than 2,500 pounds or more."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senator Luckey Presiding

At 2:23 p.m. Hon. E. George Luckey, of the Thirty-ninth District, presiding.

Senate Bill No. 1098—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 19, of the printed bill, as amended, after "State", insert ", and it shall supervise the administration of State and to all persons receiving or eligible to receive State aid."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

President of the Senate Presiding

At 2.28 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 22: By Senators Rich, Deuel, Myhand, Tickle and Breed—Relative to amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 36, creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the Contingent Funds therefor.

Without reference to committee.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.30 p.m. having arrived, Senate Concurrent Resolution No. 11 was taken up.

Senate Concurrent Resolution No. 11—Providing for the appointment of a Joint Committee to Study and to Report Upon the Water Problems of the State.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Kenny moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 38 was refused passage.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Biggar moved that Senate Bill No. 132 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Shelley moved that Senate Bill No. 815 be placed on the inactive file.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1103—An act to amend Section 663 of the Political Code, relating to the State Board of Control.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Jaspersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Morgan, Myer, Parkman, Phelps, Powers, Rich, Snawell, Swan, Swing, Tickle, and Ward—29.

NOES—Senators Cherry, Foley, Jaspersen, Judah, Keating, McBride, Quinn, Shelley, Slater, and Swan—10.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1138—An act to amend Section 172 of the State Civil Service Act, relating to bylaws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Jaspersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Morgan, Myer, Parkman, Phelps, Quinn, Rich, Snawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1154—An act to amend Sections 673 and 674 of the Penal Code, relating to civil rights of persons sentenced to State prisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Jaspersen, Judah, Keating, Kenny, Kuchel, Lusk, Mayo, McBride, McCormack, Morgan, Myer, Parkman, Phelps, Powers, Rich, Snawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1260—An act to add Article 5, comprising Sections 2780 to 2793, inclusive, to Chapter 5, Title 1, Part 3, of the Penal Code, relating to prisons and prisoners and their employment in parks, forests and fish and game camps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Jaspersen, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Morgan, Myer, Parkman, Phelps, Powers, Rich, Snawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 285—An act to amend Section 6062 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Jaspersen, Judah, Keating, Kenny, Kuchel,

Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 344—An act to amend Section 1200 of the Fish and Game Code, relating to doves.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279—An act to amend Section 5005 of the Public Resources Code, relating to the acceptance of lands for State park purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Keating moved to reconsider the vote whereby Senate Bill No. 1260 was passed.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Keating moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1260 was passed.

The roll was called, and Senate Bill No. 1260 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered to third reading.

Senate Bill No. 862—An act to amend Section 4007 of the Public Resources Code, relating to forestry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122—An act to add Section 4383 to the Public Resources Code, relating to State forests, including areas subject to timber production, outdoor recreation, water protection, and fish and game production.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bunker, Reed, Brown, Carson, Collier, Cunningham, DeLap, Donel, Dillingham, Fletcher, Foss, Harrison, Jack, Kennedy, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Sweeney, Swann, Tamm, Wagoner, and Wagoner, Jr.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 140—An act to add Section 222 to the Public Resources Code, relating to the ownership of dissolved mining districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Reed, Brown, Collier, Crittenden, Cunningham, DeLap, Donel, Dillingham, Fletcher, Foss, Harrison, Jack, Kennedy, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Sweeney, Swann, Tamm, Wagoner, and Wagoner, Jr.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 81—An act to add Section 2790.5 to, and to amend Sections 2741, 2743, 2744 and 2745 of, the Elections Code, relating to the order of names on primary election ballots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Reed, Brown, Carson, Collier, Cunningham, DeLap, Donel, Dillingham, Fletcher, Foss, Harrison, Jack, Kennedy, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Sweeney, Swann, Tamm, Wagoner, and Wagoner, Jr.
 NOES—Senator Swann, 1.

Bill ordered transmitted to the Assembly.

RECESS

At 4.05 p.m., on motion of Senator Sweeney, the Senate recessed until 4.10 p.m. to hear from Mayor August J. Ross and City Attorney John O'Toole of San Francisco.

REASSEMBLED

At 4.10 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 697—An act to amend Sections 2799, 2805, 2806, 2816, 2819 and 2820 of, to repeal Section 2798 of, and to add new Sections 2798, 2798.3 and 2798.5 to the Elections Code, relating to State party conventions, State central committee meetings and the membership thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 787—An act to add Section 529 to the School Code, relating to the leasing of property of a State college.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 22.3 to Article XX, relating to sales of alcoholic beverages.

Resolution read.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 3, of the printed bill, after "shall", strike out "be required to".

Amendment read.

Roll Call Demanded

Senators Seawell, Carter and Swan demanded a roll call.

The roll was called, and the above amendment refused adoption by the following vote:

AYES—Senators Jespersen, and Phillips—2.
NOES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Swan, Wagy, and Ward—29.
NOES—Senators Jespersen, Judah, Kuchel, Myhand, Phillips, Quinn, Slater, and Tickle—8.

Resolution ordered transmitted to the Assembly.

Motion to Take Bill From the Inactive File

Senator Luckey moved that Senate Bill No. 733 be taken from the inactive file, and re-referred to the Committee on Water Resources.

Motion carried.

Senator Luckey Presiding

At 5 p.m., Hon. E. George Luckey, of the Thirty-ninth District, presiding.

Senate Bill No. 235—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6595 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Critchfield, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Juchacz, Kuebel, Kuey, Kuehl, Luckey, McBride, McCune, Parkinson, Powers, Quinn, Seawell, Senter, Smith, Swan, and Ward—27.

NOES—Senators Collier, and Mayo—2.

MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby Senate Bill No. 235 was passed.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 235 was passed, was continued until the next legislative day.

President of the Senate Presiding

At 5:05 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Motion to Refer Bill to Inactive File

Senator Swan moved that Senate Bill No. 577 be placed on the inactive file.

Motion carried.

Senate Bill No. 540—An act to amend Section 24 of and to add Section 23.5 to the California Irrigation District Act, relating to irrigation district elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Critchfield, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Juchacz, Kuebel, Kuey, Kuehl, Luckey, Mayo, McBride, Parkinson, Powers, Quinn, Seawell, Senter, Smith, Swan, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 690—An act to amend Sections 4, 5 and 6 of the California Districts Securities Commission Act, relating to the procedure for certifying district bonds as legal investments, for use as security for the performance of any act, and the effect thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Critchfield, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jorgensen, Juchacz, Kuebel, Kuey, Kuehl, Luckey, Mayo, McBride, Mixer, Parkinson, Powers, Quinn, Seawell, Senter, Swan, Tinkle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 692—An act to repeal an act entitled "An act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release," approved May 1, 1911.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 694—An act to amend Sections 1 and 5 of the California Irrigation District Act, relating to the formation and government of irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 919—An act to amend Section 41b of the California Irrigation District Act, relating to the segregation of land on irrigation district assessment rolls.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenney, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 305—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, by reenacting Sections 68, 69 and 72; and by adding to said act, as amended, new sections to be numbered and providing as follows, to wit: Section 74 relating to statutes codified in the Water Code, Section 75 authorizing the district to engage in the electrical power business, and Section 76 granting rights of way for electrical light and power lines; declaring the legislative intention as to unconstitutionality and declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Collier, Critchfield, Cunningham, DeLay, Dillinger, Foley, Garrison, Jospetson, Judah, Keating, Kester, Kuebel, Lacey, Mayo, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 543. An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding thereto new Sections 21.1 and 21.2, relating to allocation of proceeds of contracts or other sources of payment to the payment of bonds and 21.3, relating to redemption of bonds and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Broad, Carter, Collier, Critchfield, Cunningham, DeLay, Dillinger, Fletcher, Foley, Garrison, Jospetson, Judah, Keating, Kester, Kuebel, Lacey, Mayo, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Collier, Critchfield, Cunningham, DeLay, Dillinger, Fletcher, Foley, Garrison, Jospetson, Judah, Keating, Kester, Kuebel, Lacey, Mayo, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 544. An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending Section 26, relating to annual estimate for taxes, and Section 28, relating to annual tax levy, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Broad, Carter, Collier, Critchfield, Cunningham, DeLay, Dillinger, Fletcher, Foley, Garrison, Gordon, Jospetson, Judah, Keating, Kester, Kuebel, Lacey, Mayo, Mixer, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Collier, Critchfield, Cunningham, DeLay, Dillinger, Fletcher, Foley, Garrison, Gordon, Jospetson, Judah, Keating, Kester, Lacey, Mayo, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 545.—An act to provide for the acquisition, development, and disposal of electrical power by Palo Verde Irrigation District

and granting to said district right of ways for electric light and power lines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 550—An act to repeal Section 2 of an act entitled "An act to provide for drainage by irrigation districts," approved March 18, 1907, relating to the duties of irrigation districts and their officers to drain land.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 627—An act to amend Sections 1, 7, 9 and 11 of the Irrigation District Improvement Act, relating to formation of, government of, and assessments in irrigation district improvement districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 23: By Senators Shelley and Phillips—Relative to mourning the death of Chris Merchant, member of the State Board of Prison Directors.

Request for Unanimous Consent

Senator Shelley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 23, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 23

Senate Concurrent Resolution No. 23—Relative to mourning the death of Chris Merchant, member of the State Board of Prison Directors.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL AND RE-REFERENCE OF SENATE BILL NO. 843

Senator Jespersen moved that Senate Bill No. 843 be withdrawn from Committee on Education and referred to Committee on Governmental Efficiency.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 603—An act to add Chapter 7, comprising Sections 20700 to 20981, inclusive, to Division 8 and to add Sections 29026 to Division 30, of the Business and Professions Code, thereby consolidating and revising the law relating to the regulation of the importation, distribution and sale of gasoline or other motor fuel, distillate, kerosene and lubricating oil and repairing auto and parts of auto specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Breed, Carpenter, Chapman, DeLoe, Dillman, Friedman, Foley, Garrison, Gordon, Jespersen, Judd, Keating, Keene, Kinn, Tucker, Mace, McBride, McCormack, Meyer, Perkins, Phillips, Powers, Quinn, Sargent, Shattuck, Slater, Swain, Tickle, Wagy, and Ward—30.

NOTES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1614—An act to add Section 48.5 to the Alcoholic Beverage Control Act, relating to certificates of compliance.

Bill read third time.

Motion to Amend

Senator DeLoe moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 18, of the printed bill, as amended in Senate March 28, 1941, after "agencies", insert "owned and".

Amendment No. 2

On page 1, line 19, of the printed bill, as amended in Senate March 28, 1941, after "it", strike out ", and all other representatives of agents of", and strike out all of line 20; and in line 21, strike out "agencies".

Amendment No. 3

On page 1, line 26, of the printed bill, as amended in Senate March 28, 1941, after "agency", insert "owned and".

Amendment No. 4

On page 1, line 26, of the printed bill, as amended in Senate March 28, 1941, after "it" strike out ", or any", and in line 27, strike out "representative or agent thereof".

Amendments read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE CONSTITUTIONAL AMENDMENT NO. 14

Senator Shelley moved that Senate Constitutional Amendment No. 14 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding, Section 23 of Article XX thereof, relating to usury and the rate of interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand and on judgments rendered over three hundred dollars (\$300) made by licensed personal property brokers and licensed lenders under the "California Small Loan Acts" and on all loans or forbearances of money, goods and things in action and on accounts after demand and on judgments rendered, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

The title of the printed measure is hereby amended to read as follows:

"Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 23 to Article XX thereof, relating to usury and the rate of interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand over three hundred dollars (\$300) made by licensed personal property brokers and on all loans or forbearances of money, goods and things in action and on accounts after demand, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California."

Amendment No. 2

On page 1, lines 12 and 13, of the printed measure, strike out "or judgment rendered in any court of the State".

Amendment No. 3

On page 1, lines 15 and 16, of the printed measure, strike out "or by or on behalf of any licensed California small loan lender".

Amendment No. 4

On page 1, lines 17 and 18, of the printed measure, strike out "and on judgments rendered".

Amendment No. 5

On page 1, lines 21 and 22, of the printed measure, strike out "the unpaid principal of the loan, forbearance, account after demand or judgment rendered," and insert "that portion of the unpaid principal in excess of three hundred dollars (\$300), 2 per cent per month on that portion of the unpaid principal in excess of one hundred dollars (\$100) up to, thereon, but not in excess of three hundred dollars (\$300), and 2½ per cent per month on that portion of the unpaid principal up to, including but not in excess of one hundred dollars (\$100)."

If, however, any property securing a loan is insured against loss in favor of the lender, the latter may only contract for and receive thereon charges, including interest, at a rate not exceeding 2 per cent per month on the unpaid principal balance up to three hundred dollars (\$300).

The Legislature shall have the right from time to time to adjust such rates within the maximum herein provided but not to increase said rates beyond the maximum herein provided.

However, it is provided that nothing in this section denies the right of the lender to contract for, collect and receive at the time of making the loan, or at any time thereafter, the statutory fee paid by it to any public officer for acknowledging, filing, recording or releasing in any public office any instrument securing the loan or executed therein. Also, nothing in this section prohibits the lender from collecting the costs for insurance, of tangible personal property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan; provided such insurance is sold at standard rates through a duly licensed insurance agent.

Such amount herein above allowed to be collected including interest within the aggregate maximum limit herein provided shall be in full for all charges including brokerage in the investigating, arranging, negotiating, brokering, guaranteeing,

making, servicing, collecting, and enforcing of a loan or a forbearance of money, credit, goods or things in action, or any other service or services rendered to the lender, broker or any other person.

No charge shall be collected unless a loan shall have been made.

Any person and the several persons, officers, servants, agents, and companies thereof, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor.

Any contract of loan in the making or collecting of which any violation of this act shall have been committed, shall be void, and neither the lender nor the other person shall have any right to collect or receive any interest or charges whatsoever."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 850

Senator Shelley moved that Senate Bill No. 850 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 850—An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods, and things in action and on accounts after demand and on judgment rendered over three hundred dollars (\$300) made by licensed personal property brokers.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

The title of the printed bill is hereby amended to read as follows:

"An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand over three hundred dollars (\$300) made by licensed personal property brokers and on all loans or forbearances of money, goods and things in action and on accounts after demand, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California."

Amendment No. 2

On page 1, lines 3 and 4, of the printed bill, strike out "on judgment rendered in any court of the State".

Amendment No. 3

On page 1, lines 6, 7 and 8, of the printed bill, strike out "shall not exceed 10 per cent per annum on the unpaid principal of the loan, forbearance, account after demand or judgment rendered", and insert "and on all loans or forbearances of money, goods and things in action and on accounts after demand made by or on behalf of any nonexempt class of persons under Section 22 of Article XX of the Constitution of the State of California, shall not exceed 10 per cent per annum on that portion of the unpaid principal in excess of three hundred dollars (\$300), 2 per cent per month on that portion of the unpaid principal in excess of one thousand dollars (\$1000) up to, including but not in excess of three hundred dollars (\$300), and 24 per cent per month on that portion of the unpaid principal up to, including but not in excess of one hundred dollars (\$100)."

If, however, any property securing a loan is insured against loss in favor of the lender, the latter may only contract for and receive interest charges, including interest, at a rate not exceeding 2 per cent per month on the unpaid principal balance up to three hundred dollars (\$300).

However it is provided that nothing in this section denies the right to the lender to contract for, collect and receive at the time of making the loan, or at any time thereafter, the statutory fee paid by it to any public officer for acknowledging, filing, recording or releasing in any public office any instrument securing the loan or executed therein. Also, nothing in this section prohibits the lender from collecting the costs for insurance, of tangible personal property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances.

of the loan; provided, such insurance is sold at standard rates through a duly licensed insurance agent.

Such amount herein above allowed to be collected including interest within the aggregate maximum limit herein provided shall be in full for all charges including brokerage in the investigating, arranging, negotiating, brokering, guaranteeing, making, servicing, collecting, and enforcing of a loan, or a forbearance of money, credit, goods or things in action, or any other service or services rendered by the lender, broker or any other person.

No charge shall be collected unless a loan shall have been made.

Any person and the several members, officers, directors, agents, any employees thereof, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor.

Any contract of loan in the making or collection of which any violation of this act shall have been committed, shall be void, and neither the lender nor any other person shall have any right to collect or receive any interest or charges whatsoever."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 851

Senator Shelley moved that Senate Bill No. 851 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 851—An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand and on judgments rendered over three hundred dollars (\$300) made by persons licensed under the "California Small Loan Acts."

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

The title of the printed bill is hereby amended to read as follows:

"An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods or things in action, and on accounts after demand made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California."

Amendment No. 2

On page 1, line 3, of the printed bill, strike out "or judgment", and all of lines 4 to 8, inclusive, and insert "made by or on behalf of any nonexempt class of persons under Section 22 of Article XX of the Constitution of the State of California, shall not exceed 10 per cent per annum on that portion of the unpaid principal in excess of three hundred dollars (\$300), 2 per cent per month on that portion of the unpaid principal in excess of one hundred dollars (\$100) up to, including but not in excess of three hundred dollars (\$300), and 2½ per cent per month on that portion of the unpaid principal up to, including but not in excess of one hundred dollars (\$100)."

If, however, any property securing a loan is insured against loss in favor of the lender, the latter may only contract for and receive thereon charges, including interest, at a rate not exceeding 2 per cent per month on the unpaid principal balance up to three hundred dollars (\$300).

However it is provided that nothing in this section denies the right to the lender to contract for, collect and receive at the time of making the loan, or at any time thereafter, the statutory fee paid by it to any public officer for acknowledging, filing, recording or releasing in any public office any instrument securing the loan or executed therein. Also, nothing in this section prohibits the lender from collecting the costs for insurance, of tangible personal property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan; provided, such insurance is sold at standard rates through a duly licensed insurance agent.

Such amount herein above allowed to be collected including interest within the aggregate maximum limit herein provided shall be in full for all charges including

brokerage in the investigating, arranging, negotiating, brokering, purchasing, making, servicing, collecting, and returning of a loan, or a combination of money, goods or things in action, or any other service or services rendered by the lender, broker or any other person.

No charge shall be collected unless a loan shall have been made.

Any person and the several members of the legislative assembly and members thereof, who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Any contract of loan in the making or collection of which any violation of this act shall have been committed, shall be null and void, and neither the lender nor any other person shall have any right to collect or receive any amount or charge thereon.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 855

Senator Shelley moved that Senate Bill No. 855 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, so as to define industrial loan companies, provide for their incorporation, powers and supervision, and regulate the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, after "money", strike out "and loans its own choses in action", and insert "on personal property, security or without security, and issues its own installment investment certificates with loans."

Amendment No. 2

On page 1, line 10, of the printed bill, strike out the period after "provided" and insert "; but there shall be set forth in the articles of incorporation a statement that such corporation is incorporated under and by virtue of this act."

Amendment No. 3

On page 1, line 13, of the printed bill, after "\$25,000", insert "when such corporation is transacting business".

Amendment No. 4

On page 1, line 15, of the printed bill, after "\$50,000", insert "when such corporation is transacting business".

Amendment No. 5

On page 1, line 18, of the printed bill, after "\$100,000", insert "when such corporation is transacting business".

Amendment No. 6

On page 1, line 19, of the printed bill, after "consolidated", insert "The capital stock of any such corporation transacting business in more than one city shall not be less than the aggregate capital stock required for the transaction of business by separate corporations in each of such cities."

Amendment No. 7

On page 2, line 5, of the printed bill, strike out the first "capital stock", and insert "minimum capital stock required under the provisions of this section".

Amendment No. 8

On page 2, line 12, of the printed bill, strike out "security, or otherwise", and insert "property security, including the pledge of its installment investment certificates, or without security other than the pledge of its installment investment certificates".

Amendment No. 9

On page 2, line 13, of the printed bill, before "10", insert "not to exceed".

Amendment No. 10

On page 2, line 14, of the printed bill, strike out ", or less, and," and strike out all of lines 15 to 21, inclusive, and insert ". A certificate of investment requiring uniform weekly or monthly payments over the period of the loan, final payment not to be payable until the maturity date of the loan, shall be issued with each loan. Such certificates of investment shall be purchased by the borrower simultaneously with each loan transaction, of a face value not exceeding the principal amount of the loan advanced to the borrower, and shall be pledged with the corporation as security for said loan. All payments made by the borrower on the certificate of investment purchased in connection with the loan must be deducted from the principal of the loan in determining the unpaid balance of principal loaned."

Amendment No. 11

On page 2, line 22, of the printed bill, strike out "choses in action", and insert "investment certificates".

Amendment No. 12

On page 2, line 23, of the printed bill, after "form," insert "in addition to the sale of installment investment certificates with loans,".

Amendment No. 13

On page 2, line 26, of the printed bill, strike out ", sub-", and strike out all of lines 27 and 28, and insert in lieu thereof a period.

Amendment No. 14

On page 2, lines 31, 32 and 33, of the printed bill, strike out "issuance of choses in action herein authorized shall be approved as to form by the Commissioner of Corporations and", and insert "investment certificates herein authorized".

Amendment No. 15

On page 2, line 47, of the printed bill, after "to," insert "If, however, any property securing a loan made by an industrial loan company is insured against loss in favor of the industrial loan company, the latter may only contract for and receive thereon charges at a rate not exceeding 2 per cent per month on the unpaid principal balance up to three hundred dollars (\$300)."

Amendment No. 16

On page 2, line 48, of the printed bill, strike out "in addition to", and insert "including".

Amendment No. 17

On page 3, line 1, of the printed bill, strike out "making," and strike out all of line 2, and insert "the investigating, arranging, negotiating, brokering, guaranteeing, making, servicing, collecting and enforcing of a loan, or a forbearance of money, credit, goods or things in action, or any other service or services rendered by the lender, broker, or any other person."

Amendment No. 18

On page 3 of the printed bill, strike out all of lines 15 to 19, inclusive.

Amendment No. 19

On page 3, line 24, of the printed bill, after "elsewhere," insert "Fifth—To purchase, sell or discount choses in action, secured or unsecured, chattel mortgages or conditional sales contracts, which shall have a maturity within two years from the date of said purchase and such purchase, sale or discount shall be construed to be a loan and subject to the maximum rates of interest, discount, brokerage and all other charges provided in this act."

Amendment No. 20

On page 3, line 37, of the printed bill, strike out "one year from the date thereof", and insert "two years from the date of making said loan".

Amendment No. 21

On page 4, line 28, of the printed bill, strike out "amount to 25 per cent", and insert "equal the amount".

Amendment No. 22

On page 4, line 48, of the printed bill after "inserted" insert

"Corporations under the provisions of this act shall not be subject to the provisions or regulations of articles entitled 'Collateral Security Loan Act', approved July 21, 1939, and July 24, 1939."

Amendment No. 23

On page 6, line 52, of the printed bill after "surer" insert "including certificates of investment to be used in connection with such bondholders."

Amendment No. 24

On page 7, line 8, of the printed bill after "company" insert

"Sec. 13. At the time of filing an application for a permit to issue securities, the applicant shall file with the Commissioner of Corporations a bond to be approved by the commissioner on which the applicant shall be liable in the sum of one thousand dollars (\$1,000) with one or more sureties, to be approved by the commissioner, whose liability as such sureties shall not exceed the amount of the aggregate. The said bond shall run to the State for the use of the State and of any person or persons who may have cause of action against the applicant and bond under the provisions of this act. Such bond shall be approved and the sureties will fully conform to and abide by the provisions of chapter and part of the Company Securities Act, and of all rules and regulations lawfully made by the Commissioner under either of such acts, and will pay to the State and to any such person or persons and all persons that may become due or owing to the State or to such person or persons from and obligor under and by virtue of the provisions of this act and of the Corporate Securities Act."

If the commissioner shall find at any time that the bond is insecure or exhausted in whole or in part or otherwise insufficient, an additional bond to be approved by him with one or more sureties to be approved by him and of the character specified in this section, in the sum of not more than the first bond (\$1,000), shall be filed by the industrial loan company, within thirty days after written demand therefor, made in due company by the commissioner.

If a bond or additional bond as hereinafore provided is filed, on file, no further bond may be required to be filed with subsequent applications. This provision, however, does not prevent the commissioner from providing additional bonds in place provided in connection with or without any relation to any corporation to sell and issue securities.

Sec. 14. In addition to the notices and information required by the Corporate Securities Act, applications for permits to issue securities made by corporations organized under this act shall set forth therein:

(a) The addresses of all offices at which business is proposed to be transacted.

(b) The names, residence addresses and business addresses of all officers and directors.

(c) The names and addresses of subscribers to the capital under the amount of capital stock subscribed, the amount paid thereon, the balance due and dates of the subscription agreements.

(d) Statements as to the experience, character, general fitness and financial responsibility of the officers, directors and managers.

The application shall set forth such further information as the commissioner may require.

In addition to the duty of the commissioner to examine the application pursuant to the provisions of the Corporate Securities Act, it shall be his duty to investigate the matters and facts set forth in the application as required by this act and to conduct such further investigation as he may deem necessary, and if he shall find that the financial responsibility, experience, character and general fitness of the applicant, and of the officers and directors thereof, are not such as to command the confidence of the community and to warrant the belief that the business will be conducted honestly, fairly and efficiently within the purposes of this act, he shall deny the application and refuse the permit.

The existence of any fact or condition which, if it had existed at the time of filing the application for a permit, would have warranted the commissioner in refusing to issue such permit shall be ground for the annulment, alteration, suspension or suspension of such permit in addition to the grounds specified by the Corporate Securities Act.

Sec. 15. For the purpose of discovering violations of this act or securing information lawfully required by him hereunder, the commissioner may at any time, either personally or by a person or persons duly designated by him, investigate the loans and business and examine the books, accounts, records and files used therein, of every corporation which shall be engaged in the business of an industrial loan company or broker, whether such corporation shall act or claim to act as principal or agent, or under or without the authority of this act. For that purpose the commissioner and his duly designated representatives shall have free access to the offices and places of business, books, accounts, papers, records, files, safes and vaults of all such corporations. The commissioner shall have authority to require the attendance of witnesses

and to examine under oath all persons whomsoever whose testimony he may require relative to such loans or such business or to the subject matter of any examination, investigation, or hearing.

The commissioner shall make such an examination of the affairs, business, office and records of each industrial loan company at least once each year. The actual cost of that examination shall be paid to the commissioner by every industrial loan company so examined, and the commissioner may maintain an action for the recovery of such costs in any court of competent jurisdiction.

Whenever, after an examination, investigation or hearing under this act, the commissioner deems it of public interest or advantage, he may certify a record to the proper prosecuting official of the county, city and county, or city in which the act or acts complained of, examined or investigated, occurred.

SEC. 16. Each industrial loan company shall keep and use in its business such books, accounts and records as will enable the commissioner to determine whether such industrial loan company is complying with the provisions of this act and with the rules and regulations lawfully made by the commissioner hereunder. Every industrial loan company shall preserve such books, accounts and records, including cards used in the card system, if any, for at least two years after making the final entry on any loan recorded therein.

Each industrial loan company shall annually on or before the fifteenth day of March file a report with the commissioner giving such relevant information as the commissioner reasonably may require concerning the business and operations during the preceding calendar year of each place of business conducted by such industrial loan company within the State. Such report shall be made under oath and shall be in the form prescribed by the commissioner, who shall annually make and file with the Division of Corporations as a public record a composite of such reports and any comments thereon that he may deem to be in the public interest.

SEC. 17. No industrial loan company or other person shall advertise, print, display, publish, distribute, or broadcast or cause or permit to be advertised, printed, displayed, published, distributed, or broadcast, in any manner whatsoever any statement or representation with regard to the rates, terms, or conditions for making or negotiating loans, which is false, misleading, or deceptive, or which refers to the supervision of such business by the State of California or any department or official thereof. The commissioner may order any industrial loan company to desist from any conduct which he shall find to be a violation of the provisions of this act or of the Corporate Securities Act or of the rules of the commissioner under said acts.

The commissioner may require that rates of charge, if stated by an industrial loan company, be stated fully and clearly in such manner as he may deem necessary to prevent misunderstanding thereof by prospective borrowers.

If any industrial loan company or other person engaged in the business regulated by this act shall in any advertising refer to rates of interest or charges or cost of loans, the commissioner shall require that such rates or costs be stated fully and clearly in such manner as he may deem necessary in order to give adequate information to prospective borrowers, and if the rates or costs advertised do not apply to loans of all classes made or negotiated by such industrial loan company or other person, this fact shall be clearly indicated therein. No such advertising copy shall be used after the use thereof has been disapproved by the commissioner and the industrial loan company notified in writing of such disapproval. The commissioner may require the industrial loan company to maintain a file of all advertising copy for a period of 90 days from the date of its use, to be available to the commissioner upon request.

No industrial loan company shall conduct the business of making loans under this act within any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction therewith, except as may be authorized in writing by the commissioner upon his finding that the character of such other business is such that the granting of such authority would not facilitate evasions of this act or of the rules and regulations lawfully made hereunder.

No industrial loan company shall transact such business or make any loan provided for by this act under any other name than that set forth in the articles of incorporation or amended articles of incorporation as filed with the Commissioner of Corporations. Nor shall any industrial loan company transact such business or make any loan provided for by this act at any other place of business than that designated in its application filed with the Commissioner of Corporations, without having obtained the prior written approval of the commissioner.

No industrial loan company shall take any confession of judgment or any power of attorney, except a power of attorney taken to effectuate the transfer of the ownership of any motor vehicle at the time of making the loan. No industrial loan company shall take any note, promise to pay, or security that does not accurately disclose the actual amount of the loan, the time for which it is made, and the agreed rate of charge nor any instrument in which blanks are left to be filled in after execution.

SEC. 18. No industrial loan company shall induce or permit any borrower to split up or divide any loan. No industrial loan company shall induce or permit any person, nor any husband and wife jointly or severally, to become obligated,

directly or contingently or both, more than the net contract of loan at the same time, with the result of obtaining a higher rate of charge than would otherwise be permitted by this act.

No charges including interest on loans made under this act shall be paid, deducted, or received in advance, or compounded. All charges including interest on loans under this act shall be computed and paid only as a percentage per month of the unpaid principal balance or portion thereof, and they shall be so expressed in every obligation signed by the borrower, and they shall be computed on the basis of the number of days actually elapsed, for the purpose of which computation a month shall be any period of 30 consecutive days. In addition, to the charges herein permitted no amount whatsoever shall be levied or indirectly charged, demanded for, or received, by the industrial loan company or the holder, at any other person, and the total charges of the industrial loan company and holder and any other person in the aggregate shall not exceed the maximum rate provided in this act.

If any amount in excess of the charges permitted by this act including interest is charged, contracted for, or received, the contract of loan shall be void, and neither the industrial loan company nor any other person shall have any right to issue or receive any principal, interest, charges, or compensation whatsoever.

SEC. 19. Every industrial loan company hereinafter shall:

(1) Before or cause to be delivered to the borrower at the time of making of the time the loan is made, a statement in the English language showing in clear and distinct terms the amount and nature of each particular loan company and the broken, if any, the date, amount and maturity of the loan company, and what repayable, the nature of the security, if any, for the loan, and the agreed rate of charge.

(2) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan, and if such statement discloses a person or other person has participated, then a full statement of all sums paid or payable to the broker or other person shall be obtained and kept by the industrial loan company for a period of two years from and after the date the loan has been paid in full or has matured according to the terms agreed or has been charged off.

(3) Permit payment to be made by interest to any amount on any contract of loan at any time, but the industrial loan company must upon each payment due to all charges due at the stated rate up to the date of such payment, and in excess the maximum rate herein provided.

(4) Deliver or cause to be delivered to the person making any payment at the time such payment is made an amount of any note, a form and receipt receipt showing the total amount received and identifying the loan contract upon which such payment is applied, and setting the unpaid principal balance, if any, of such loan.

(5) Upon repayment of any loan in full, release its security, if any, and return any certificate of ownership, cancel or destroy such "note" and return to the borrower or person making such payment any other similar documents, instrument or order signed by the borrower, except such as are a part of the loan made in any action, or such as have been delivered to a third person for the purpose of carrying out the terms thereof.

Every industrial loan company shall display prominently in each place of business a full and accurate schedule to be approved by the commission, of the charges to be made and the method of computing the same.

SEC. 20. The payment of money, credit, goods or things in full for consideration for any sale or assignment of an order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, shall, for the purposes of regulation under this act, be deemed a loan secured by such assignment, and the amount by which such assigned compensation exceeds the amount of such consideration actually paid shall, for the purposes of negotiation under this act, be deemed interest and charges upon or for such loan from the date of such payment to the date such compensation is payable. Such transaction shall be governed by and subject to the provisions of this act. Nothing contained in this section shall be construed as modifying or affecting existing statutes governing wage assignments in the State of California, or as authorizing such assignments.

SEC. 21. No industrial loan company or any other person in connection with or incidental to the making of any loan, may require the borrower to contract for, purchase, or agree to purchase any other thing in connection with the loan, other than an installment investment certificate of a face value equal to the principal amount of the loan, and no industrial loan company or any other person in connection with or incidental to the making of such loan shall require the borrower to enter into any collateral sales agreement or contract, other than the contract of pledge, assignment or mortgage of personal property by the borrower to the lender as security for the repayment of the loan and charges thereon. The industrial loan company shall deliver to the borrower at the time of making the loan an amount to be retained by the borrower equal to the face value of the loan and note evidencing same.

Any profit or advantage of any kind whatsoever that any industrial loan company or broker or any other person may contract for, collect, receive or in anywise obtain

by a collateral sale, purchase or agreement, in connection with the negotiating, arranging, making or otherwise in connection with any loan, except commissions received as a licensed insurance agent or broker on insurance written as hereinafter permitted, shall be deemed to be charges for the purposes of regulation under this act. Such transactions shall be governed by and subject to the provisions of this act. However, security consisting of tangible personal property offered as security may be reasonably insured against loss for a reasonable term, considering the circumstances of the loan; and such insurance shall not be deemed such collateral sale, purchase or agreement when the policy is payable to the borrower or any member of his family, even though the customary mortgagee clause is attached or the industrial loan company is a coassured; provided, that such insurance is sold at standard rates through duly licensed insurance agents.

SEC. 22. Any person and the several members, officers, directors, agents, and employees thereof, who shall violate or participate in the violation of any of the provisions of the rules, orders and regulations of the commissioner, or of this act, shall be guilty of a misdemeanor.

Any contract of loan in the making or collection of which any violation of this act shall have been committed, shall be void, and neither the industrial loan company nor any other person shall have any right to collect or receive any principal, interest or charges whatsoever.

SEC. 23. Every order, decision, license or other official act of the commissioner shall be subject to review in accordance with law. Upon such review, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence which was introduced in the formal hearing before the commissioner, whether oral or documentary, concerning the action of the commissioner under review, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such order, decision, finding, requirement, or rule.

SEC. 24. If any clause, sentence, section, provision, or part of this act is adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, affect, or invalidate the remainder of this act, which shall remain in full force and effect thereafter.

SEC. 25. Nothing in this act impairs or affects any loan contract entered into between any industrial loan company and a borrower prior to the effective date of this act.

SEC. 26. Short Title. This act shall be known as the "Industrial Loan Act."

SEC. 27. Any corporation heretofore or hereafter organized under any other law of this State and not expressly stated in its articles of incorporation to be incorporated under the act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, may be brought under the provisions of said act as amended or revised by amending its articles of incorporation in the manner prescribed by Title 1, Part 1, Division 1 of the Civil Code, to expressly state in its articles of incorporation that it is thereafter subject to the provisions of the aforesaid act as amended or revised, and thereupon it shall be deemed to be organized and existing under and entitled to the benefits of and subject to the provisions of the aforesaid act as amended or revised for all purposes and as fully as though it had been originally organized thereunder."

Amendments read and adopted

Bill ordered printed, and re-referred to Committee on Financial Institutions.

INACTIVE FILE

Senate Bill No. 755—An act to amend "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Bill read.

Motion to Amend

Senator Luckey moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "employees," insert "including the appointment of any director or directors as a department head or to an executive position".

Amendment No. 2

On page 1, line 11, of the printed bill, as amended, strike out the period, and insert ", provided however, that all department heads and employees of every kind and class shall hold such employment at the will of the board of directors.

Sec. 2. The addition of Section 3.5 to the act cited in the title hereof is not a change in, but is declaratory of, the preexisting law."

Amendment No. 3

On page 2, line 11, of the printed bill, as amended, strike out "2", and insert "3".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 13 to 38, inclusive, and insert

"Sec. 3.75. Any appointment of a director as a department head or to an executive position or to any other employment while a director shall be subject to termination at the will of the board and shall in no event be for a period longer than the term for which the director was elected. If the president of the board of directors is being paid a compensation in excess of two hundred dollars (\$200) per month as provided by Section 57 of the California Irrigation District Act, no other director shall during the continuance of such payment receive more compensation, exclusive of expenses and mileage, in excess of two hundred dollars (\$200) per month for services as director or otherwise. Notwithstanding any provision of Section 3.5 of the act cited in the title hereof not more than one director, whether he be president of the board or not, shall during the same time receive any compensation in excess of two hundred dollars (\$200) per month exclusive of expenses and mileage."

Amendments read and adopted.

Bill ordered printed, engrossed, and to executive file.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 396

Senator Fletcher moved that Senate Bill No. 396 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 415

Senator Crittenden moved that Senate Bill No. 415 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 416

Senator Crittenden moved that Senate Bill No. 416 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Foley:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 6.180 of the School Code, relating to sale or lease of school property.

Respectfully submitted.

SENATOR FOLEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 1, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICHL, Chairman
BREED
TICKLE
MYLAND
DEUTL

The roll was called, and permission granted by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kohny, Kuehad, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1307: By Senator Foley—An act to amend Section 6.180 of the School Code, relating to sale or lease of school property.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 977

Senate Bill No. 670

Senate Bill No. 305

Senate Bill No. 669

Senate Bill No. 830

And reports the same correctly engrossed.

RICHL, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 559

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Constitutional Amendment No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1007

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 360

Assembly Bill No. 271

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 817

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; noes 5; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 822

Senate Bill No. 1009

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Constitutional Amendment No. 8

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 668

Senate Bill No. 752

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Joint Resolution No. 15: By Senator Collier. Relative to the improvement of the harbor at Crescent City, California.

Referred to Committee on Transportation.

ADJOURNMENT

At 6.05 p.m., on motion of Senator DeLap, the President declared the Senate adjourned until 1.30 p.m., April 2, 1941, out of respect to the memory of the late Chris Merchant, member of the State Board of Prison Directors.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY

EIGHTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 2, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Broad, Carter, Collier, Cunningham, DeLap, DeLoe, DeLong, Fletcher, Foley, Garrison, Keating, Ketchel, Mason, McArthur, Patterson, Rich, Seawell, Slater, Tickle, and Wagoner—21.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Brown, on motion of Senator Tickle.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Collier, Metzger, Seawell and Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jesse Fiddler of Dunsmuir.

On request of Senators Fletcher and DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Philip Bancroft of Walnut Creek.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. W. Gibbons of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. C. DeYoung of Stockton.

On request of Senators Carter and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Robert Seligman, Mrs. Raymond Baker and the following Girl Scouts of Elk Grove: Ileen Hanna, Donna Riley, Mary Lou Stam, Carol Riley, Blanche Botts, Anita Woodford, Arleen Baker, Ramona Buscher and Lorraine Moore.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. B. Rowe of Watsonville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students of the High 7 Social Studies Class of Stanford Junior High School of Sacramento: Barbara Abolt, Elaine Ballard, Dale Bleucher, Juanita Cowan, Rita Colard, Harold Cremers, Angelina Del Ponte, Frank Delavan, Douglas Dupen, Margaret Haas, Albert Hanley, Ronald Harris, Adolph Kamil, Clara Kamil, John Latino, Jack Lewis, Chester Martin, Phillip Long, Jack Miller, Patsy Moseley, Morris McClung, Thomas McCullough, Georgia McMaster, LaVonne Peterson, Gloria Purcell, Jack Richards, Belva Rule, Gertrude Russell, Louise Shay, Margaret Smith, Dick Stocker, Mary Tipton, Lawrence Williams, Herbert Yoskikawa, Lorraine Zberg, Dona Colcough, Joseph Cardoza and Darleen Bailey.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 13

Senate Joint Resolution No. 14

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolutions ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 186

Senate Bill No. 563

Senate Bill No. 679

Senate Bill No. 1101

Senate Bill No. 10

Senate Bill No. 1167

Senate Bill No. 562

Senate Constitutional Amendment No. 11

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1098

Senate Bill No. 755

Senate Bill No. 760

Senate Bill No. 3

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 19—Relative to the naming of the "Dr. Ernest M. Fine Memorial Bridge";

And reports that the same has been correctly enrolled, and presented to the Governor on the second day of April, 1941, at 3:18 p.m.

RICHT, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Senate Bill No. 1040

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be reintroduced to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 1100

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; present 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred

Senate Bill No. 658

Senate Bill No. 660

Senate Bill No. 659

Senate Bill No. 661

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-pass as amended.

Committee membership 11; committee vote: Ayes 10; present 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred

Senate Bill No. 728

Senate Bill No. 1069

Senate Bill No. 701

Assembly Bill No. 1250

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 154—An act to amend Sections 26541 and 26542 of the Health and Safety Code, relating to food, and the standards prescribed by the State Board of Public Health in relation thereto.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 463—An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1253—An act to amend Section 10551 of the Health and Safety Code, relating to evidentiary effect of copies of birth, marriage or death records.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1122—An act to add Chapter 7 to Part 3 of Division 13 of the Health and Safety Code, including the addition of Section 19800 to said code, relating to refrigerants and refrigerating plants and regulations governing the same.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 3 of the title of the printed bill, preceding "and", insert a comma and "refrigerators,".

Amendment No. 2

On page 1 of the printed bill, strike out lines 6 to 8, inclusive, and insert "19800. Refrigeration manufacturers shall hereafter on each mechanical refrigerator and refrigeration plant which they manufacture and installation companies shall on each refrigeration plant which they install place a label designating".

Amendment No. 3

On page 1 of the printed bill, strike out lines 10 and 11, and insert "trol and diffusion valves of the unit, if any, so that any person in case of emergency will be able to turn off or shut down the plant or refrigerator quickly".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1162—An act to amend Sections 4 and 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to loans by and between credit unions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 10, of the printed bill, after "include", insert ", but is not limited to,".

Amendment No. 2

On page 2 of the printed bill, strike out lines 4 to 6, inclusive.

Amendment No. 3

On page 2, line 39, of the printed bill, strike out "or in notes".

Amendment No. 4

On page 2, line 40, of the printed bill, after "interest", insert "or indebtedness".

Amendment No. 5

On page 2 of the printed bill, strike out lines 44 to 46, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 880—An act to add Section 42 to the Insurance Code, relating to loans or advancements of credit by persons transacting insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1270, and insert "Article 8, comprising Section 1270, to Chapter 2, Part 2, Division 1, of"

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2, and in line 3, strike out "12. Laws", and insert:

"Section 1. Article 8, comprising Section 1270, is hereby added to Chapter 2, Part 2, Division 1, of the Insurance Code, to read as follows:

Article 8. Licenses for Insurers.

1270. Every admitted incorporated insurer doing business in this State in the transactions authorized by this chapter without license shall be deemed guilty by the provisions of this code. Such transactions shall comply with the laws of this State."

Amendment No. 3

On page 1, line 4, of the printed bill, after "credit", insert a period and "Such transactions heretofore or hereafter made by such insurer in accordance with the provisions of this section shall be valid and enforceable. The provisions upon which enforcement of such license shall such proceedings as to be deemed admissible in order to determine whether the provisions of this section are being followed."

Amendment No. 4

On page 1 of the printed bill, strike out lines 5 to 10, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 559—An act to amend Section 356a of the Political Code, relating to contracts between different State agencies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 360—An act to add Part 2, comprising Chapters 1 to 4, inclusive, Sections 16600 to 17101, inclusive, to Division 5, and to add Section 30028 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the prosecution and regulation of competition, and repealing acts and parts of acts specified herein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, lines 19 and 20, of the printed bill, strike out "in that specific community, or a part thereof", and insert "therein".

Amendment No. 2

On page 2 of the printed bill, between lines 14 and 15, insert:

"If the words 'or reduce', following the word 'increase' were not effectuated deleted from Subdivision 2 of Section 1 of Chapter 540 of the Statutes of 1909, to Section 1 of Chapter 362 of the Statutes of 1909, a combination of capital, skill or acts by two or more persons for the purpose of reducing the price of merchandise or of any commodity is a trust."

Amendment No. 3

On page 9, line 6, of the printed bill, strike out "Price differential", and insert "Locality discrimination".

Amendment No. 4

On page 9, line 23, of the printed bill, strike out "price differentials", and insert "locality discriminations".

Amendment No. 5

On page 9, line 27, of the printed bill, strike out "differentials", and insert "locality discriminations".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 817—An act to amend Section 1182 of the Penal Code, relating to new trials.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "ninety (90)", and insert "one hundred eighty (180)".

Amendment No. 2

On page 1, line 10, of the printed bill, beginning with "the", the first time said word is used in said line, strike out all of the printed matter down to and including "time", on page 1, line 17, and insert "sentence is pronounced".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 822—An act to repeal Sections 301 to 304, both inclusive, and to amend Section 300 of the Labor Code, all relating to assignment of wages.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1009—An act to validate the organization and existence of municipal utility districts organized pursuant to an act of the Legislature approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon."

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 668—An act to amend Section 587 of the Probate Code, relating to the powers and duties of executors and administrators.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, after "of", insert "guardians,".

Amendment No. 2

On page 1 of the printed bill, strike out lines 5 and 6, and insert "ment over any real".

Amendment No. 3

On page 1, line 9, of the printed bill, after "district or", insert "to any person, firm, association or".

Amendments read and adopted.

Motion to Amend

Senator Kuchel moved the adoption of the following amendments:

PRINTER'S NOTE:—There being no 7-point typeface type available, the material which should appear in editorial type in the following proceedings is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the proposed bill, after "Sec. 7," insert "and Section 1515."

Amendment No. 2

On page 1 of the printed bill, after line 18, insert:

"Sec. 2. Section 1515 of the Probate Code is hereby amended to read as follows:

1515. When it is for the advantage, benefit and best interests of the estate and those interested therein that an easement (for any of the purposes for which an easement may be granted under the laws of the State) be granted out of and property of the estate be sold, or any interest therein, with or without any consideration, to the State or any officer or subordinate, commission or any board or to any person, then authorized or empowered to receive applications, [permitted to acquire property under the power of eminent domain], the guardian may, in duplicate or convey any such easement or interest or any interest therein to the guardian or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 752—An act to amend Section 241 of the Code of Civil Procedure, relating to grand juries and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, after "Section 241 of," insert "," and to add Section 241.5 to".

Amendment No. 2

On page 1, line 12, of the printed bill, strike out "except that," and strike out lines 13 to 21, inclusive, and in line 22, strike out "Two," and insert "," and the

Amendment No. 3

On page 1, line 25, of the printed bill, after "Sec. 2," insert "Section 241.5 is hereby added to the Code of Civil Procedure, to read as follows:

241.5. In addition to the grand jury box there shall be a separate box known as the grand jury panel box. Whenever a grand jury is to be drawn, the clerk shall write the names of each member of the grand jury last discharged by the court, on separate ballots which he shall fold so that the names can not be seen and place them in the grand jury panel box. He shall then draw out six of the ballots and if the persons whose names are drawn have not served as grand jurors for two consecutive years, such persons shall constitute six members of the grand jury. If the name of any person is drawn who has served as a grand juror for two consecutive years, such person shall be excused by the court and the clerk shall proceed to draw other ballots from the grand jury panel box until he shall have drawn the names of six persons who have not served as grand jurors for two consecutive years. Such six persons shall in conjunction with 13 of the persons drawn according to the provisions of Section 242 be impaneled and constitute the grand jury. No member of the grand jury shall serve for more than two years in succession.

Sec. 3."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 415—An act to amend Sections 108 and 109 of the State Employees Retirement Act, relating to a retirement system for employees and officers of the State of California, and an appropriation therefor.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out line 1, and insert "An act to amend Section 109 of the State Employees'".

Amendment No. 2

In line 3 of the title of the printed bill, preceding "an", insert "making".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 26, both inclusive.

Amendment No. 4

On page 2 of the printed bill, strike out lines 1 to 23, both inclusive, and insert "Sec. 1. Section 109 of the State Employees' Retirement Act is hereby amended to read".

Amendment No. 5

On page 2, line 28, of the printed bill, strike out "Vehicle Fund", and insert "Vehicle Support Fund, or any other fund out of which the compensation of members who are also members of the California Highway Patrol is paid,".

Amendment No. 6

On page 2, line 29, of the printed bill, strike out "-----", and insert "thirteen and forty one-hundredths".

Amendment No. 7

On page 2, line 36, of the printed bill, after "Vehicle", insert "Support".

Amendment No. 8

On page 2 of the printed bill, strike out line 38, and insert "members is paid, a sum equal to three and seventy-five one-".

Amendment No. 9

On page 2 of the printed bill, strike out line 39, and insert "hundredths per centum of the total compensation".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 416—An act to amend Sections 30, 34, 60, 76, 85a, 90 and 92 of the State Employees Retirement Act, relating to a retirement system for employees and officers of the State of California, and of such cities, school districts, and counties as may elect to include their employees by contract.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out line 1 and insert "An act to amend Sections 9, 30, 34, 46, 49, 76, 85a, 90 and 92 of the".

Amendment No. 2

On page 1, line 1, of the printed bill, after the second word "Section", strike out "30", and insert "9".

Amendment No. 3

On page 1 of the printed bill, between lines 2 and 3, insert "Sec. 9. "Prior service" shall mean all State service, other than service as an employee of the university, or of a contracting city, rendered before the first day

of January, 1932, all State service rendered as an employee of the university before the twentieth day of August, 1927, and all State service rendered as an employee of a contracting city before the day of the entrance as a member of the retirement system and allowable as provided in Section 49 of this act. *Notwithstanding the sentence next preceding, "Prior service" as applied to a person, employed by the State, rendering no retirementable service as a member while employed on a part-time basis, because of membership in this Retirement Act, as so applied to a person who became a member prior to said date, shall be given of a change in the employment status to a full-time basis, that means all State service rendered before the effective date of said membership. "Prior service" as applied to an employee of the State or an employee of a contracting city shall be limited to service rendered as an employee of the State or of the contracting city, as the case may be.*

SEC. 15. Section 30 of said act is hereby amended to read as follows:

Amendment No. 4

On page 2 of the printed bill, between lines 1 and 5, insert:

SEC. 25. Section 46 of said act is hereby amended to read as follows:

SEC. 25. It shall be and determine how much service rendered on such basis year shall be the equivalent of a year of service. And where the said credit shall credit one year for 250 or more days of service rendered on such basis as a year then basis and one year for 10 months or more of service rendered on such basis as a monthly basis, but not more than one year for six months or less than half year. In determining the credit to be granted for service rendered on a part-time basis, for purposes of calculating retirement allowances, the service shall be reduced to a full-time basis according to the service rendered on the actual payroll system, the credit for one year of service. In calculating benefit based on service as determined, compensation payable shall be based on the compensation which would be payable if the employment had been on a full-time basis and with a compensation derived by multiplying the member's compensation by the ratio of full time to the time he was engaged by his employer to engage in his service. In determining the credit to be granted for service rendered on a part-time basis, for purposes of determining qualification for retirement and of calculating benefits payable upon death before retirement, the service rendered in this paragraph shall be for a year of service shall not be used, but instead, a year of service shall be reduced for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties for full amount of time he was required by his employment to be engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the year during which the member was engaged in his duties within the year by the time he was engaged by his employment to be engaged.

SEC. 27. Section 49 of said act is hereby amended to read as follows:

SEC. 49. Credit for prior service shall be granted to each person other than persons who are employees of the university or of a contracting city at the time of becoming members of the retirement system, who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1932, or within three years after last rendering prior service. The prior service credited, however, to be at least half year less than the total prior service rendered by him. Credit for prior service shall be granted to each person who is employed by the university at the time of becoming a member of the retirement system regardless of whether he has been retired under the system prior to the effective date hereof, who has rendered such service as defined in this act and who has become a member of the retirement system on August 27, 1927, or within three years after last rendering prior service. The prior service credited, however, to be one-half year less than the total prior service rendered by him. *Notwithstanding the two sentences next preceding, credit for prior service shall be granted to each person employed by the State to serve the university, who became a member while employed on a part-time basis, in case of an employee to this Retirement Act, or who became a member prior to said amendments because of a change in status to a full-time basis, but the prior service credited shall be one-half year less than the total prior service rendered by him.* The credit for prior service to be granted persons employed by a contracting city who are engaged under the retirement system shall be established by contract between the board and the legislative body of such city; and such credit as may be granted to a person shall be in the form of a percentage, for each year of prior service, of his total compensation or average compensation earnable during the three years immediately preceding the date upon which the group or class in which said person was employed, as included in the system; and provided further, that said percentage shall be uniform for all city firemen and city policemen employed by any contracting city, according to age at entry into the service of the city, and uniform for all other employees of such city regardless of age at said entry. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement on retirement allowance or until the granting of such other benefit; provided, that termination of

membership by withdrawal of accumulated contributions followed by the redempt of such contributions upon reentrance into State service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in State service as defined in this act."

Amendment No. 5

On page 2 of the printed bill, strike out lines 5 to 48, both inclusive.

Amendment No. 6

On page 3, line 6, of the printed bill, following "or", insert ", having so elected,".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 396—An act to add Section 5.29 to the Retail Sales Tax Act of 1933 and Section 4.18 to the Use Tax Act of 1935, relating to the exemption of property sold or used in the National Defense Program.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 5.29", and insert "Sections 6366, 6367 and 6368 to the Revenue and Taxation Code, Sections 5.29, 5.31 and 5.34".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "4.18", and insert "Sections 4.19, 4.21 and 4.23".

Amendment No. 3

In line 4 of the title of the printed bill, after "program", insert ", to take effect immediately".

Amendment No. 4

On page 1, line 6, of the printed bill, strike out "made"; and strike out lines 7 to 21, inclusive; and in line 22, strike out "Sec. 3.", and insert "used in the performance of cost plus a fixed fee contracts made with the United States for purposes of National defense following the proclamation by the President of the United States of the existing National emergency."

Sec. 2. Section 5.31 is hereby added to the Retail Sales Tax Act of 1933, to read as follows:

Sec. 5.31. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed, or payable under this act, the gross receipts from sales of tangible personal property used for purposes of National defense, following the proclamation by the President of the United States of the existing National emergency, to corporations, or subsidiaries of corporations, all of whose capital stock is owned by the United States.

Sec. 3. Section 5.34 is hereby added to the Retail Sales Tax Act of 1933, to read as follows:

Sec. 5.34. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of tax levied, assessed, or payable under this act, the gross receipts from sales of tangible personal property used by contractors in the performance of cost plus a fixed fee contracts made with them for purposes of National defense following the proclamation by the President of the United States of the existing National emergency by corporations, or subsidiaries of corporations, all of whose capital stock is owned by the United States.

Sec. 4. Section 4.19 is hereby added to the Use Tax Act of 1935, to read as follows:

Sec. 4.19. The storage, use, or other consumption in this State of tangible personal property used in the performance of cost plus a fixed fee contracts made with the United States for purposes of National defense following the proclamation by the President of the United States of the existing National emergency is hereby exempted from the tax imposed by this act.

Sec. 5. Section 4.21 is hereby added to the Use Tax Act of 1935, to read as follows:

Sec. 4.21. The storage, use or other consumption in this State of tangible personal property used for purposes of National defense, following the proclamation by the President of the United States of the existing National emergency, by corpo-

rations, or subsidiaries of corporations, all of whose capital stock is owned by the United States, is hereby specifically exempted from the tax imposed by this act.

SEC. 6. Section 4.23 is hereby added to the Use Tax Act of 1935, to read as follows:

SEC. 4.23. The storage, use, or other consumption in this State of tangible personal property used by corporations in the performance of contracts or franchise contracts made with them for purposes of National defense following the proclamation by the President of the United States of the existing National emergency, by corporations, or subsidiaries of corporations, all of whose capital stock is owned by the United States is hereby specifically exempted from the tax imposed by this act.

SEC. 7. Section 6366 is hereby added to the Revenue and Taxation Code, to read as follows:

6366. There are exempted from the taxes imposed by this part the gross receipts from sales of and the storage, use, or other consumption in this State of tangible personal property, used in the performance of contracts or franchise contracts made with the United States for purposes of National defense following the proclamation by the President of the United States of the existing National emergency.

SEC. 8. Section 6367 is hereby added to read as follows:

6367. There are exempted from the taxes imposed by this part the gross receipts from sales of tangible personal property used by citizens of National defense under following the proclamation by the President of the United States of the existing National emergency, by corporations, or subsidiaries of corporations, all of whose capital stock is owned by the United States. There are also exempted from the taxes imposed by this part the storage, use, or other consumption in this State of such property by such corporations or subsidiaries following the proclamation by the President.

SEC. 9. Section 6368 is hereby added to read as follows:

6368. There are exempted from the taxes imposed by this part the gross receipts from sales of and the storage, use, or other consumption in this State of tangible personal property used by corporations in the performance of contracts or franchise contracts made with them for purposes of National defense following the proclamation by the President of the United States of the existing National emergency, by corporations, or subsidiaries of corporations, all of whose capital stock is owned by the United States.

SEC. 10. The Legislature hereby declares that the addition of Sections 7.26, 5.31 and 5.31 to the Retail Sales Tax Act of 1931 and of Sections 4.19, 4.21 and 4.23 to the Use Tax Act of 1935 is declaratory of the intent of the Legislature in adopting Chapters 108 and 509, Statutes of 1937, which added Sections 1.1 and 5.13 to the Retail Sales Tax Act of 1931.

SEC. 11. Sections 7, 8 and 9 of this act become operative only if Part 1 of Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its Fifty-fourth Session, and, in such case, at the same time as said Part 1 takes effect, at which time the provisions of the Retail Sales Tax Act of 1931 and of the Use Tax Act of 1935 added by this act are hereby repealed.

SEC. 12.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Constitutional Amendment No. 8. A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2 of the printed measure, as amended, strike out lines 6 to 11, inclusive, and insert "denies to support it. When any city or county, which has adopted or shall adopt a charter in pursuance of Sections 6, 8 and 8½ of Article XI of this Constitution, has provided or shall provide by charter, by any amendment thereof, or by ordinance, that decisions of questions of fact made by any adminis-

trative officer, board, commission or agency with connection with municipal affairs shall be final, no".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1403—An act to add Section 383.5 to the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2298—An act to amend Section 10270 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1404—An act to amend Sections 5050.5, 5057, 5058, 5090, 7031, 7088 and 9031 of, and to add Section 5090.2 to, the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2, line 5, of the printed bill, as amended, strike out "third", and insert "second".

Amendment No. 2

On page 2, line 7, of the printed bill, as amended, strike out "the second"; and in line 8, strike out "Monday in February or".

Amendment No. 3

On page 3, lines 7 and 8, of the printed bill, as amended, strike out "a fixed salary and such share of the net profits as it".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 271—An act providing for the registration of certain societies, corporations, associations, camps, groups, bands, political parties, assemblies and other bodies and organizations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 18 to 20, inclusive; and on page 2, strike out lines 1 to 11, inclusive; and in line 12, strike out "overturning", and insert "which:

(a) Directly or indirectly advocates, advises, teaches, or practices, the duty, necessity or propriety of controlling, conducting, seizing, or overthrowing".

Amendment No. 2

On page 2, line 14, of the printed bill, as amended, strike out the period, and insert "; or

(b) Is subject to foreign control as defined in subdivision (d) of Section 2; or

(c) Is both subject to foreign control as defined in subdivision (d) of Section 2 and directly or indirectly advocates, advises, teaches, or practices the duty, necessity, or propriety of controlling, conducting, seizing, or overthrowing the Government of the United States, or of this State or of any political subdivision thereof by force or violence."

Amendment No. 3

On page 3 of the printed bill, as amended, between lines 17 and 18, insert:
 "Sec. 3. Nothing in this act shall be construed as interfering in any manner with religious, fraternal or patriotic organizations, groups, or associations, whose objectives and aims do not contemplate the overthrow of the Government of the United States or of this State or of any political subdivision thereof or force to violence."

Amendment No. 4

On page 5, line 10, of the printed bill, as amended, strike out "15" and insert "14".

Amendment No. 5

On page 5, line 17, of the printed bill, as amended, strike out "16" and insert "15".

Amendment No. 6

On page 5 of the printed bill, as amended, strike out lines 29 to 31, inclusive, and in line 32, strike out "Sec. 18", and insert:

"Sec. 16. There not be issued in the name of the people people of this State for the protection of the public peace and safety, by creating the membership of subversive organizations which are conceived and exist for the purpose of undermining and eventually destroying the democratic form of Government in this State and in the United States.

Sec. 17."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Tiekle moved that Senate Bill No. 1101 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Tiekle moved that Senate Bill No. 1109 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Ward moved that Senate Bill No. 256 be placed on the inactive file.

Motion carried.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 1:45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)**

Assembly Bill No. 300—An act to add Section 86.2 to the State Civil Service Act, relating to an oath for civil service employees, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Foley Presiding

At 2.15 p.m., Hon. John D. Foley, of the Eighteenth District, presiding.

THIRD READING OF SENATE BILLS

Senate Bill No. 55—An act to amend Section 661 of the Political Code, relating to the creation of deficiencies in appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Jepsersen, Judah, Kuebel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Rich, Swing, Tickle, Wagy, and Ward—22.

NOES—Senators Carter, Dillinger, Foley, Garrison, Keating, McBride, Quinn, and Slater—8.

Bill ordered transmitted to the Assembly.

Senate Bill No. 669—An act to add Sections 3220.5 and 3240.5 to the Streets and Highways Code, relating to the closing or abandonment of city streets and providing for the reservation of certain easements therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 670—An act to amend Sections 956 and 960 of, and to add Section 960.5 to, the Streets and Highways Code, relating to the abandonment of county highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsersen, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 3—An act to amend Sections 50 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight and the payment of weight fees for commercial vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggart, Breed, Collier, Critchfield, Cunningham, DeLoe, Dineen, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Koring, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Quinn, Rich, Senwell, Shelley, Slater, Swiney, Wagdy, and Ward—29.

NOES—Senators Parkinson, and Tuley—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1212—An act to amend Sections 1, 2 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to farm debt adjustment, including extension of the period of existence of the California Farm Debt Adjustment Commission, membership upon and appointment to the commission, and further definition of the powers and duties of the commission, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 12, of the printed bill, as amended, after the word "where" Members of said commission shall be appointed in other calls, as provided in this act and the provisions of Sections 999 and 1000 of the Political Code shall not apply to vacancies in such office."

Amendment No. 2

On page 3, line 3, of the printed bill, as amended, strike the word "and" and insert a comma.

Amendment No. 3

On page 3, line 4, of the printed bill, as amended, after "Senators" insert "qualified and commissioned."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of, and to add a new section to be numbered 10 to, an act entitled "An act to define collection agencies, to provide for the regulation, bonding, supervision and licensing thereof, to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggart, Breed, Collier, Critchfield, Cunningham, DeLoe, Dineen, Dillinger, Gordon, Judah, Koring, Kuebel, Luckey, Mayo, McBride, Metzger, Metzger, Myhand, Parkinson, Powers, Quinn, Senwell, Shelley, Slater, Swiney, Tuley, Wagdy, and Ward—28.

NOES—Senators Carter, Foley, Garrison, and Jespersen—4.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1260 An act to add Article 5, comprising Sections 2780 to 2793, inclusive, to Chapter 5, Title 1, Part 3, of the Penal Code, relating to prisons and prisoners and their employment in parks, forests and fish and game camps.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1260:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 2, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 1260

"An act to add Article 5, comprising Sections 2780 to 2792, inclusive, to Chapter 5, Title 1, Part 3, and to amend Section 3040, of the Penal Code, relating to prisons and prisoners and their employment in parks, forests and fish and game camps".

In my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1260 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuehl, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 830—An act to repeal Section 981 and to amend Sections 980 and 1029 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuehl, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 562—An act to amend Section 49 of the Alcoholic Beverage Control Act, relating to the importation of alcoholic beverages and consignment thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating,

Kuebel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Mohand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Senter, Swan, Swing, Tisdie, and Ward—35.
 Nots—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Seawell moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 235 was passed.

The roll was called, and Senate Bill No. 235 reconsidered by the following vote:

AYES—Senators Bagg, Boyd, Carter, Collier, Crippen, Cummings, DeLong, Deneil, Dillingner, Fletcher, Foster, Garrison, Ingerson, Jones, Keating, Kuebel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Mohand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Senter, Swan, Swing, Tisdie, Ward, and Ward—75.
 Nots—None.

Senate Bill No. 235—An act to add Article 4.5, comprising Sections 6551, to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Bill read.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 4 of the printed bill, as amended, between lines 22 and 23 insert:
 "Sec. 5. In enacting this act it is the intent of the Legislature that in so far as may be compatible with the protection of the public health, the same shall not only upon the petition provided for herein."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Seawell, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
 SACRAMENTO, April 2, 1941.

Honorable Jerrald L. Seawell, Senate Clerkless
 State Capitol, Sacramento, California.

REQUEST NO. 1192

SUBJECT: Senate Bill No. 235, as amended on Senate March 31, 1941

DEAR SENATOR SEAWELL:

Question

You have inquired whether an amendment to this bill designed to permit the Board of Barber Examiners to fix a minimum price schedule for barber services in a particular city or county only after petition by 75 per cent of the barbers in that city or county would render the bill unconstitutional.

Opinion

In our opinion, such an amendment might furnish the basis for holding the bill unconstitutional.

Analysis

Price regulation, unlike other exercises of the police power, is curiously limited by the courts. Although since *Veblen vs. New York* (1934) 291 U. S. 592, the State courts have generally validated price regulation for the protection of the public health, per se, strict standards as to methods have been imposed. Thus in *Hallingsworth vs. State Board of Barber Examiners*, (Ind. 1940) 28 N. E. (2d)

64, the court admitted the validity of the Louisiana statute on which the California bill is based, but distinguished its own law as follows:

"This act does not declare a public policy applicable to the whole State nor to legislatively classified parts thereof. It merely undertakes to say what the law shall be in those undetermined and unascertainable areas where 80 per cent or more of the licensed barbers take the necessary steps to obtain such a law . . ."

"It is not conceivable that the laudable objectives of the law might therefore be defeated by the very persons whose unfair practices and unsanitary methods presumably induced its enactment."

In *Gilson Auto Co. vs. Finnegan* (1935) 217 Wis. 401, 259 N. W. 420, quoted in the *Hollingsworth* case, the court said of a similar statute:

"It is difficult to conceive of a more complete abdication of legislative power than is involved in this act. Not only is the power to determine whether or not there shall be a law at all delegated to an indefinite class or group, but the Governor and all other public officers are rendered powerless to act except upon the initiative of a preponderant majority of a group."

A 1937 California case, *In re. Kazas*, 22 C. A. (2d) 161, has cast doubt on price regulation as a means for securing the economic welfare of barbers. The present measure can be upheld only as a means to the protection of the public health. And as a public health measure it should be enforceable wherever needed, whether desired by 75 per cent of the barbers in that area or not.

Very truly yours

FRED B. WOOD, Legislative Counsel
By MARTIN McDONOUGH, Assistant Counsel

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.50 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

NOES—None.

Senate Concurrent Resolution No. 22—Amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 36, creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—Senators Carter, Foley, Garrison, and Swan—4.

Resolution ordered transmitted to the Assembly.

COMMUNICATIONS

A copy of S. 419, relative to establishing a Congressional Budget Service, was presented by Senator Tickle, and ordered printed in the Journal.

77th CONGRESS
1st Session

8. 419

IN THE SENATE OF THE UNITED STATES
JANUARY 21, 1941

MR. DAVIS introduced the following bill, which was read twice and referred to the Committee on Legislative Affairs of the Executive Department:

A Bill

To establish a Congressional Budget Service in the Executive Branch of the Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for a more efficient, independent, and comprehensive system of budgetary management within the legislative branch of the Government, there is hereby established within the Congressional Budget Service, which shall be solely and directly responsible to Congress:

SEC. 2. For the purpose of determining a more accurate need program for the Congressional Budget Service and its authorized personnel, the work of the service as herein authorized shall be carried out under a Joint Committee on Appropriations, which shall be composed of five members of the House Appropriations Committee (three from the majority party, including the chairman, and two from the minority party chosen by him) and five from the minority party, including the ranking minority member and one other member of the minority party chosen by him), and five members of the Senate Appropriations Committee (three appointed by the chairman of the Senate Appropriations Committee, including the Chairman of the House and Senate Appropriations Committees).

SEC. 3. (a) At the head of the service there shall be a director, who shall receive a salary at the rate of \$10,000 a year. The director shall have general supervision of the service and shall perform any other duties as may be required upon him by law and the Joint Committee on Appropriations.

(b) There shall be in the service an assistant director, who shall perform a part at the rate of \$8,000 a year. In case of the absence of the director, or of his absence or disability, the functions of that office shall be exercised by the assistant director until a successor to the director is appointed, or until the director returns to his duties or the disability is removed, as the case may be. The assistant director shall perform such other duties as may be required by law.

(c) The director and the assistant director shall be appointed, without regard to political affiliations, and shall be the members of the service in person, the holder of their offices, jointly by the Chairman of the Senate Appropriations Committee and the Chairman of the House Appropriations Committee, and they shall be removed by such chairmen, jointly, for inefficiency, neglect of duty, or malfeasance in office.

(d) The director shall appoint, without regard to political affiliations, to the employment and compensation of civilians in the ranks of the United States and without regard to political affiliation, but when in the presence of those persons to perform the duties of their offices, consultants who are exceptionally qualified on matters relating to each of the following: (1) National defense, (2) Governmental budget matters, (3) agriculture, and (4) relief and public works. The reports and reports (in the manner prescribed by the Civil Service Law) and the recommendations (in the manner prescribed by the Classification Act of 1923, as amended) of such other officers and employees as may be necessary for carrying out the work of the Congressional Budget Service.

SEC. 4. (a) Under the direction of the Joint Committee herein established the Congressional Budget Service shall:

(1) Act in a liaison capacity between the House and Senate Appropriations Committees and the Executive Branch of the Government to furnish and coordinate such aid and information as such committees may request;

(2) Work closely with, and have the complete cooperation of, the Bureau of the Budget, the Treasury Department, the General Accounting Office, and all other departments and establishments of the Government. The powers and positions of all such departments and establishments shall be made known for instruction by the Congressional Budget Service upon request by the director, assistant director, or other duly authorized officer or employee thereof, and such departments and establishments shall submit to the Congressional Budget Service such reports as are deemed necessary by the director thereof for consideration by any of such committees. The director and the assistant director, or any other duly authorized officer or employee of the Congressional Budget Service, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment;

(3) Act in the capacity of an investigatory staff which shall assist the House and Senate Appropriations Committees in their scrutiny of the budget when submitted by the President;

(4) Conduct such investigations as may be necessary in order to determine the propriety of budget requests for specific agencies and activities;

(5) Prepare, or cause to have prepared under its direction, brief outline summaries of budget data in popular form for broad dissemination among the public;

(6) Prepare, in consultation with the Bureau of the Budget, general and detailed plans of reduction of budget proposals when so directed by the Joint Committee to bring appropriations nearer to revenues; and

(7) Scrutinize the various reports, financial or otherwise, issued by the various departments and establishments and report to the Joint Committee their usefulness, relative accuracy, and effectiveness.

(b) The Congressional Budget Service, when directed by the Joint Committee on Appropriations, shall make a detailed study of any department or establishment for the purpose of enabling the Congress to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such department or establishment; (2) the appropriations therefor; and (3) the assignment of particular activities to particular services or the regrouping of services.

(c) The Congressional Budget Service, upon the request of the Joint Committee, shall present data justifying the reduction or elimination of any expenditure by any department or establishment.

SEC. 5. (a) The director may make such expenditures for rent, personal services, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, supplies, and other purpose, as may be necessary for carrying out the work of the Congressional Budget Service.

(b) Quarters and space sufficient for the functioning of the Congressional Budget Service and its staff shall be provided in the Senate or House Office Buildings or the Capitol Building. Quarters shall also be provided, whenever necessary, in the Bureau of the Budget and the departments, independent offices, and commissions.

SEC. 6. There is hereby authorized to be appropriated annually such sums as may be necessary for the proper execution of this action under appropriations for the legislative branch of the Government.

RESOLUTIONS

The following resolutions were offered:

By Senator Kenny:

Senate Resolution No. 71

WHEREAS, The Senate has been deeply shocked and grieved to learn of the death, after a long illness, of H. L. Carnahan; and

WHEREAS, H. L. Carnahan distinguished himself by many years of faithful service in the business and political life of this State, having held the offices of Corporation Commissioner and Building and Loan Commissioner and having served as Lieutenant Governor and President of the Senate throughout the Forty-eighth Session of the California Legislature; and

WHEREAS, "Dick" Carnahan, as he was affectionately known to his many friends, was a gentleman well learned in the law and one of unusual kindness, patience and courtesy who enjoyed the love and respect of those who knew him, to a degree that is meted out to but few men; and

WHEREAS, His service as the Presiding Officer of the Senate during a particularly arduous session was noted as an example of fairness, deliberation and dispatch, maintaining a high degree of efficiency and dignity in the conduct of the business of the Senate; now, therefore, be it

Resolved, That the Senate of the State of California desires to make a lasting record of its regret at the loss that the State has suffered in the death of H. L. Carnahan and of its appreciation of his high quality of integrity, industry and, above all, his tolerant and kindly attitude toward his fellow man, to which end it is ordered that when the Senate shall adjourn this day it shall do so out of respect to his memory; and, be it further

Resolved, That the Secretary of this Body be instructed to have prepared appropriately engrossed copies of this resolution to forward to the survivors of H. L. Carnahan in token of sympathy in their bereavement.

Resolution read.

Address by Senator Slater

Senator Slater addressed the Senate as follows:

Mr. President and Gentlemen of the Senate:

Californian, and especially the old friends, hold a common sense value. Unexpectedly, the word has come telling of the death of H. J. Carnahan, one of California's most renowned citizens, a man of distinguished ability in his chosen profession of the law, a friend to countless people.

In the passing of Mr. Carnahan, many of us cherish bright memories and shining remembrances of his association with us and to him we dedicate with love, respect and kindly thought an honored page in our Book of Memory.

As Lieutenant Governor of California and by reason of that office, President of the State Senate, it will be ever remembered that he found his high office with loyalty and ability thereby establishing forever in the hearts and minds of those ever whom he officially presided a friendship that is lasting. Prior thereto, he had won the office of Corporation Commissioner, inaugurating the department upon a thorough basis and stimulating a conception and enforcement of the "Blue Sky Law" so that investors might be protected and businesses be conducted strictly as required.

Still later on in his ever willing public service when the administration of affairs by a strong, honest and capable official was necessary, Mr. Carnahan served California as its Building and Loan Commissioner and when he retired from this activity, he resumed his practice of the law in Los Angeles.

Despite the fact that our departed friend never enjoyed robustness of health and that it meant a constant reminder that too great strain upon his strength must be avoided, he never gave up his courage and determination that he would endeavor to make the world a bit brighter and happier by reason of his life. He was ever willing to counsel youth at the threshold of life and to endeavor to point the way to a career of usefulness and honor. He was unwavering in his loyalty as a citizen and his integrity was never challenged. He shared his scientific sympathies with the world in his profession just as he was ever willing to support the study of a faith long established as the crowning achievement of a noble, true life.

Somewhere, Mr. President and gentlemen, there is a promise given to the ages at the inception of life by Him who was the great friend and savior of humanity. "Be Thou Faithful Unto Death And I Will Give Thee a Crown of Life." Surely, as we sum up the inspiring chapters in the life of our friend, "Dick" Carnahan, we acclaim him heir to this distinction.

Senate Resolution No. 71 unanimously adopted by a rising vote

By Committee on Rules

Senate Resolution No. 72

Resolved, That the Comptroller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of three hundred dollars (\$300) for postage for the Senate and the Comptroller is directed to pay the same.

RICHL, Chairman
MYHAND
DEUEL
TICKLE
BREED

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Breed, Carter, Collier, Cuthbertson, Cunningham, DeLap, Deuel, Fletcher, Foley, Jepsen, Josephson, Joseph Keating, Kenny, May, McLean, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Sawell, Sholey, Slater, Swan, Swag, Tickle, and Ward—30.

NOES—None.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1000

Senator Jepsen moved that Senate Bill No. 1000 be withdrawn from Committee on Business and Professions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17800 to 17801, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair trade practice.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out line 7, and insert

"17800. No person, firm or corporation engaged in any enterprise in this State shall by any method or procedure directly or indirectly by itself or through a subsidiary agency owned or controlled in whole or in part by such person, firm or corporation, sell or procure for sale or have in its possession or under its control for sale to its employees or any person, any article, material, product or merchandise of any nature whatsoever, not of his or its own production or not handled in his or its regular course of trade. The foregoing shall not be construed to include food service supplied by an employer to employees, nor to apply to tools or other articles used by an employee in the discharge of his employment.

Every sale prohibited by this section is a separate public offense, and each person convicted is punishable for every separate offense by imprisonment in the county jail for not exceeding 30 days, or by a fine not exceeding twenty five dollars (\$25), or by both such fine and imprisonment.

17801. No State department, office, board, commission or bureau, and no political subdivision of the State shall sell or procure for sale or have in its possession or under its control for sale to any employees of the State or of any political subdivision thereof, any article, material, product or merchandise of whatsoever nature. Every violation of this section is a misdemeanor."

Amendment No. 2

On page 1 of the printed bill, strike out lines 8 to 21, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Business and Professions.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a communication from Senator Ed Fletcher, relative to a telegram received by said Senator Fletcher from James A. Thompson, Business Representative, International Union of Operating Engineers Local 526 and Senator Fletcher's telegram in reply thereto, has had the same under consideration and respectfully recommends that said telegrams be printed in the Senate Journal.

RICH, Chairman
MYHAND
TICKLE
BREED
DEUEL

SAN DIEGO, CALIFORNIA, March 27, 1941

Senator Ed Fletcher, Sacramento

Membership of Local 526 Stationary Engineers voted unanimously at special meeting tonight to detail our membership to go into the district and work for defeat of any Senator or Assemblyman who votes for Assembly Bill No. 1545, Senate Bills Nos. 180, 877, 974, 975, 976, 560. We urgently request your vote against these vicious anti-labor bills.

JAMES A. THOMPSON, Business Representative
International Union of Operating Engineers Local 526

March 28, 1941

*James A. Thompson,
Representative International Union
of Operating Engineers Local 526
San Diego, California*

Your amazing dictatorial threatening telegram of March 27th received. My answer is you can go where the woodbine twineth. I assume Labor is responsible for the 1348 telegrams of protest on the bills mentioned which I received from San Diego within the last 24 hours. Am informed the same number of telegrams were received by Messrs. Daley, Stream and Richie, totalling nearly 6,000 sent within the last 24 hours and the cost of sending exceeds \$6,000. From what fund came the money to pay for these telegrams and do the individuals whose names are attached know the telegrams were sent?

In fairness will say most of the telegrams received were at least courteous. Senate Bills Nos. 877 and 975 passed the Senate last Tuesday. Neither you or anyone else from San Diego expressed an opinion against these bills until two days after they were passed by the Senate. It would appear somebody in San Diego connected

with Labor was asleep at the switch. I voted yes on these bills as my conscience dictated after hearing the arguments pro and con. Believe it or not, the best interest of the State and the majority of my constituents in general, the secondary benefit also I believe that a tentative negotiating agreement should be both parties should be enforceable in the courts giving the right of either party signing the contract to sue for damages in case of violation by either party. Your telegram is typical of Labor at its worst and helps to convince me of the overwhelming necessity of passing legislation to protect the public and the property owner. That is why the bill passed the Senate by a vote of 17 to 5. I am not ashamed of my Labor record in Sacramento. Any reasonable man having having been for 10 years in the ranks himself. Labor should not forget that it has more with molasses than with vinegar. Assuming now that I wish to compromise with Labor in every way possible consistent with the public interest, but there's no one cold.

ED FLETCHER

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 285—An act to add Section 295.4 to the Military and Veterans Code, relating to leaves of absence of public employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brood, Carter, Collier, Cunningham, Deane, Fletcher, Foley, Jaspersen, Keating, Kewy, Lusk, Mayo, McBrine, Miller, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brood, Carter, Collier, Cunningham, Deane, Fletcher, Foley, Jaspersen, Keating, Kewy, Lusk, Mayo, McBrine, Miller, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Ward, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 562—An act to authorize nonprofit membership medical service corporations organized under Division 1, Part 4, Title 12 of the Civil Code, to enter into and perform medical service contracts and to contract with Federal agencies and to receive and administer, in trust, Federal funds, and to authorize nonprofit hospital service corporations organized under Division 2, Part 2, Chapter 11a of Article 3 of the Insurance Code to enter into and perform contracts with Federal agencies and to receive and administer, in trust, Federal funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brood, Carter, Collier, Cunningham, Deane, Deane, Fletcher, Foley, Jaspersen, Judah, Keating, Kewy, Mayo, McBrine, Miller, Myland, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wicks, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 221—An act to amend Section 103 of, to renumber Section 103e to be Section 103k of, and to add Sections 103g, 103h, 103i and 103j to, the Code of Civil Procedure, relating to justices of the peace and justices' clerks and assistant clerks in cities of the second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, DeLap, Denel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, Mixer, Myland, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1111—An act to amend Section 1600 of Chapter 13 of the Probate Code, relating to request for special notice after the issuance of letters of guardianship.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Denel, Fletcher, Foley, Jespersen, Judah, Keating, Kuchel, Mayo, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 455—An act to amend Section 690.4 of the Code of Civil Procedure, relating to exemption from execution or attachment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Denel, Fletcher, Foley, Jespersen, Keating, Kenny, Kuchel, Mayo, Parkman, Quinn, Rich, Seawell, Shelley, Swan, Swing, Wagy, and Ward—22.

NOES—Senators Judah, Mixer, and Tickle—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1115—An act to amend Section 619.5 of the Fish and Game Code, relating to Mackinaw trout.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1118—An act to amend Section 610 of the Fish and Game Code, relating to trout season and bag limits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 962—An act to amend Section 3669c of the Political Code, relating to the taxation of insurance companies and the collection of taxes from such companies, including the suspension of corporate rights, privileges and powers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Lusk, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seaton, Shelby, Shaw, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 963—An act to add Section 1283 to the Insurance Code, relating to the taxation of insurers, including reciprocal or interinsurance exchanges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Lusk, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seaton, Shelby, Shaw, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 964—An act to add Part 7, comprising Sections 12001 to 13113, inclusive, to Division 2 of, and to add Section 50013 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the taxation of insurance companies and associations and the collection of taxes from such companies and associations, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Lusk, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seaton, Shelby, Seaton, Shaw, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 725—An act to amend Section 2672 of the Elections Code, relating to a filing fee for a declaration of candidacy for an office to be voted for wholly within one county with certain exceptions.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Breed moved a call of the Senate.

Motion carried. Time, 4:50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 968—An act to amend Section 7694 of the Business and Professions Code, relating to funeral directing and embalming.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo,

McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 969—An act to amend Sections 7686.5, 7695, 7697, 7716, 7718 of the Business and Professions Code, relating to funeral directing and embalming.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345—An act to amend Section 14a of the California Irrigation District Act, relating to annual statements by the board of directors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Carter moved to reconsider the vote whereby Senate Bill No. 1005 was passed.

Postponement of Reconsideration

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1005 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 499—An act to amend Section 21 of the California Irrigation District Act, relating to irrigation district elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1798—An act to add Section 52.5 to the California Irrigation District Act, relating to the surrender of obligations to irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel,

Luckey, Mayo, McBride, McCormack, Meade, McLeod, Parkner, Quinn, Red
Shelley, Slater, Swann, Swing, Tickle, Waga, and Ward—32
Notes—None

Bill ordered transmitted to the Assembly.

INACTIVE FILE

Senate Bill No. 299—An act to amend Section 2209 of the Public Resources Code, relating to publications of the Division of Mines in the Department of Natural Resources.

Bill read.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 7 and 8, of the printed bill, strike out "the publications", and insert "not to exceed 10 per cent of the quantity printed of any lithographic publication".

Amendment read and adopted.

Bill ordered printed, engrossed, and to second reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 2, 1941.

MR. PRESIDENT: Your Committee on Rules has returned.

Senate Bill No. 822

Senate Bill No. 559

Senate Bill No. 463

Senate Bill No. 1253

Senate Bill No. 154

Senate Bill No. 1009

And reports the same correctly engrossed.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 2, 1941.

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 54

Senate Bill No. 504

Senate Bill No. 1297

Assembly Bill No. 1788

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 2, 1941.

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 135

Has had the same under consideration, and reports the same back with the recommendation that it be re-referred to Committee on Public Health and Safety.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bill re-referred to Committee on Public Health and Safety.

SENATE CHAMBER, SACRAMENTO, April 2, 1941.

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 364

Senate Bill No. 366

Senate Bill No. 667

Assembly Bill No. 1459

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 363

Senate Bill No. 714

Senate Bill No. 713

Assembly Bill No. 388

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 886

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; noes 3; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1159

Senate Bill No. 891

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

STATE OF CALIFORNIA, BUREAU OF PRINTING

SACRAMENTO, April 3, 1941

*Hon. J. A. Beck, Secretary, Fifty-fourth California Senate
State Capitol, Sacramento, California*

DEAR MR. BECK: In accordance with provisions of Section 695, of the Political Code, the State Printer, on February 7, 1940, transmitted with his accounts, a deposit of \$6,109.15 in the State Treasury for credit to the Legislative Printing Fund appropriation for the Ninetieth Fiscal Year. We are pleased to attach hereto Summary No. 1, from our accounts to show disposition of documents or publications published from funds of the Fifty-third California Legislature.

The issuance by us in 1939 and 1940 of the Daily Legislative Bill Service derived sufficient funds to meet all expenses of labor, inclosure and shipment.

We attach Summary No. 2, from our accounts in connection with our report for activities in the Ninety-first Fiscal Year. We are making a deposit of \$5,113.52 in the State Treasury and conveying instructions to the State Controller that the amount is to be credited to the appropriation for legislative printing for the Ninety-first Fiscal Year.

Sales of publications or documents are being continued for the account of the Fifty-fourth California Legislature and we will duly submit our accounting when our balances are determined for the Ninety-second Fiscal Year.

Trusting that you will find this in order and extending our appreciation for your cooperation and assistance, together with our high esteem, we are

Very truly yours,

GEORGE H. MOORE, State Printer

By ROBERT A. GARDINER, Supervisor of Documents

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 485

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 375

Assembly Bill No. 1753

Assembly Bill No. 2343

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 885

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 10

Assembly Joint Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 375—An act to add Sections 552.1, 1296.1 and 1299.1 to the Labor Code, relating to the sale or distribution of newspapers and other publications by minors.

Referred to Committee on Labor

Assembly Bill No. 885—An act to amend Section 4041.1 of the Political Code, relating to the powers of supervisors.

Referred to Committee on Local Government.

Assembly Bill No. 1753—An act to add Section 10253.5 to the Health and Safety Code, relating to birth certificates of adopted children.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2343—An act to amend Section 422 of the Probate Code, relating to persons entitled to letters of administration of the estate of a person dying intestate and order of their priority.

Referred to Committee on Judiciary.

Assembly Joint Resolution No. 10—Relative to memorializing the President and the Congress to provide for the submission to the several States for their ratification of an amendment to the United States Con-

stitution to provide for the direct election of the President and Vice President of the United States.

Referred to Committee on Elections.

Assembly Joint Resolution No. 37—Relative to memorializing Congress to designate December 15, 1941, as Bill of Rights Day.

Referred to Committee on Military and Veterans Affairs.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 23

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.15 p.m., on motion of Senator Breed, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 725 passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuebel, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Swan, Swing, Wagy, and Ward—25

NOES—Senators Carter, Collier, Deuel, Dillinger, Luckey, Mayo, Powers, Shelley, Slater, and Tickle—10.

MOTION TO RECONSIDER

Senator Carter moved to reconsider the vote whereby Assembly Bill No. 725 was passed.

Postponement of Reconsideration

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 725 was passed, was continued until the next legislative day.

ADJOURNMENT

At 5.20 p.m., on motion of Senator Rich, the presiding Senator declared the Senate adjourned until 1.30 p.m., April 3, 1941, out of respect to the memory of the late H. L. Carnahan, former State Corporation Commissioner, Building and Loan Commissioner and Lieutenant Governor of California.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY

EIGHTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 3, 1941

The Senate met at 1:30 p.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators: Collier, Crittenden, Cunningham, DeLap, DeLong, Fletcher, Foley, Garrison, Gordon, Jorgensen, Judah, Jensen, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Rich, Slater, and Swain—21.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Brown, on motion of Senator Tickle.

Senator Shelley, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to City Councilman Harley Knox of San Diego.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to County Clerk Elmer Dowdy, San Benito County, of Hollister.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chairman of Board of Supervisors E. J. Guidotti and Supervisors Joe D. Cox and George Kennedy of Sonoma County.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. B. Walls,

President, Sonoma County Farm Bureau, Petaluma, and Dr. Dwight Barnett of Santa Rosa.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. T. Sims, principal, and the following members of the Senior Class, Clarksburg High School, Clarksburg: Louis Babel, Walter Bloom, Ronald Curran, Yasuko Imagawa, Ruth Imoto, George Ishimoto, Bob Kirtlan, Kiyoko Koyasako, Yoshio, Koyasako, Francis MacFarlane, Lois Merwin, Norma Oliver, Donald Nevis, Anna Palamidessi, Jeanette Pilz, Helen Rudkin, Clara Fay Ruhe, Isabelle Sheldon, Laurenda Silva, Therman Sprock, Chiyeko Tsukiji, Rosemary Turner, Virginia Updegraff, Helen Waltermire, Allan Zacharias and Gean Zacharias.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Irvin H. Althouse of Porterville, and N. F. Bradley of Visalia.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Heller of Atwater.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Jay Dresser of Bakersfield.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to D. W. Campbell, Secretary of San Diego Chamber of Commerce.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the California Future Farmers, Orland: H. Vereshagin, Ed Jess, J. Jess, L. Turner, J. Gross, L. Lavey, P. Kasak, J. Litchsteiner and J. Schroer, Jr.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to City Manager D. C. McMillan and City Councilman W. O. Clark, both of Ventura.

On request of Senators Seawell and Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Miller of Roseville.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. M. W. Bartholomew of Hanford.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Ward Birdsall of San Francisco.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Whitmore, County Treasurer, and Harold Rogers, Chairman, Stanislaus County Democratic Central Committee, both of Modesto.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 728—An act to amend Sections 1083, 1083.1, 1083.2 and 1089 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

PRINTER'S NOTE.—There being no 7-point stock-out type available, the material which should appear in stock-out type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1081, 1083.1, 1083.2 and 1089", and insert "1081, 1083, 1083.1, 1083.2, 1083.3, 1086, 1088 and 1089, and to repeal Section 1081.1."

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "1081" and insert "1081"

Amendment No. 3

On page 1 of the printed bill, in every line 2 and 3, insert "1081." Commercial feeding stuffs include all feeding stuffs and concentrates used for feeding live stock and poultry except the following:

- (a) Whole seeds or grains, when certified.
- (b) Fresh green roughage, and unprocessed liquid milk in all its forms.
- (c) Whole hay, straws, cottonseed hulls, corn stover and wet cotton waste residue, when unprocessed and unmixed with other materials.
- (d) Wet garbage, and salt except in stock or flock form.
- (e) Preparations which are sold as or represented to be [drugs] primarily [, or] for the cure or mitigation [, or prevention] of disease.
- (f) Preparations which are sold for feeding domestic pets, such as dogs, cats and birds.

Sec. 1.5. Section 1083 of the Agricultural Code is hereby amended to read as follows:".

Amendment No. 4

On page 1, line 9, of the printed bill, immediately preceding "manufacturer", insert "licensed".

Amendment No. 5

On page 2 of the printed bill, strike out all of lines 1 to 4, inclusive, and insert "(c) In the case of commercial feeding stuffs for which special guarantees are claimed, such as, vitamin potency or protein quantity, a definite guarantee relative to such quality; provided, however, the director may by rule and regulation permit the deletion of any such guarantees as may not be pertinent to a specific commodity."

Amendment No. 6

On page 2 of the printed bill, strike out all of lines 24 to 31, inclusive, and insert "of three dollars (\$3) for each plant for each fiscal year or portion thereof beginning July 1. Each license shall be renewed annually and each application for renewal shall be accompanied by a fee of three dollars (\$3) for each plant operated."

Amendment No. 7

On page 2 of the printed bill, following line 51, insert

"Sec. 4. Section 1083.5 of the Agricultural Code is hereby amended to read as follows:

1083.5. [Each and every] *any* manufacturer, importer, jobber, firm, association, corporation or person [manufacturing,] selling [or distributing] *to the consumer; buyer* any commercial feeding stuffs as defined in Section 1081 of this chapter [,] shall pay to the director an inspection tax of four cents (\$.04) for each ton *thereof*, [of commercial feeding stuffs sold, offered or exposed for sale or distributed in this State,] and shall affix to [or accompany each lot shipped and to] each parcel of such commercial feeding stuffs a tag, stamp or [label indicating] *other approved indication* that all charges specified in this section have been paid. Whenever any commercial feeding stuffs, as defined in Section 1081, is offered or exposed for sale in bulk [or otherwise stored], the manufacturer, importer, jobber, firm, association, corporation or person [keeping] *having* the same for sale shall keep on hand [cards

upon which shall be printed the statement required by the provision of Section 1083, and when such feeding stuffs is sold at retail in bulk or in packages belonging to the purchaser, the manufacturer, importer, jobber, firm, association, corporation or person] and shall furnish to the purchaser [with] a [card or cards] label upon which appears the statement ~~s~~ required by the provisions of Section 1083, and shall make payment of the tax in accordance with regulations promulgated by the director.

SEC. 5. Section 1086 of the Agricultural Code is hereby amended to read as follows:

1086. Commercial feeding stuffs [are] ~~shall be deemed to be mislabeled~~ [adulterated] if [they do not conform to the analysis on the label or tag] ~~in any respect they are not as represented.~~

SEC. 6. Section 1088 of the Agricultural Code is hereby amended to read as follows:

1088. If it appears [from an analysis of the department] that any provision of this chapter or of any [the] rule [s] or regulation ~~established hereunder~~ has been violated, [it] the director shall notify the manufacturer or dealer and shall afford any party so notified an opportunity to be heard. [in his defense, under such rules and regulations as the department may prescribe.] After such hearing the [department] director shall dismiss the charges or shall certify the facts to the proper district attorney, [with a copy of the results of the analysis sworn to by the officer making the same] ~~who shall forthwith institute proper proceedings.~~ [Such sworn copy of the determination is prima facie evidence of the facts stated therein.]

Amendment No. 8

On page 3, line 1, of the printed bill, following "Sec.", strike out "4", and insert "7".

Amendment No. 9

On page 3 of the printed bill, strike out all of lines 14 and 15, and insert "feeding stuffs without complying with the provisions of this chapter and the rules and regulations established hereunder;"

Amendment No. 10

On page 3 of the printed bill, strike out all of lines 17 to 19, inclusive, and insert "feeding stuffs which does not conform to the analysis on the tag or label;"

Amendment No. 11

On page 3 of the printed bill, immediately following line 41, insert "SEC. 8. Section 1081.1 of the Agricultural Code is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and re-referred to Committee on Agriculture.

Senate Bill No. 791—An act to amend the title of Article 1, Chapter 5, Division 5 and Sections 911, 912, 913, 914, 915, 916, 917, 919 and 920, and to add Sections 911.5, 911.10, 911.14, 911.15, 911.17, 911.20, 911.21, 911.25, 911.30, 911.35, 911.40, 911.45, 911.50, 911.55, 911.60, 911.65, 911.70, 911.71, 911.72, 911.75, 911.80, 911.81, 911.85, 911.90, 911.95, 911.100, 911.105, 911.110, 911.115, 911.120, 912.5, 912.10, 912.30, 912.35, 912.40, 914.5, 914.7, 914.10, 916.5, 916.10, 916.15, 916.20, 916.25, 916.30, 917.5, 917.10, 917.15, 919.1, 919.5 and 921 to the Agricultural Code, relating to seeds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 3 of the title of the printed bill, immediately following "Sections," insert "910,"

Amendment No. 2

In line 9 of the title of the printed bill, strike out "917.15,"

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 6 to 19, inclusive, and all of pages 2, 3, 4, and 5; and on page 6, strike out all of lines 1 to 3, inclusive, and insert

"Sec. 2. Section 910 is hereby added to said code to read as follows:

910. The definitions established by this article shall be applicable only to the provisions of this article.

Sec. 3. Section 911 of said code is hereby amended to read as follows:

911. "Agricultural seeds" means the seeds of all domesticated grasses and cereals, and of all legumes and other plants grown as cultivated crops, forage crops, or field crops, except varieties which are or may be generally known and sold under the name of flower seeds or vegetable seeds."

Amendment No. 4

On page 6, line 1, of the printed bill, strike out "3", and insert "34."

Amendment No. 5

On page 6, line 9, of the printed bill, strike out the sentence following "seeds," and insert a period, striking out all the remainder of line 9, and all of lines 10 to 31, inclusive; and on page 7, strike out all of lines 1 to 31, inclusive.

Amendment No. 6

On page 7, line 41, of the printed bill, strike out "or difficult", and insert "and is difficult."

Amendment No. 7

On page 7 of the printed bill, strike out all of lines 45 to 50, inclusive, and on page 8, strike out lines 1 to 16, inclusive, and insert:

"911.15. "Primary noxious weed" means any species of noxious weed which is not of wide or general distribution within the State, and includes the following:

Austrum field cross (Rabbits grass)
Blueweed (Helianthus ulmoides)
Cane thorn (Albizzia casahuate)
Canada thistle (Cirsium arvense)
Green couching weed (Cirsium vulgare)
Scarlet gaura (G. coccinea)
Scout gaura (G. canadensis)
Hairy cross (Lepomis dubia)
Hemorrhage (Hemerocallis)
House nettle (Cirsium boreale)
White horse nettle (Solanum elaeagnifolium)
Klamath weed (Hesperis matronalis)
Leafy spurge (Euphorbia)
Perennial peppergrass (Lepidium latifolium)
Perennial sow thistle (Sonchus arvensis)
Quackgrass (Agropyron repens)
Russian knapweed (Centaurea repens) and any other species which the director, as provided in Section 911.95 of this code, finds and declares to be a primary noxious weed."

Amendment No. 8

On page 8 of the printed bill, strike out all of lines 19 to 42, inclusive, and insert:

"911.17. "Secondary noxious weed" means, except as provided in Section 911.21, any species of noxious weed not classified as primary noxious weed, and includes the following:

Alkali mallow (Sida hederacea)
Bermuda grass (Cynodon dactylon)
Dodder (including clover dodder (Cuscuta epithymum), field dodder (C. pentagona), flax dodder (C. opuntium), large seeded alfalfa dodder (C. indecora), and small-seeded alfalfa dodder (C. planiflora))
Johnson grass (Holcus halepensis)
Nut grass (including Cyperus esculentus and C. rotundus)
Poverty weed (Ver. ptilaris)
Puncture vine (Trilulus terrestris)
Russian thistle (Salsola kali)
Sambur grass (Cenchrus pennisporus)
Wild morning glory or bindweed (Convolvulus arvensis)
Yellow star thistle (Centaurea solstitialis) and any other species which the director, as provided in Section 911.95 of this code, finds and declares to be a secondary noxious weed."

Amendment No. 9

On page 9 of the printed bill, strike out all of lines 8 to 18, inclusive, and insert:

"Bermuda grass (Cynodon dactylon)
Black medick (Medicago lupulina)
Cardoon (Cynara cardunculus)
Lupine (Lupinus species)
Mallow (Malva parviflora)
Mustard (Brassica species)
Pigweed (Amaranthus species)

Radish (*Raphanus sativus*) and any other agricultural or vegetable seed added to the foregoing list by rules and regulations of the director as provided in Section 911.95 of this code."

Amendment No. 10

On page 9, line 43, of the printed bill, strike out the period, and insert a semicolon.

Amendment No. 11

On page 9, line 45, of the printed bill, strike out the period, and insert a semicolon.

Amendment No. 12

On page 9, line 48, of the printed bill, strike out the period, and insert a semicolon.

Amendment No. 13

On page 9 of the printed bill, strike out all of lines 49 to 52, inclusive; and on page 10, strike out all of lines 1 to 7, inclusive, and insert

"(d) Dirt, gravel, or stones;

(e) Chaff, including (1) empty glumes of grasses, and (2) except in Rhodes grass, attached sterile glumes of grasses which must be removed from the fertile glumes;

(f) Fungus bodies, including (1) ergot, (2) other sclerotia, and (3) smut balls; and

(g) Other material."

Amendment No. 14

On page 10, line 32, of the printed bill, strike out the period, and insert a semicolon and "or".

Amendment No. 15

On page 11 of the printed bill, strike out all of lines 6 and 7, and insert "911.72. If agricultural or vegetable seeds are sold under type or".

Amendment No. 16

On page 11, line 9, of the printed bill, strike out "if", and strike out all of lines 10 and 11, and insert "as to variety or type if the seed in the container is indistinguishable by seed characteristics, and if he keeps such records as are necessary to disclose".

Amendment No. 17

On page 11, line 41, of the printed bill, strike out "916.5, subparagraph (d)", and insert "911.100, subparagraph (c)".

Amendment No. 18

On page 12 of the printed bill, strike out all of lines 3 to 7, inclusive, and insert "911.95. The director, in rules and regulations promulgated as provided in Section 911.110, from time to time may publish:

(a) A list of the plants and crops which he finds are or are likely to be grown in this State from agricultural and vegetable seeds.

(b) A list of seeds which are classed as weed seeds when occurring incidentally in agricultural or vegetable seeds, but which may be classed as crop seed when sold alone or as a specific constituent of a definite seed mixture.

(c) A list of noxious weeds which he finds are not of wide or general distribution within the State, and which therefore are classed by this article as primary noxious weeds.

(d) A list of those noxious weeds which are not classified as primary noxious weeds, and which therefore are classed by this article as secondary noxious weeds."

Amendment No. 19

On page 12 of the printed bill, strike out all of lines 10 to 17, inclusive, and insert "911.100. The director, by rules and regulations promulgated as provided in Section 911.110, shall:

(a) Adopt germination standards for vegetable seeds.

(b) Adopt tolerances to be applied in all enforcement procedure required by this article.

(c) Prescribe methods of procedure in the examination of lots of agricultural and vegetable seeds, and in securing samples thereof.

(d) Fix the maximum number of samples that may be tested free of charge for any one person in any period of time.

(e) Fix a schedule of charges for tests or samples in excess of those tested free of charge.

(f) Adopt a procedure for hearings to show cause why complaint should not be filed for alleged violation of any provision of this article.

(g) Issue such other orders, schedules, and announcements as will assist in carrying out the purposes of this article."

Amendment No. 20

On page 12 of the printed bill, strike out all of lines 20 to 28, inclusive, and insert "911.105. All standards and regulations promulgated hereunder shall be as near as practicable like those established under the Federal Seed Act."

Amendment No. 21

On page 12 of the printed bill, strike out all of lines 43 to 47, inclusive, and insert "911.110. All rules and regulations made under the provisions of this article shall be published not less than 30 days before the date on which they are to become effective, together with a notice of the time and place for hearing objections. Such hearing shall be not less than 10 nor more than 30 days from the date of publication. Notice of hearing shall be received not less than 10 days before the date of the hearing by all persons who thereafter have filed with the director a request for notice of such hearings. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the correctness of the hearing."

Amendment No. 22

On page 12 of the printed bill, strike out all of lines 49 to 44, inclusive, and insert "911.115. The director, upon his finding in the same manner as the hearing, shall reserve, modify or alter the rules and regulations as published, such rules, rules and regulations, unless rescinded or postponed by the authority shall take effect on the date appointed therefor."

Amendment No. 23

On page 12 of the printed bill, strike out all of lines 47 to 52, inclusive, and on page 13, strike out lines 1 to 4, inclusive, and insert:

"911.120. When any seed has been determined to be identical with the specimen of Section 155 of this code to be a weed then such seed is to be treated as such, and species is hereby declared to be a primary noxious weed as to such area, and all provisions of this article applicable to primary noxious weed seeds shall thereupon apply within such area to said species."

When any pest abatement measure has been found as provided in Division 7 Chapter 8, of the Health and Safety Code to control or abate any species of plant that is detrimental to the agricultural interests of the State, such species is hereby declared to be a primary noxious weed as to such district, and all provisions of this article applicable to primary noxious weed seeds shall thereupon apply within such district to said species."

The director, in any list of primary noxious weed seeds published under the provisions of this article, shall likewise classify all species included in the list as to primary noxious weeds, together with a description of the area or district in which each such species is a primary noxious weed.

Amendment No. 24

On page 13, line 50 of the printed bill, after "rescinded", insert "or amend."

Amendment No. 25

On page 14 of the printed bill, strike out all of lines 1 and insert:

"(a) Twenty-five grams for such seed as such grasses, hedges, grasses."

Amendment No. 26

On page 14, line 6, of the printed bill, after "type", strike out the comma, and insert a semicolon.

Amendment No. 27

On page 14, line 9, of the printed bill, after "type", strike out the comma, and insert a semicolon.

Amendment No. 28

On page 14, line 10, of the printed bill, strike out "seed", and insert "seeds."

Amendment No. 29

On page 14, line 11, of the printed bill, after "type", strike out the comma, and insert a semicolon.

Amendment No. 30

On page 14, line 13, of the printed bill, after "type", strike out the comma, and insert a semicolon.

Amendment No. 31

On page 14, line 20, of the printed bill, after "off", strike out "2 per"; and strike out lines 21 to 23, inclusive, and insert "2 per cent by weight of weed seed, except as provided in Section 911.21."

Amendment No. 32

On page 14 of the printed bill, strike out all of lines 36 to 52, inclusive; and on page 15, strike out all of lines 1 to 12, inclusive, and insert "thereof for seeding purposes, unless each container bears, or if the seed is in bulk the invoice is accompanied by, a label stating in accordance with the rules and regulations prescribed by the director:

(a) The name of the kind, or the kind and variety, or the kind and type, of each agricultural seed component present in excess of 5 per cent by weight of the whole or stated on the label, and the purity percentage by weight of each;

(b) When there are two or more kinds, types, or varieties of agricultural seeds present in excess of 5 per cent by weight or stated on the label, that the lot is a mixture;

(c) The total percentage by weight of weed seeds;

(d) The total percentage by weight of agricultural seeds other than those named in accordance with provision (a) of this section;

(e) The percentage by weight of inert matter;

(f) For each agricultural seed component present in excess of 5 per cent by weight of the whole or stated on the label:

(1) The percentage by count of germination, exclusive of hard seed;

(2) The percentage by count of hard seed, if present; and

(3) The calendar month and year the test was completed to determine these percentages;

(g) The name and address of the vendor;

(h) The lot number or other identification, unless the seed is a customer's order mixture weighing less than 100 pounds;

(i) The name of each species of secondary noxious weed seeds, if present.

Seed taken from a properly labeled package or container and repackaged in the presence of the purchaser is exempt from the provisions of this section."

Amendment No. 33

On page 15, line 37, of the printed bill, strike out "in containers".

Amendment No. 34

On page 15, line 41, of the printed bill, strike out the period, and insert a semi-colon.

Amendment No. 35

On page 15 of the printed bill, strike out all of lines 42 to 49, inclusive, and insert "(b) The name of each species of secondary noxious weed seeds, if present;"

Amendment No. 36

On page 15 of the printed bill, after line 51, insert

"(d) For seeds which germinate less than the standard last established by or under this article:

(1) The percentage by count of germination, exclusive of hard seed;

(2) The percentage by count of hard seed, if present;

(3) The calendar month and year the test was completed to determine these percentages; and

(4) The words "Below Standard"."

Amendment No. 37

On page 16 of the printed bill, strike out all of lines 24 and 25, and insert "wise dispose of, for seeding purposes, any agricultural or vegetable seed having a false label or pertaining to which there".

Amendment No. 38

On page 16, line 47, of the printed bill, strike out "after a public hearing".

Amendment No. 39

On page 17 of the printed bill, strike out all of lines 18 to 22, inclusive.

Amendment No. 40

On page 17, line 30, of the printed bill, strike out "(e)", and insert "(d)".

Amendment No. 41

On page 18 of the printed bill, strike out all of lines 3 to 18, inclusive, and insert "916.5. The director shall maintain a properly equipped laboratory for making the tests required by this article."

Amendment No. 42

On page 18, line 26, of the printed bill, after "director", insert "and the commissioners".

Amendment No. 43

On page 18, line 34, of the printed bill, after "shall", strike out "when", and insert ", when the seed is".

Amendment No. 44

On page 18 of the printed bill, strike out all of lines 42 and 43, inclusive, and insert "the State immediately thereon shall notify the commissioner of the county in which the lot is located. Such notice".

Amendment No. 45

On page 18 of the printed bill, strike out all of lines 50 to 52, inclusive; and on page 19, strike out all of lines 1 to 8, inclusive, and insert "shall be held for

inspection for a period of 72 hours from and after delivery to the consignee of the notice required by Section 919.91 or 919.92, unless the label contains laboratory code designation approved by the director, indicating that testing is in accordance with specific tests, and that satisfactory results are available for examination. Laboratory code designations shall be filed with the director. Such code designation may consist of a code identification and number and shall be a matter of public record and information. Laboratory records and designs of type of seed carrying laboratory code designations and numbers shall be open for examination to the director and agricultural experimenters. Samples representing the lot shall be kept for a period of six months.

Amendment No. 46

On page 19, line 10, of the printed bill, strike out "two" and insert "two."

Amendment No. 47

On page 19, line 11, of the printed bill, strike out "is hereby added to said code" and insert "of said code is hereby approved."

Amendment No. 48

On page 19, line 16, of the printed bill, after "inserted," insert "and the commissioner."

Amendment No. 49

On page 19, line 42, of the printed bill, strike out "vender", and insert "person so notified."

Amendment No. 50

On page 20 of the printed bill, strike out all of lines 1 and 2, and insert "the provisions of this article shall be subject to the determination of various officers in analysis statements."

Amendment No. 51

On page 20 of the printed bill, strike out all of lines 3 to 8, inclusive.

Amendment No. 52

On page 20, line 9, of the printed bill, strike out "56", and insert "55".

Amendment No. 53

On page 20, line 20, of the printed bill, strike out "57", and insert "56".

Amendment No. 54

On page 20 of the printed bill, strike out all of lines 28 to 50, inclusive, and insert

"919.1. Any lot of agricultural or vegetable seed sold or offered for sale in violation of any of the provisions of this article is a prima facie case and shall be held, from and after notice of violation, by the person in whose possession it may be and shall not be moved from the place where it may be, except upon the specific direction of a proper enforcing officer. The enforcing officer shall affix a warning tag or notice to such lot of seed. If after notice of such violation, the owner or his agent refuses or fails within a reasonable time, to be specified in the notice, to relabel or relabel or otherwise dispose of said lot so as to comply with all of the requirements of this article any such notwithstanding loss of agricultural or vegetable seeds and the containers thereof may be seized by the director or the commissioner, and by order of a court of proper jurisdiction of the county, city, or township within which said lot of seed may be, shall be impounded and destroyed or released upon such conditions as the court in its discretion may impose to insure that such lot will not be shipped, transported, or sold in violation of this chapter."

Amendment No. 55

On page 21, line 1, of the printed bill, strike out "58", and insert "57".

Amendment No. 56

On page 21, line 5, of the printed bill, following the period, strike out all the remainder of the line; and strike out all of lines 6 to 9, inclusive.

Amendment No. 57

On page 21, line 10, of the printed bill, strike out "59", and insert "58".

Amendment No. 58

On page 21, line 18, of the printed bill, strike out "60", and insert "59".

Amendments read and adopted

Bill ordered printed, engrossed, and re-referred to Committee on Agriculture.

Senate Bill No. 999 An act to add Sections 802.6 and 828.53 to, and to amend Sections 828.1, 828.45 and 829.15 of, the Agricultural Code, relating to containers for grapes, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, after "1B," insert "1C,".

Amendment No. 2

On page 1, line 5, of the printed bill, after "29," insert "30A,".

Amendment No. 3

On page 1 of the printed bill, between lines 9 and 10, insert

"The depth dimension of containers, exclusive of cleats, designated for grapes in this chapter shall apply only to the depth of the head of each such container."

Amendment No. 4

On page 1, line 22, of the printed bill, after "9A," insert "30A,".

Amendment No. 5

On page 2 of the printed bill, between lines 5 and 6, insert

"Containers numbers 30A and 38H shall be standard for grapes only when containing bunches which are (1) individually wrapped in paper or other protective wrapping material and (2) packed in excelsior or other similar packing material."

Container number 37G shall also be considered standard for grapes when each head piece is beveled across each bottom corner at an angle of 45 degrees, starting 2 inches from each such corner, and is notched at the center of the base by a triangle with a base of 4 inches and an altitude of 2 inches and bottom slats are attached to each bevel and to each side of the notch, so as to affect the contour of the box."

Amendment No. 6

On page 2 of the printed bill, strike out line 6, and insert "Containers designated as 37D, 37F and 37G shall also be con-".

Amendment No. 7

On page 2 of the printed bill, strike out line 13, and insert "inches or less from the top or (2) consisting of a top piece $1\frac{1}{4}$ inches".

Amendment No. 8

On page 2 of the printed bill, between lines 19 and 20, insert

"Special Display Lug: Container 37F when constructed as a "display lug" shall have a 5 inch head (1) "slotted" $1\frac{1}{4}$ inches or less from the top or (2) consisting of a top piece $1\frac{1}{4}$ inches deep nailed or fastened to a bottom piece $4\frac{1}{4}$ inches in depth, and shall be used without a cleat or cleats."

Amendment No. 9

On page 2 of the printed bill, strike out line 22, and insert "inches or less from the top or (2) consisting of a top piece $1\frac{1}{4}$ inches".

Amendment No. 10

On page 2 of the printed bill, between lines 43 and 44, insert

"1C. Standard basket, approximately 8 inches square on top, $6\frac{1}{2}$ inches square on bottom and 5 inches deep, inside measurements."

Amendment No. 11

On page 3 of the printed bill, between lines 9 and 10, insert

"30A Special lug box----- $4\frac{1}{4}$ 15 22 $\frac{1}{4}$ ".

Amendment No. 12

On page 3 of the printed bill, strike out line 14.

Amendment No. 13

On page 3 of the printed bill, strike out line 34, and insert "packing material, numbers 28, 29, 49 or 50. Grapes with each bunch individually wrapped in paper or other protective wrapping material and packed in excelsior or other similar packing material, numbers 30A and 38H. All other grapes,".

Amendment No. 14

On page 3, line 46, of the printed bill, after "11," insert "10."

Amendment No. 15

On page 3, line 47, of the printed bill, strike out "18H."

Amendments read and adopted.

Bill ordered printed, engrossed, and re-referred to Committee on Agriculture.

Senate Bill No. 658—An act to amend Sections 1299.18, 1299.20 and 1300.4 of, and to add a new section, to be numbered 1300.4a, to, the Agricultural Code, relating to processors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, lines 12, 13 and 14, of the printed bill, by amendment strike out "milk and milk products not subject to the processing and handling provisions of Chapter 40 of Division 4 of this code."

Amendment No. 2

On page 1, line 15, of the printed bill, by amendment, after the words "milk and milk products", insert "products".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 659—An act to amend Sections 821, 822, 823, 826 and 827 of, and to add Sections 821.3 and 821.6 to, the Agricultural Code, relating to standards for apples.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In the title of the printed bill, strike out lines 2 and 3, and insert "to add Sections 821.1, 821.15, 821.2, 821.25, 821.3, 821.35, 821.4, 821.45, 821.5, 821.55, 821.6, 821.65, 821.7, 821.75, 821.8 and 824.5 to the Agricultural Code, relating to apples."

Amendment No. 2

On page 1, lines 6 and 7, of the printed bill, strike out "hand picked."

Amendment No. 3

On page 1 of the printed bill, strike out lines 15 to 20, inclusive.

Amendment No. 4

On page 1, line 22, of the printed bill, strike out "hand picked."

Amendment No. 5

On page 2, of the printed bill, strike out lines 5 to 10, inclusive.

Amendment No. 6

On page 2, line 18, of the printed bill, strike out "hand picked."

Amendment No. 7

On page 2 of the printed bill, strike out lines 26 to 50, inclusive; and on page 3, strike out lines 1 to 40, inclusive, and insert

"The grades established by this section are the standard grades for apples. The "extra fancy" is the highest, "fancy" the next highest, and "C" grade the lowest of such grades.

SEC. 2. Section 821.1 is hereby added to said code, to read as follows:

821.1. Apples may conform to any of the standard grades or to any combination of such grades. When apples are in a combination of grades, the grade markings shall be preceded by either "Combination" or "Comb."

SEC. 3. Section 821.15 is hereby added to said code, to read as follows:

821.15. Apples of a standard grade or combination of such grades shall be well packed, place packed, loose in containers, or in bulk. Grade terms used to designate apples which are place packed shall not be followed by the term "loose".

SEC. 4. Section 821.2 is hereby added to said code, to read as follows:

821.2. Apples of a standard grade or combination of such grades shall be of such size that the apple will not pass through a ring two and one-fourth inches in diameter. This size requirement does not apply to apples which are well packed, nor to apples of "C" grade when loose in the container or in bulk and not in combination with any other grade.

SEC. 5. Section 821.25 is hereby added to said code, to read as follows:

821.25. Apples which are well packed shall be uniform in size and shall be in clean, standard boxes. Apples which are place packed shall be in clean boxes.

SEC. 6. Section 821.3 is hereby added to said code, to read as follows:

821.3. Apples shall be hand picked, except in the case of apples of "C" grade when loose in containers or in bulk, and except those apples of "C" grade in combination with any other grade or grades and when the combination is loose in containers or in bulk.

SEC. 7. Section 821.35 is hereby added to said code, to read as follows:

821.35. When apples are in combination of two grades all of the apples in the container or bulk lot shall meet the requirements of the lower grade and at least 50 per cent, by count, shall conform to the requirements of the higher grade.

SEC. 8. Section 821.4 is hereby added to said code, to read as follows:

821.4. When apples are in combination of three grades all of the apples in the container or bulk lot shall meet the requirements of the lowest grade, at least 25 per cent, by count, shall conform to the requirements of the highest grade, and at least an additional 25 per cent, by count, shall conform to the requirements of the next highest grade.

SEC. 9. Section 821.45 is hereby added to said code, to read as follows:

821.45. Tolerances, where apples in a container or bulk lot are of one grade, shall be as follows:

At least 90 per cent of the apples in any container or bulk lot shall at least comply with the requirements of the grade; and not more than one-half of the tolerance shall be allowed for any one cause.

SEC. 10. Section 821.5 is hereby added to said code, to read as follows:

821.5. Tolerances, where apples are in a combination of two or more grades, shall be as follows:

At least 90 per cent of the apples in any container or bulk lot shall at least comply with the requirements of the lowest grade in the combination; and not more than one-half of the tolerance shall be allowed for any one cause.

When in a combination of any two grades, at least 50 per cent of the apples shall comply with the requirements of the higher grade. When in a combination of three grades, at least 25 per cent shall comply with the requirements of the highest and at least an additional 25 per cent shall comply with the requirements of the next highest grade.

SEC. 11. Section 821.55 is hereby added to said code, to read as follows:

821.55. When a lot of apples are in containers, the apples in each of such containers, not to exceed one-fourth, in number of containers, shall be permitted to exceed, by not more than 50 per cent, the tolerance therefor above provided; but the entire lot must average within the established tolerance; and the apples in no container shall have more insect pests or decay than the amount permitted by such established tolerance.

SEC. 12. Section 821.6 is hereby added to said code, to read as follows:

821.6. An emergency grade to be known as the "commercial" grade may be declared in effect by the director in conformity with the provisions of Sections 821.7, 821.75 and 821.8.

The "commercial" grade shall apply only to Bellefleur apples and Newtown Pippin apples, or either, and shall conform to the standards required for a combination of fancy and "C" grade, except that Baldwin spot and internal browning shall be permitted without limitation as to tolerance.

SEC. 13. Section 821.65 is hereby added to said code, to read as follows:

821.65. The "commercial" grade shall be used only for apples which (a) have been held in cold storage for a period of at least 15 consecutive days, (b) have been removed from cold storage not earlier than December 15 of the current cold storage season, (c) and loose in containers or in bulk. Apples of the "commercial" grade shall not be in combination with apples of any of the standard grades.

SEC. 14. Section 821.7 is hereby added to said code, to read as follows:

821.7. A petition for a declaration by the director that an emergency exists and that the "commercial" grade is in effect may be filed by either:

(a) Seventy-five per cent or more by number of the persons controlling the sale of the Bellefleur or Newtown Pippin apples, or the Bellefleur and Newtown Pippin apples, as the case may be, then held in cold storage; or

(b) The persons controlling the sale of 60 per cent or more of such apples then so held.

SEC. 15. Section S21.75 is hereby added to said code, to read as follows:

S21.75. The petition shall contain all of the following:

(a) A statement whether the declarations are sought as to Bellefleur apples, Newtown Pippin apples or both.

(b) A statement of the facts constituting the petition, the reasons for issuance of persons qualified under Section S21.4 to file the petition.

(c) A statement that no abnormal amount of Baldwin spot or internal browning has developed in the apples, as to which the declarations are sought.

(d) A statement that there is no emergency demand for fruit due to the export of the apples as to which the declarations are sought unless the "commercial" grade is declared in effect as to such apples.

(e) A request that the director declare the existence of an emergency and the "commercial" grade in effect as to the apples for which the declarations are sought.

SEC. 16. Section S21.8 is hereby added to said code, to read as follows:

S21.8. If the director, in forwarding an emergency declaration that the petition has been signed by persons qualified by S21.4 to sign that the majority signed by the petitioners are true, he shall, at a time and place to be designated by the filing of the petition, declare that as to the apples as to which the declarations are sought, an emergency exists, and the "commercial" grade shall be in effect for a period designated by him but not to extend beyond the fifteenth day of June of the then current cold storage season."

Amendment No. 8

On page 3, line 41, of the printed bill, strike out "SEC. 4", and insert "SEC. 17".

Amendment No. 9

On page 3, line 48, of the printed bill, after "variety", insert "of the apples contained therein".

Amendment No. 10

On page 3, lines 49 and 50, of the printed bill, strike out "the apples therein contained", and insert "such apples".

Amendment No. 11

On page 4, line 9, of the printed bill, after "of apples.", insert "date of packing."

Amendment No. 12

On page 4 of the printed bill, strike out lines 20 to 24, inclusive.

Amendment No. 13

On page 4, line 25, of the printed bill, strike out "SEC. 5", and insert "SEC. 18".

Amendment No. 14

On page 4 of the printed bill, between lines 49 and 50, insert

"SEC. 19. Section S24.5 is hereby added to said code, to read as follows:

S24.5. When any lot of apples of the Newtown Pippin or Bellefleur variety has been inspected and certified as to conformity of all apples in a specified grade or combination of grades and the identity of the lot is established to the satisfaction of the enforcing officer then having jurisdiction of the lot, such lot shall not, at any time within 10 days after the date of such certification, be deemed to be in violation of the provisions of this chapter because of an excess of damage caused by Baldwin spot or by internal browning."

Amendment No. 15

On page 4, line 50, of the printed bill, strike out "SEC. 6", and insert "SEC. 20".

Amendment No. 16

On page 5, line 16, of the printed bill, after "and or", insert "visible".

Amendment No. 17

On page 5, line 32, of the printed bill, strike out "SEC. 7", and insert "SEC. 21".

Amendment No. 18

On page 6 of the printed bill, strike out line 24, and insert "and the nonpresence of 'C' grade when the apples are placed packed or loose, but apples of the".

Amendment No. 19

On page 6, line 26, of the printed bill, strike out "loose".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 660—An act to amend Section S20 of the Agricultural Code, relating to tomatoes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of line 26, and insert "In the case of wrapped and packed tomatoes a "bridge" of a number of tomatoes consisting of less than".

Amendment No. 2

On page 2, line 5, of the printed bill, strike out "first".

Amendment No. 3

On page 2 of the printed bill, strike out all of line 7, and insert "location of such person; when wrapped and packed, numerical description of".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 661—An act to add Section 787.5 to the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, after "790", insert "and offered for sale and distribution in California".

Amendment No. 2

On page 1 of the printed bill, strike out line 9, and insert "the name of the buyer, packer, or other person who authorized the packing of".

Amendment No. 3

On page 1 of the printed bill, immediately following line 11, insert "Such marking requirements shall not apply to any subcontainers of fruits, nuts and vegetables.

When the name and address of any person is required by any of the specific commodity standards of this chapter to be placed on any container, the address, unless otherwise specified, shall be a California address."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 54—An act to amend Sections 271 and 290, and to repeal Section 168, of the Fish and Game Code, relating to Silver Lake Game Refuge.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 504—An act to amend Section 83 of the Fish and Game Code, relating to Fish and Game District 15.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1297—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 364—An act to add Chapter 5 to Division 3 of the Business and Professions Code, consisting of Sections 6300 to 6365, inclusive, and to repeal Sections 4190 to 4204, inclusive, of the Political Code, relating to boards of law library trustees and law libraries.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 366—An act to add Section 4300 1c to the Political Code, relating to municipal court fees and costs.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 667—An act to amend Section 2457 of the Civil Code, relating to mortgages of personal property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 363—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346 and 6360 of the Hawaiian and Probationary Code, and to add Sections 6326, 6348 4 and 6348 5 thereto, relating to boards of law library trustees and law libraries.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 3, line 12, of the printed bill, to amend, after "court costs," add the approval of the county treasurer.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 713—An act to add Chapter 1a, comprising Section 1247k, to Title 9 of Part 2 of the Penal Code, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in criminal cases.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "Such rules shall take effect 90 days after their promulgation," and insert:

"The Judicial Council shall report the rules promulgated by it to the Legislature within 10 days after the Legislature convenes for its Fifty-fifth Regular Session."

The rules reported as aforesaid shall take effect on the seventh day after the day on which the Legislature convenes for its Fifty-fifth Regular Session."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 714—An act to add Chapter 1a, comprising Section 961, to Title 13 of Part 2 of the Code of Civil Procedure, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in civil actions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "Such rules shall take effect 90 days after their promulgation," and insert:

"The Judicial Council shall report the rules promulgated by it to the Legislature within 10 days after the Legislature convenes for its Fifty-fifth Regular Session."

The rules reported as aforesaid shall take effect on the ninetieth day after the day on which the Legislature convenes for its Fifty-fifth Regular Session."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 886—An act to amend Sections 2819 and 2845 of the Civil Code, relating to suretyship and guaranty.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 2819 and", and insert "Section".

Amendment No. 2

On page 1, line 1, of the printed bill, following the period after "I", strike out the balance of the line, and all of lines 2 to 20, inclusive; and in line 21, strike out "Sec. 2."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1159—An act to add Section 738a to the Code of Civil Procedure, relating to actions to quiet title to property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to amend Section 750 of the Code of Civil Procedure relating to the service and publications of summons in quiet title actions."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 14, inclusive, and insert

"SECTION 1. Section 750 of the Code of Civil Procedure is hereby amended to read as follows:

750. Within one year after the filing of the complaint, as required by the preceding section, a summons must be issued, which shall contain the matters required by Section 407 of this code, and in addition a description of the property and a statement of the object of the action. In said summons the said unknown defendants shall be designated as in the complaint, whether they are the sole defendants or not.

Within 30 days after the issuance of the summons, the plaintiff shall post or cause to be posted a copy thereof in a conspicuous place on the property.

All defendants residing in the State of California, whose place of residence is known to the plaintiff, shall be served personally, and the plaintiff, or his agent, or attorney, shall make and file an affidavit wherein there shall be stated the names of the defendants who have been served personally, if any, the names of the defendants who reside out of the State and their places of residence, if known to the plaintiff, and the names of the defendants residing in or out of the State whose place of residence is unknown to the plaintiff.

And thereupon the court or a judge thereof shall make an order directing the said summons to be served upon the defendants residing out of the State, whose place of residence is known to the plaintiff and upon the defendants residing in or out of the State, whose place of residence is unknown to the plaintiff, and upon all the unknown defendants as stated in the complaint and summons, by publication in some newspaper of general circulation printed and published in the county where the property is situated, and if there be no such paper in such county, then in some adjoining county, to be designated by the court or judge thereof, which publication

shall be for once a week for [four (4) successive weeks. . . .] Four (4) weekly publications shall be a sufficient publication of such summons [once a week]. It said summons is published in a daily newspaper, publication desired once a week for [four (4) successive weeks.] Two months shall be sufficient.

A copy of the summons, first captioned, sent by mail after the mailing of last order, properly addressed and with the postage necessary thereon prepaid, shall be sent to each of the defendants whose names are therein who reside out of the State, at their place of residence, if known, and also to the defendant whose name are therein residing in or out of the State, whose name is unknown or unknown to plaintiff, addressed to them at the county seat of the county where the action is commenced.

All such and like persons to be served shall have the same rights as they possess by law in cases of all other defendants served, save where service is made by publication, or personally, and the action shall proceed against such unknown parties in the same manner as against the defendants whose names have been returned as made by publication or personally and with this effect, that any such unknown person who has no claim against any other such person, does not possess any real property, or claim on the title thereto, shall be deemed at the time of the commencement of the action, to have been duly served in accordance with service claiming under law, and it be considered for the purposes of such action as if the action was brought against the said person for the use of his name and account service of process was obtained, notwithstanding any such unknown party may be under legal disability. Service shall be deemed complete upon the completion of the publication."

Amendments read and adopted.

Bill ordered printed, engrossed, and re-referred to Committee on Judiciary.

Senate Bill No. 891—An act making unlawful certain solicitations for funds for police organizations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 10, of the printed law, strike out the period, and insert a semicolon and

"Provided that this act shall not apply to the collection of contributions for a magazine published by any bona fide organization of bona fide members, officers, which has been in continuous existence for a period of more than 20 years, where such solicitation is approved in writing by the board or the council and the chief of police and the board of police commissioners, if there be one, of the city or county in which the person solicited is at the time of such solicitation."

Amendment read and adopted.

Bill ordered printed, engrossed, and re-referred to Committee on Judiciary.

Senate Bill No. 299—An act to amend Section 2293 of the Public Resources Code, relating to publications of the Division of Mines in the Department of Natural Resources.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1250—An act to amend Section 828 4 of the Agricultural Code, relating to standard containers for fruits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 828.4", and insert "Sections 806 and 828.4".

Amendment No. 2

In line 2 of the title of the printed bill, after "fruits", insert "and the marking and use thereof".

Amendment No. 3

On page 1 of the printed bill, after line 11, insert
"SEC. 2. Section 806 of the Agricultural Code is hereby amended to read as follows: "

806. Plums and fresh prunes shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to bruises, growth cracks, sunburn, hail, doubles, insects, or other causes.

Damage to any one plum or fresh prune is serious if it is caused by:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn affecting the flesh.

(d) Hail resulting in one or more depressions over three-sixteenths of an inch in depth or affecting more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, when one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury when 15 per cent or more of the surface of the plum or fresh prune is affected or causing one or more depressions or raised portions (clumps or welts) one-fourth of an inch or more in depth or height.

Not more than 10 per cent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause.

[Packed plums] Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

[All containers of plums and fresh prunes shall bear upon them in plain sight and in plain letters on one outside end: The name of the person who first authorized the packing of the plums and fresh prunes or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description when the plums and fresh prunes are packed in the four-basket crate or the count when packed throughout, in a straight side container.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size.]

All containers of plums and fresh prunes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) *The name of the person who authorized the packing of the plums and fresh prunes or the name under which he is engaged in business.*

(b) *A sufficiently explicit address to permit ready location of such person.*

(c) *The name of the variety of plum or fresh prunes, if known, and if not known, the words "unknown variety."*

(d) *A designation indicating the size of the plums or fresh prunes in the container as follows:*

(1) *When packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.*

(2) *When wrapped and packed throughout in a straight side container, the count.*

(3) *When packed without wrappers throughout the container or by the "face and fill" method, in any container other than the four-basket crate, the "row count" directly followed by the word "row," "rows" or the letter "R" all in like size type, or the numerical description.*

(4) *When loose in any closed container, the numerical description.*

"Row count" shall mean the number of rows of plums or fresh prunes packed laterally across the end of the container.

"Numerical description" shall mean the numerical measurement of the plum and fresh prunes which pack in the top basket of a basket or packed in the standard four-basket crate and the description. All crates the minimum dimensions are follows:

"4 x 4 size" means 14 1/2 inches minimum diameter

"4 x 5 size" means 14 1/2 inches minimum diameter

"4 x 6 size" means 14 1/2 inches minimum diameter

"4 x 6 size" means 14 1/2 inches minimum diameter

"6 x 6 size" means 14 1/2 inches minimum diameter

Other sizes have no smaller than the numerical description method found shall have proportionate minimum dimensions.

"The minimum diameter" shall mean the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line drawn from the stem end to the distal end thereof.

When the numerical description is used to determine the contents of a production the plums or fresh prunes thereon shall conform to the minimum diameter measurements for the numerical description method in the standard.

When the actual count is used to compute the contents of the container a variation of four plums or fresh prunes more or less than the number stated shall be allowed.

Plums and fresh prunes [where packed] shall be of following minimum numbers 1, 1A, 5, 6, 7, 8, 9, 12A, 12B, 14, 15, 16, 17, 18A, 2, 3, 4, 10, 11, 13.

Containers made of shall be standard for plums and fresh prunes, and shall used with a three eighths inch vent or an elastic flexible vent plate regardless of any other provision of Section 1450.

Other [size] containers may be used if successfully shown to the extent of the end which bears any marks intended to denote the measurement of such container in letters not less than one half inch in height. Arrangement optional.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Assembly Bill No. 1100—An act to amend Section 545 of the Agricultural Code, relating to cheese.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1788—An act to amend Section 421 of the Fish and Game Code, relating to sale of fish taken under sporting fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1459—An act to add Section 2924d to the Civil Code, relating to the reinstatement of a deed of trust, mortgage, chattel mortgage or contract of purchase upon which the payments have been extended, the sale postponed, the right of redemption extended or a forfeiture or termination postponed under nonjudicial acts, providing that this act shall take effect immediately and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 388—An act to amend the Probate Code, by adding Section 684 thereto, relating to the stay of payment of family allowances.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "therefrom", and insert "from an order relating thereto".

Amendment No. 2

On page 1, line 14, of the printed bill, after "payment", insert ", or any part thereof,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Call of the Senate

Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 1.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 817

Senate Bill No. 1122

Senate Bill No. 668

Senate Bill No. 1162

And reports the same correctly engrossed.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 752

Senate Constitutional Amendment No. 8

And reports the same correctly engrossed.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1212

And reports the same correctly re-engrossed.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 235

Senate Bill No. 299

Senate Bill No. 360

And reports the same correctly re-engrossed

RICHL, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1111

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 27—Approving a certain amendment to the charter of the City of Long Beach, State of Cali-

fornia, ratified by the qualified electors of said city at a special municipal election held therein on the eighteenth day of March, 1941.

Without reference to committee.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Fletcher, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL.

SACRAMENTO, April 1, 1941

Honorable Ed Fletcher, Senate Chamber,
State Capitol, Sacramento, California

SUBJECT: Lobbying and Contempt
REQUEST: No. 1898

DEAR SENATOR FLETCHER: You have handed me a telegram and letter asking me for an opinion as to what can be done with relation to it.

The telegram referred to is in words and figures as follows:

"Membership of Local 526, Stationary Engineers, voted unanimously at special meeting tonight to demand our membership in 25 days. The meeting and work for the defeat of any Senator or Assemblyman who signs the Assembly Bill No. 1545, Senate Bills Nos. 180, 877, 974, 975, 990. We vigorously request your vote against these rogues and labor laws."

JAMES A. THOMPSON, Business Representative
International Union of Operating Engineers Local No. 526

It seems desirable to consider this matter first under the heading of

Lobbying

By Section 35 of Article IV of our Constitution it is provided that:

"Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying which is hereby declared a felony."

By Section 18 of the Penal Code it is provided that:

"Except in cases where a definite punishment is prescribed by any law of this State, every offense declared to be a felony is punishable by imprisonment in any of the State prisons, not exceeding five years."

Section 85 of the Penal Code declares that:

"Every person who * * * attempts by menace, * * * or any corrupt means, to influence a member in going or attending his term, or in not attending the house or any committee of which he is a member, is punishable by imprisonment in the State prison not less than one nor more than 10 years."

The employment of persons to influence legislation in the departments of political departments is not always improper. The courts approve the appointment before legislative bodies or their committees of hired agents to appear before or oppose bills that are pending, but condemn the use of persons of secret or sinister influence, as being contrary to good morals and public policy. *Connelly vs. International Irrigation District*, 200 Cal. 318. Such approved action, however, does not constitute "lobbying" as this term is used in the Constitution. In *Le Tasson vs. Gilles*, 1 Cal. App. 546 at page 550, the court said:

"The term 'lobbying' has a well defined meaning in this country and signifies to address or solicit members of a legislative body in the house or elsewhere with the purpose of influencing their votes. * * *. It is not the policy of the law that the members of the Legislature should be solicited by the personal solicitation during the session of experienced and paid lawyers."

In the present case there appears to have been addressed to a duly elected and acting member of the Senate of California, at the time in session in Sacramento, while he was in attendance in the discharge of his official duty, and delivered to him in the Senate Chamber the above telegraphic message.

Whether or not this would be held to be lobbying under the above definition and thus to fall under the condemnation of the section of the Constitution above quoted, it was plainly meant to convey to the member of the Senate who received it the threat that if he voted in favor of the bills specified he would be opposed by the organized opposition of a specific body if he should again seek election as a member of the Legislature. In other words this appears to be an attempt to influence the member's vote on specified bills by a threat to seek his defeat should he again ask the franchise of his constituents—an attempt to stifle the free exercise

of his judgment pursuant to his oath of office by the threat to use organized opposition to deprive him of a right which is the property of every good citizen. This may be construed as "intimidation" which is one of the methods condemned by Section 35 of Article IV of the Constitution, or as a "menace" which is made punishable by Section 85 of the Penal Code.

In *Baldwin vs. Escanaba Liquor Dealers' Association*, 165 Michigan 98, the Supreme Court of Michigan declared that:

"Intimidation within the meaning of the law is not necessarily limited to threats of violence to persons or property."

In *Vigeland vs. Guntner*, 167 Mass. 92, at page 98, Justice Allen, delivering the opinion of the court, used virtually the same language and said further:

"There may be a moral intimidation which is illegal."

In *Allis-Chalmers Company vs. Iron Molders Union, etc.*, 150 Fed. 155, at page 173, Judge Sanborn, one of the most eminent of Federal judges, said:

"I understand the word intimidation to denote two kinds of coercion * * * (2) request or persuasion by or on behalf of a combination of persons to do or not to do something, resulting in coercion of the will from the mere force of numbers."

This situation may now be considered in the aspect of

Contempt

Whether traceable to the exemplary conduct of our citizens or to the forbearance of members of the Legislature or to some other cause, instances of punishment by the Legislature for contempt, except in the case of the refusal of witnesses to testify or to obey subpoena, are exceedingly rare. Consequently precedents pertinent to the present question are correspondingly scarce. Our Penal Code, however, expressly declares that that code

"does not affect any power conferred by law upon any public body, tribunal or officer to impose or inflict punishment for a contempt."

Beyond provisions relating to neglect of witnesses to obey subpoenas and the refusal to testify, our Political Code does not prescribe the method of dealing with contempts of the Legislature. The reason for this is undoubtedly reliance on the inherent power of the Legislature to deal with such matters.

The privilege of members from arrest (as provided in Section 11, Article IV of the Constitution) and other provisions and rules existing for the protection of members, some of which are inherent in legislative bodies, and have existed since the earliest history of such bodies, are provided, not for the protection of the individual member as a citizen, but for the protection of his representative capacity, in the interest of the people, and that he may be free to act in such capacity and to exercise calm and deliberate judgment on public questions. And so a representative body has "the power to punish as contempts those acts of members or others which tend to obstruct the performance of legislative duty, or to defeat, impede, or embarrass the exercise of legislative power." *Cooley's Constitutional Limitations*, 273, citing *Kilbourn vs. Thompson*, 103 U. S. 168.

Whether or not a contempt has been committed depends not on the intention of the party charged, but on the acts he has done. Per Chief Justice Taney in *Wartman vs. Wartman*, 29 Fed. Cas. No. 17210.

Conclusion

If the acts in this case constitute lobbying by intimidation under the language of the Constitution, the matter could be properly dealt with by the district attorney of the appropriate county, acting on his own initiative or on the representation of the Attorney General.

We think the acts disclosed here fall under the condemnation of both Section 35 of Article IV of the Constitution and Section 85 of the Penal Code.

Whether or not such acts constitute a contempt, and if so, the punishment therefor, it is for the Legislature to decide after notice and hearing.

If it appears that there have been other instances of this kind it may be desirable to have an investigation of the circumstances made by a committee of the Assembly who should report to that body findings and recommendations.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By ARTHUR P. WILL, Consultant

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.55 p.m., on motion of Senator Tickle, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Demel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Juwich, Kuchel, Kenny, Kuchel, Luckey, Mayo, McBride, McCormick, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—37.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 485—An act to add Sections 4026, 4026.1, 4026.2 and 4026.3, to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 485?

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, strike out "In the event that" and insert "Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense."

Amendment No. 2

On page 1, line 6, of the printed bill, as amended, after "provided", insert "who"

Amendment No. 3

On page 1, line 7, of the printed bill, as amended, strike out "he"

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 12 and 13, and insert "registered mail, within 90 days of the termination of the war or within 90 days of the finding and proclamation by the Governor that the emergency no longer exists or within 90 days after the termination of the emergency made during such war or emergency."

Amendment No. 5

On page 1, line 16, of the printed bill, as amended, strike out "In the event that" and insert "Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense."

Amendment No. 6

On page 1, line 18, of the printed bill, as amended, after "prescribe", insert "who"

Amendment No. 7

On page 1, line 20, of the printed bill, as amended, strike out "he".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 4 and 5, and insert "personally or by registered mail within 90 days of the termination of the war or within 90 days of the finding and proclamation by the Governor that the emergency no longer exists, or within 90 days after the termination of the emergency made during such war or emergency."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 485 by the following vote:

AYES—None.

NOES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Juwich, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Tickle—27.

Appointment of Committee on Conference Concerning Senate Bill No. 485

The Committee on Rules announced the appointment of Senators Myhand, Quinn and Tickle as a Committee on Conference concerning Senate Bill No. 485.

THIRD READING OF SENATE BILLS

Senate Bill No. 563—An act to amend Section 67.1 of the Alcoholic Beverage Control Act, relating to the tax on wine used for industrial purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Wagy—27.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 760—An act to amend Sections 7110 and 7113 of the Business and Professions Code, relating to the regulation of contractors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 761—An act to add Sections 7028.5, 7065.5, 7074, 7106.5, 7121 and 7137, and Article 9, consisting of Sections 7140 to 7145, inclusive, to Chapter 9 of Division 3 of, and to amend Sections 7002, 7026, 7059, 7068, 7069 and 7090 of, and to repeal Sections 7055, 7056, 7057, 7058, 7074, 7137, 7138 and 7139 of, the Business and Professions Code, relating to the regulation of contractors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Wagy—27.

NOES—Senators Gordon, Kuchel, Metzger, Tickle, and Ward—5.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article I thereof, relating to grand juries.

Resolution read.

Previous Question

Senator Myhand moved the previous question.

Motion carried.

The question being on the adoption of Senate Constitutional Amendment No. 11.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Carter, Dillinger, Fletcher, Foley, Garrison, Jespersen, Kenny, Phillips, Quinn, Slater, Swan, Wagy, and Ward—13

NOES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Michaud, Parkman, Powers, Seawell, Swing, and Tickle—20

Motion to Re-refer Senate Bill No. 752

Senator Garrison moved that Senate Bill No. 752 be re-referred to Committee on Judiciary.

Motion carried.

Motion to Refer Bill to Inactive File

Senator Biggar moved that Senate Bill No. 463 be placed on the inactive file.

Motion carried.

Motion to Re-refer Senate Bill No. 463

Senator Metzger moved that Senate Bill No. 463 be re-referred to Committee on Public Health and Safety.

Motion carried.

Senate Bill No. 1253—An act to amend Section 10551 of the Health and Safety Code, relating to evidentiary effect of copies of birth, marriage or death records.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 16: By Senator Metzger: Relative to memorializing Congress to appropriate thirty-eight million seven hundred fifty thousand dollars (\$38,750,000) for the Central Valley Project as recommended by President Roosevelt.

Request for Unanimous Consent

Senator Metzger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 16, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 16

Senate Joint Resolution No. 16—Relative to memorializing Congress to appropriate thirty-eight million seven hundred fifty thousand dollars (\$38,750,000) for the Central Valley Project as recommended by President Roosevelt.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel,

Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1009—An act to validate the organization and existence of municipal utility districts organized pursuant to an act of the Legislature approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation, and government of municipal utility districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Carter moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1005 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Carter moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 725 was passed.

The roll was called, and Assembly Bill No. 725 refused reconsideration by the following vote:

AYES—Senators Riggat, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Mayo, Powers, Quinn, Slater, Swan, and Tickle—14.

NOES—Senators Breed, DeLap, Foley, Jespersen, Judah, Keating, Kuchel, McBride, Mixter, Parkman, Phillips, Rich, Seawell, Wagy, and Ward—15.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 1005 was passed.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1005 was passed, was continued until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1098—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Judah, Kenny, Kuebel, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Tickle, Wagy, and Ward—23.

NOES—Senators Carter, Dillinger, Foley, Garrison, Keating, Quinn, Slater, and Swan—8.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1212—An act to amend Sections 1, 2 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to farm debt adjustment, including extension of the period of existence of the California Farm Debt Adjustment Commission, membership upon and appointment to the commission, and further definition of the powers and duties of the commission, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 538—An act to amend School Code Section 6.320, relating to the ordering of State textbooks by heads of State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey,

Mayo, McBride, McCormack, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 233—An act to amend School Code Sections 3.618 and 3.624, relating to the average daily attendance of physically handicapped pupils of the public schools.

Bill read third time.

Motion to Amend

Senator Slater moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, beginning in line 1, strike out "4.783, 4.795, 4.874,".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "4.886".

Amendment No. 3

In line 3 of the title of the printed bill, as amended, strike out "Sections 3.625 and 3.626", and insert "Section 3.625".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out all of lines 15 to 46, both inclusive.

Amendment No. 5

On page 2, line 47, of the printed bill, as amended, strike out "Sec. 6.", and insert "Sec. 3."

Amendment No. 6

On page 3 of the printed bill, as amended, strike out all of lines 5 to 14, both inclusive.

Amendment No. 7

On page 3, line 15, of the printed bill, as amended, strike out "Sec. 8.", and insert "Sec. 4."

Amendment No. 8

On page 3, line 23, of the printed bill, as amended, strike out "Sec. 9.", and insert "Sec. 5."

Amendment No. 9

On page 3 of the printed bill, as amended, strike out all of lines 34 to 51, both inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 679—An act to amend Sections 820, 822 and 823 of, and to add Section 820.5 to, the Streets and Highways Code, relating to cooperation with the United States, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 360—An act to add Part 2, comprising Chapters 1 to 4, inclusive, Sections 16600 to 17101, inclusive, to Division 7, and to add Section 30028 to Division 30 of the Business and Professions Code thereby consolidating and revising the law relating to the presentation and regulation of competition, and repealing acts and parts of acts specified herein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Denei, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rice, Sewell, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 241—An act to amend Section 764 of the Probate Code, relating to sales of real and personal property in probate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Denei, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rice, Sewell, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 27, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 27

Assembly Concurrent Resolution No. 27—Approving a certain amendment to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighteenth day of March, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Denei, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rice, Sewell, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 668—An act to amend Section 587 of the Probate Code, relating to the powers and duties of executors and administrators.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Denei, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo,

McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2144—An act to amend Section 2246 of the Business and Professions Code, relating to instruction in chiropody.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2145—An act to add Section 2410 to the Business and Professions Code, relating to the advertising of chiropodial services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—Senator Mayo—1.

Bill ordered transmitted to the Assembly.

Motion to Refer Bill to Inactive File

Senator Luckey moved that Assembly Bill No. 566 be placed on the inactive file.

Motion carried.

Motion to Re-refer Assembly Bill No. 1614

Senator Wagy moved that Assembly Bill No. 1614 be re-referred to Committee on Governmental Efficiency.

Motion lost.

Assembly Bill No. 1199—An act to amend Sections 7921 and 7961 of the Elections Code, relating to the canvass of returns by the registrar of voters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1202—An act to add Section 7799 to Article 1 of Chapter 6 of Division 9 of the Elections Code, relating to the counting and canvassing of absent voter ballots by the registrar of voters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tackle, Waggy, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1403—An act to add Section 383.5 to the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Waggy, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2298—An act to amend Section 10270 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Waggy, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1404—An act to amend Sections 5050.5, 5057, 5058, 5090, 7031, 7088 and 9031 of, and to add Section 5090.2 to, the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Waggy, and Ward—24.
NOES—None.

Bill ordered transmitted to the Assembly.

INACTIVE FILE

Senate Bill No. 1273—An act to amend Section 3840½ of the Political Code, relating to clerks in county treasurers' offices to attend to reclamation district assessments and obligations.

Bill read.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Senate March 10, 1941, after "county", insert a period, and strike out "as provided by Section 3840½."

Amendment No. 2

On page 1, line 13, of the printed bill, as amended in the Senate March 10, 1941, strike out all of lines 13 to 22, inclusive; and on page 2, strike out lines 1 to 21, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 16

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 522

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 133

Assembly Bill No. 1200

Assembly Bill No. 1201

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Senate Bill No. 827

Senate Bill No. 828

Assembly Bill No. 1562

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

WAGY, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 223

Has had the same under consideration and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

WAGY, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 741

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

WAGY, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Senate Bill No. 1144

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 987

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Chairman

Above reported bill ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 665

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 92

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 825

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 1270

Senate Bill No. 1271

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1302	Assembly Bill No. 890
Senate Bill No. 1306	Assembly Bill No. 1022
Assembly Bill No. 112	Assembly Bill No. 1023
Assembly Bill No. 95	Assembly Bill No. 1388
Assembly Bill No. 223	

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 584	Senate Bill No. 1276
Senate Bill No. 783	Assembly Bill No. 1653

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 788

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 543

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 8; noes 1; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 171
Senate Bill No. 971
Assembly Bill No. 664

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 843

Has had the same under consideration, and reports the same back with the recommendation: Be adopted, and be re-referred to Committee on Governmental Efficiency.

SLATER, Chairman

Above reported bill re-referred to Committee on Governmental Efficiency.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 54

Senate Bill No. 504

Senate Bill No. 364

Senate Bill No. 667

Senate Bill No. 366

Senate Bill No. 1297

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Concurrent Resolution No. 23—Mourning the death of Chris Merchut, member of the State Board of Prison Directors;**Senate Joint Resolution No. 14**—Relative to memorializing Congress to allocate funds in surplus marketing budget for 1942 to California fruit growers because of loss of normal export markets due to the war.**Senate Joint Resolution No. 13**—Memorializing the President and Congress to enact legislation proposed by U. S. Senate Bill No. 710, providing a basis of recovery for claims of California Indians based on early treaty arrangement.

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of April, 1941, at 2 p.m.

RICH, Chairman

ADJOURNMENT

At 5.35 p.m., on motion of Senator Swing, the President pro tempore declared the Senate adjourned until 11 a.m., April 4, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY

EIGHTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 4, 1941

The Senate met at 11 a.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Collier, Dillinger, Foley, Gordon, Judah, Keating, Kuehl, Luckey, Mayo, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—21

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day.

Senator Brown, on motion of Senator Breed.

Senator Jespersen, on motion of Senator Judah.

Senator Parkman, on motion of Senator Ward.

Senator Cunningham, on motion of Senator Biggar.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Phillips, Swan and Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Professor H. W. Bradley of Stanford University, Palo Alto.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Toland McGettigan of Santa Rosa.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. R. Deering, Rural Supervisor of Schools for Siskiyou County, of Yreka.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Abby, District Attorney, and F. H. Kraft, both of San Diego.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John T. McTernan of San Francisco.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.02 a.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 522—An act to amend Section 2837 of the Elections Code, relating to county central committees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "The number of"; and strike out lines 7 and 8, and insert "There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the State who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided".

Amendment No. 2

On page 1, lines 9 and 10, of the printed bill, strike out "for Governor in that county", and insert "in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 827—An act to amend Section 4155 of the Public Resources Code of the State of California, relating to the operation of stationary engines in any woods operation, located in any forest or brush covered land, and limiting the application of the act to wood-burning steam-operated stationary engines.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 828—An act to amend Section 4157 of the Public Resources Code of the State of California, relating to the operation of steam-operated donkey, stationary engine, locomotive or loader in any forest or brush covered land and excluding the use and operation of internal combustion engines from the provisions of said section.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 741—An act to amend Sections 20743, 20744, 20746, 20751, 20880, 20888, 20930 and 20956 of, to repeal Sections 20809, 20826, 20840, 20849, 20860, 20866, 20892, 20910, 20911 and 20950 of, and to add Sections 20704, 20705, 20706, 20707, 20708, 20800, 20826, 20840, 20849, 20860, 20866, 20882 1/2, 20892, 20911 and 20950 to the Business and Professions Code, relating to sales of petroleum products.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 5, line 37, of the printed bill, after "letters", insert "and numerals."

Amendment No. 2

On page 8 of the printed bill, strike out all of lines 31 to 35 inclusive, and insert "advertising labels, signs or literature to be a product with a brand name or trade name other than the brand name or trade name as specified by the purchaser or intended purchaser. It is unlawful to sell, offer for sale or attempt to sell to a purchaser or intended purchaser a motor oil or lubricating oil with an S. A. E. (Society of Automotive Engineers) number classification other than the S. A. E. number classification as specified by the purchaser or intended purchaser."

Amendment No. 3

On page 9, line 14, of the printed bill, immediately preceding "Upon", insert "20956."

Amendment No. 4

On page 4, line 42, of the printed bill, after the prefix "S. A. E.", insert "Lubricating oils or motor oils which have a viscosity index in excess of 120 units based in accordance with the Deane and Davis method as published in the *Chemical and Meteorological Magazine* of October, 1929, may be labeled without the designation of the S. A. E. number classification as required in this section."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1144—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 6, of the printed bill, after the comma, insert "the second or other subsequent judgment shall direct whether".

Amendment No. 2

On page 1 of the printed bill, strike out lines 9 to 26, inclusive, and insert "run concurrently, or whether the imprisonment to which he is or has been sentenced upon the second or other subsequent conviction shall commence at the termination of the

first term of imprisonment to which he has been sentenced, or at the termination of the second or subsequent term of imprisonment to which he has been sentenced, as the case may be. In the event that the court at the time of pronouncing the second or other judgment upon such person had no knowledge of a prior existing judgment or judgments, then, upon such prior judgment or judgments being brought to the attention of the court at any time prior to the expiration of 60 days from and after the actual commencement of imprisonment upon the second or other subsequent judgments, the court shall determine how the term of imprisonment upon said second or other subsequent judgment shall run with reference to the prior incomplete term or terms of imprisonment. Unless otherwise specified in the second or subsequent judgment, said terms shall run concurrently."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 987—An act to amend Section 52.2 of, and to add Section 57.7 to, the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 92—An act to add Section 45.12 to the California Unemployment Insurance Act, relating to refunds to workers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 45.12 to the California", and insert "amend Section 44.2 of the".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "refunds to workers", and insert "workers contributions".

Amendment No. 3

On page 1 of the printed bill, strike out line 1, and insert
"SEC. 1. Section 44.2 of the Unemployment Insurance Act is hereby amended to read as follows:

Sec. 44.2. (a) Commencing January 1, 1940, the provisions of Section 44 of this act requiring the payment of workers contribution shall not apply to that part of wages which, after wages equal to three thousand dollars (\$3,000) has been paid to a worker by an employer with respect to employment during any calendar year, is paid to such worker by such employer with respect to employment during such calendar year.

(b) If any worker renders service in employment for more than one employer in any calendar year after 1941 and if the worker has received more than three thousand dollars (\$3,000) with respect to employment for employers during such year, the worker shall not be required to make any contribution under this act during the balance of the calendar year with respect to wages paid by an employer whom he notifies that he has previously during the calendar year been paid wages in excess of three thousand dollars (\$3,000) in employment for employers. The employer notified shall apply to the commission for a verification thereof. The commission shall immediately verify such fact for the employer and in such event the employer shall make no further deductions from wages paid to such worker. Failure of the worker to notify an employer that he has earned in excess of three thousand dollars (\$3,000) in employment for employers during the calendar year shall not release the wages of the worker from any particular employer from the tax under Section 44 during the calendar year until such employer has paid such worker in an amount in excess of three thousand dollars (\$3,000). Failure of an employer to verify the fact contained in the notice shall subject the employer to personal liability for the worker's contribution. In no event shall the verification of the commission disclose more than that the worker has been paid wages in excess of three thousand dollars (\$3,000) in employment for employers during the calendar year."

Amendment No. 4

On page 1 of the printed bill, strike out all of lines 2 to 21, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 665—An act to add Section 57.6 to the Unemployment Insurance Act, relating to qualification for benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 9, inclusive, and insert:

"Sec. 57.6. An individual shall not be eligible for benefits for any week with respect to which he is receiving or has received remuneration in the form of retirement pay or pension under a plan whereby the employer has contributed an equal portion of the money.

This disqualification does not apply with respect to benefits earned solely on the basis of wages earned subsequent to the commencement of such retirement pay or pension.

If the retirement pay or pension is less than his weekly benefit amount, an otherwise eligible individual shall not be deemed ineligible and shall be entitled to benefits for such week benefits reduced by the amount of the retirement pay or pension, but with respect to each such week in which the individual does draw benefits, the maximum benefit amount to which such individual otherwise would be entitled shall be reduced not only by the amount of benefit so paid but also by the amount of such payment, in the same manner and to the same extent as though such payment had been a payment of unemployment insurance benefits."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Senate Bill No. 825—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employment.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to 30, inclusive, and insert:

"(a) (1) "Seasonal occupation" is any employment in a phase of an employer's or group of employer's activities if that employer or group of employers is engaged in the canning, packing or processing of agricultural products or of fish, and if that phase is one in which the worker or workers employed in such phase are customarily employed only during a regularly recurring period or periods of not more than 40 weeks within any calendar year.

(2) A "seasonal worker" is any individual 75 per cent or more of whose base period earnings were derived from employment in one or more seasonal occupations.

(3) The commission shall, upon its own motion, or upon the application of any employer, after due notice and hearing, determine the date of beginning and of the duration of the season or seasons with respect to each seasonal occupation in each locality within the State. Such determination shall be effective at the beginning of the next following quarter and shall be so effective for two years thereafter. The commission shall redetermine the date of beginning and the duration of such seasons at the expiration of such two-year period and may, upon its own motion, or upon application of any employer, after due notice and hearing, make such redetermination prior to the expiration of such two-year period. In any determination or redetermination the commission shall classify seasonal occupations with due regard to the

nature of the work performed and the operating conditions in the establishment within which such work is performed, and may determine the season or seasons with respect to each such occupation in each establishment separately if necessary.

(b) A seasonal worker who is unemployed during any period or periods falling within the determined season for any seasonal occupation in which such worker shall have earned wages during his base period shall be entitled during such unemployment to receive his "seasonal benefits" provided he is in all other respects eligible to receive benefits.

(c) A seasonal worker who is unemployed during any period or periods not falling within the determined season for any seasonal occupation in which such worker shall have earned wages during his base period shall be entitled during such unemployment to receive his "nonseasonal benefits" provided he is in all other respects eligible to receive benefits.

(d) A seasonal worker shall be entitled to benefits only as provided in this section. Upon application for benefits filed by any seasonal worker the commission shall determine the maximum benefit amount and the weekly benefit amount to which such worker would otherwise be entitled as provided in Sections 53 and 54 of this act. The maximum seasonal benefit amount of such worker shall be that proportion of such maximum benefit amount as the earnings of such worker from seasonal employment during his base period bear to such worker's total earnings during his base period. The maximum nonseasonal benefit amount shall be such proportion of such maximum benefit amount as the earnings of such worker from nonseasonal employment during his base period bear to such worker's total earnings during his base period. The weekly benefit amount for any such worker shall be the amount determined for him as provided in Section 54 without regard to whether his base period earnings were earned in seasonal or nonseasonal occupations."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Senate Bill No. 1270—An act to amend Section 2224 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections 2181 and".

Amendment No. 2

On page 1, line 1, of the printed bill, after "SECTION 1.", insert "Section 2181 of the Welfare and Institutions Code is hereby amended to read as follows:

2181. The board of supervisors, directly or through an authorized investigator, shall upon receipt of an application for aid, promptly, without any unnecessary delay, and with all diligence, make the necessary investigation. Such investigation shall be completed within 90 days after receipt of the application.

The board shall upon receipt of the report of the investigation [decide upon the amount of aid, if any.] *determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The degree of liability of the responsible relative to be determined by "Relatives' Contribution Scale."* In determining need, the financial circumstances and ability of responsible relatives shall be given due consideration and such variances from said "Relatives' Contribution Scale" may be made as the board of supervisors may deem justifiable.

RELATIVES' CONTRIBUTION SCALE

A. Net monthly income of responsible relatives in one family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
C. Maximum required monthly contribution										
Under \$75	0	0	0	0	0	0	0	0	0	0
\$75-84	0	0	0	0	0	0	0	0	0	0
85-94	0	0	0	0	0	0	0	0	0	0
95-104	5	0	0	0	0	0	0	0	0	0
105-114	8	0	0	0	0	0	0	0	0	0
115-124	12	0	0	0	0	0	0	0	0	0
125-134	17	0	0	0	0	0	0	0	0	0
135-144	23	0	0	0	0	0	0	0	0	0
145-154	30	5	0	0	0	0	0	0	0	0
155-164	35	10	0	0	0	0	0	0	0	0
165-174	40	15	0	0	0	0	0	0	0	0
175-184	45	20	5	0	0	0	0	0	0	0
185-194	50	25	10	0	0	0	0	0	0	0
195-204	55	30	15	5	0	0	0	0	0	0
205-214	60	35	20	10	0	0	0	0	0	0
215-224	65	40	25	15	5	0	0	0	0	0
225-234	70	45	30	20	10	0	0	0	0	0
235-244	75	50	35	25	15	5	0	0	0	0
245-254	80	55	40	30	20	10	0	0	0	0
255-264	80	60	45	35	25	15	0	0	0	0
265-274	80	65	50	40	30	20	5	0	0	0
275-284	80	70	55	45	35	25	10	0	0	0
285-294	80	75	60	50	40	30	15	5	0	0
295-304	80	80	65	55	45	35	20	10	0	0
305-314	80	80	70	60	50	40	25	15	5	0
315-324	80	80	75	65	55	45	30	20	10	5
325-334	80	80	80	70	60	50	35	25	15	10
335-344	80	80	80	75	65	55	40	30	20	15
345-354	80	80	80	80	70	60	45	35	25	20
355-364	80	80	80	80	75	65	50	40	30	25
365-374	80	80	80	80	80	70	55	45	35	30
375-384	80	80	80	80	80	75	60	50	40	35
385-394	80	80	80	80	80	80	65	55	45	40
395-404	80	80	80	80	80	80	70	60	50	45
405-414	80	80	80	80	80	80	75	65	55	50
415-424	80	80	80	80	80	80	80	70	60	55
425-434	80	80	80	80	80	80	80	75	65	60
435-444	80	80	80	80	80	80	80	80	70	65
445-454	80	80	80	80	80	80	80	80	75	70
455-464	80	80	80	80	80	80	80	80	80	75
465 or over	80	80	80	80	80	80	80	80	80	80

SEC. 2."

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 19, inclusive; and in line 20, strike out "support of the recipient of aid," and insert:

"2224. The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid.

If the applicant or recipient of aid has a spouse or adult child, that spouse or child shall file a sworn statement indicating whether he or she is contributing to the support of the applicant or recipient of aid, and if contributing, in what form and amount per month.

Upon request of the board of supervisors, the spouse or adult child shall file such sworn statement within 10 days if living in the county, or within 30 days if living elsewhere in the State.

Every person requested to file such a sworn statement, who fails or refuses to do so within the time prescribed, without an adequate or reasonable excuse for such failure or delay, is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25), or by imprisonment in the county jail of not less than five (5) days.

If the person receiving aid has within the State, a spouse or adult child pecuniarily able to support said person,".

Amendment No. 4

On page 2 of the printed bill, strike out lines 10 to 20, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Senate Bill No. 1271—An act to amend Section 58 and to repeal Section 55 of the Unemployment Insurance Act, relating to eligibility for benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 and 4.

Amendment No. 2

On page 1 of the printed bill, strike out line 8, and insert "and for the seven weeks which immediately follow such week."

Amendment No. 3

On page 1, line 11, of the printed bill, strike out "five", and insert "seven".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Senate Bill No. 1302—An act to amend Section 718 of the Civil Code, relating to the leasing by municipalities, or departments or boards thereof, of property owned thereby, or held thereby, or under the management and control thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1306—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 584—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to provide for the joint exercise of powers by public agencies and defining public agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In lines 4 and 5 of the title of the printed bill, strike out "provide for the joint exercise of powers by public agencies" and insert "extend the provisions of the act to other public agencies including a county, city and county, city, public corporation, municipal corporation and public district,".

Amendment No. 2

On page 1, line 9, of the printed bill, strike out "the State,".

Amendment No. 3

On page 1, line 11, of the printed bill, after "tion", strike out the comma, and insert "or".

Amendment No. 4

On page 1, line 11, of the printed bill, strike out the comma after "district", and insert a period; and strike out the balance of line 11, and all of line 12.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 783—An act to amend Section 4288 of the Political Code, relating to the payment of the salaries of county officers, deputies, clerks and employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 24, of the printed bill, strike out "shall", and insert "may, if the board of supervisors, by ordinance, so provides."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1276—An act to amend Section 4251 of the Political Code, relating to the compensation for public services in counties of the twenty-second class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 8, of the printed bill, after "annum.", insert

"If the board of supervisors in any year shall order or direct the auditor to prepare and file its annual statistical report, on performing such services and in that event, he shall be allowed the further sum of three hundred dollars (\$300), payable upon the completion and acceptance of the report, and if the report is mailed throughout the county by the auditor, he shall be allowed the further sum of three hundred dollars (\$300)."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 171—An act to amend Section 2461 of, to repeal Sections 2462, 2463, 2464 and 2465 of, and to add a new section to be numbered 2462 to, the School Code, all relating to annexation of elementary school districts on petition from a high school board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 971—An act relating to the education of persons in connection with programs of National defense, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 788—An act to amend Section 5540 of the School Code, relating to physical examinations of teachers for active tuberculosis.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, lines 9 and 10, of the printed bill, strike out "competent medical authority", and insert "a physician and surgeon licensed under the chapter on medicine of the Business and Professions Code".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 133—An act to amend Sections 2604 and 2617 of the Elections Code, relating to nominations and sponsors' certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1200—An act to add a new section to the Elections Code, to be numbered 7803.1, relating to the canvass of absent voters ballots.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1201—An act to amend Section 7805 of the Elections Code, relating to challenges of absent voters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1562—An act to amend Section 5440 of the Public Resources Code and to add Sections 5455 to 5458, both inclusive, thereto, relating to county recreation districts, authorizing the borrowing of money for improvements and equipment and providing for the annexation of territory thereto, and, in addition, to validate the organization, boundaries, trustees, acts, proceedings and bonds of such districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 112—An act to amend Section 4 of an act entitled "An act to provide for the issuance of duplicates of bonds, warrants, and other evidences of indebtedness of counties and municipal and other public corporations," approved June 10, 1933, relating to duplicate bonds, warrants and other evidences of indebtedness, including the filing thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 95—An act to amend Section 737hb of the Political Code, relating to compensation of the judges of the Superior Court in and for the County of Sacramento.

Bill read second time, and ordered to third reading.

Assembly Bill No. 223—An act to amend Sections 737e and 737v of the Political Code, relating to the salaries of judges of the superior court.

Bill read second time, and ordered to third reading.

Assembly Bill No. 890—An act to amend Section 103c of the Code of Civil Procedure, providing for justice's clerks and deputy clerks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1022—An act to amend Section 853 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to bonds of city clerks and city treasurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1023—An act to amend Section 855 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the compensation of city clerks and city treasurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1388—An act providing for the creation of county treasurers' cash difference funds and coverage funds in the counties of the State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1653—An act providing for the establishment and administration of industrial farms and houses of correction in cities of the first and one half class, the commitment of persons therein, the discipline of persons committed therein, and providing for the working of persons committed to such industrial farms and houses of correction and to city jails in cities of the first and one-half class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 5, line 15, of the printed bill, as amended, after the period, insert: "No persons, other than prisoners, shall be employed at such institution, farm or house of correction except as guards, in a supervisory capacity or in the maintenance of such institution."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 664—An act to add Article 4 to Chapter 6 of Part 2 of Division 6 of the School Code, relating to the providing of educational facilities for pupils in the public schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 543—An act to add Sections 3.123, 3.174, 3.302 and 3.372 to the School Code, all relating to the admission of persons to the public schools of this State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "are", and insert "may or may not be".

Amendment No. 2

On page 1, line 13, of the printed bill, strike out "and apportionments," and strike out line 14, and in line 15, strike out "person".

Amendment No. 3

On page 1, line 22, of the printed bill, after "year.", insert "The attendance of such pupil shall not be included in computing the average daily attendance of a kindergarten for the purpose of obtaining apportionment of State funds."

Amendment No. 4

On page 2, line 1, of the printed bill, strike out "are", and insert "may or may not be".

Amendment No. 5

On page 2, lines 10 and 11, of the printed bill, strike out "and apportionments received from the State on account of the attendance of such person".

Amendment No. 6

On page 2, line 18, of the printed bill, after "year.", insert "The attendance of such pupil shall not be included in computing the average daily attendance of an elementary school for the purpose of obtaining apportionment of State funds."

Amendment No. 7

On page 2, line 23, of the printed bill, strike out "are", and insert "may or may not be".

Amendment No. 8

On page 2, lines 31 and 32, of the printed bill, strike out "and apportionments received from the State on account of the attendance of such person".

Amendment No. 9

On page 2, line 39, of the printed bill, after "year.", insert "The attendance of such pupil shall not be included in computing the average daily attendance of a high school for the purpose of obtaining apportionment of State funds."

Amendment No. 10

On page 2, line 44, of the printed bill, strike out "are", and insert "may or may not be".

Amendment No. 11

On page 2, line 52, and on page 3, line 1, of the printed bill, strike out "and apportionment received from the State on account of the attendance of such person".

Amendment No. 12

On page 3, line 8, of the printed bill, after "year.", insert "The attendance of such pupil shall not be included in computing the average daily attendance of a junior college for the purpose of obtaining apportionment of State funds."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 363

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 233

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 124

Senate Bill No. 273

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; noes 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 88
Assembly Bill No. 339
Assembly Bill No. 625

Assembly Bill No. 665
Assembly Bill No. 1510
Assembly Bill No. 1698

ARTHUR A. OJINIMUS, Chief Clerk of the Assembly
By ROBERT J. FISKE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 39
Assembly Constitutional Amendment No. 5
Assembly Constitutional Amendment No. 9
Assembly Constitutional Amendment No. 19

ARTHUR A. OJINIMUS, Chief Clerk of the Assembly
By ROBERT J. FISKE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 88—An act to amend Section 470 of the Civil Code by clarifying the language thereof with respect to certain restrictions on the power of railroad corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 339—An act to add a new section to the Penal Code of the State of California, to be known as Section 1309, relating to the escheat of certain money deposited as bail.

Referred to Committee on Judiciary.

Assembly Bill No. 625—An act to amend Section 1946 of the Civil Code, relating to hiring of real property.

Referred to Committee on Judiciary.

Assembly Bill No. 665—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Referred to Committee on Fish and Game.

Assembly Bill No. 1510—An act to provide for the taking of an oath by State employees not in the State civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1698—An act to describe, define and officially adopt a system of coordinates for designating and stating positions of points on the surface of the earth within the State of California.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 39—Relative to memorializing the President and the Secretary of State of the United States in regard to reciprocal border rights of American citizens and Mexican citizens.

Referred to Committee on Fish and Game.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California to amend Section 3 of

Article IV of the Constitution of said State, relating to the term of office of members of the Assembly.

Referred to Committee on Governmental Efficiency.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IV thereof a new section to be numbered 25½, relating to fish and game and funds received in connection therewith.

Referred to Committee on Fish and Game.

Assembly Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 31c of Article IV thereof, relating to ownership of stock by school districts.

Referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1188
Senate Bill No. 1189
Senate Bill No. 1190
Senate Bill No. 1192
Senate Bill No. 1193

Senate Bill No. 1194
Senate Bill No. 1195
Senate Bill No. 1196
Senate Bill No. 1197

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 133
Senate Bill No. 1191
Senate Bill No. 1250

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.20 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

THIRD READING OF SENATE BILLS

Senate Bill No. 54—An act to amend Sections 271 and 290, and to repeal Section 168, of the Fish and Game Code, relating to Silver Lake Game Refuge.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Dillinger, Foley, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—22

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 364—An act to add Chapter 5 to Division 3 of the Business and Professions Code, consisting of Sections 6300 to 6365, inclusive, and to repeal Sections 4190 to 4204, inclusive, of the Political Code, relating to boards of law library trustees and law libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Dillinger, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—23

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An act to add Section 4300 1c to the Political Code, relating to municipal court fees and costs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1297—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 133—An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502 and 2557 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 and 2636, and Article 7, comprising Sections 2650 to 2658, inclusive, to Chapter 2 of Division 4 of the Welfare and Institutions Code and repealing acts and parts of acts specified herein; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations thereof, defin-

ing the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administration to the State Department of Social Welfare and transferring relief cases to county administration.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 133?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2500, 2555 and 2556 of", and insert "124, 2500, 2505, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code".

Amendment No. 2

In the title of the printed bill, as amended, strike out all of line 2, and insert "Sections 2501, 2502 and 2557 and Article 2.5, comprising Sections 2559 to".

Amendment No. 3

In line 4 of the title of the printed bill, as amended, strike out "2632, inclusive," and insert "2633, inclusive, Article 6.5, comprising Sections 2635 and 2636".

Amendment No. 4

In line 5 of the title of the printed bill, as amended, strike out "2654", and insert "2658".

Amendment No. 5

In line 6 of the title of the printed bill, as amended, after "Code", insert "and repealing acts and parts of acts specified herein".

Amendment No. 6

In the title of the printed bill, as amended, strike out lines 11 and 12, and insert "lations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administrator to the State Department of Social Welfare and transferring relief cases to county administration."

Amendment No. 7

On page 1, lines 6 and 7, of the printed bill, as amended, strike out ", (ii) are lawfully resident therein, and (iii)" and insert "and (ii)".

Amendment No. 8

On page 1, line 8, of the printed bill, as amended, strike out "State hos-"; and strike out all of line 9, and insert "a State or county hospital or other public or private institutions.

As used in this chapter, "needy person" and "indigent" are synonymous terms.

SEC. 2. Sections 2501 and 2502 of said code are hereby repealed.

SEC. 3. Section 2501 is hereby added to said code, to read as follows:

2501. Needy persons, including aliens otherwise ineligible, who possess no residence eligibility in this State but who are in urgent need of relief for protection of life and limb or for the protection of the health and welfare of the community in which they are present, may be granted relief by the county of their presence for a period of not to exceed 90 days.

The State shall be responsible for all direct costs of the relief granted to such needy persons and for all expenses incurred to transport them to the State in which they do reside or the county from which they came.

The department may determine the amount and scope of relief within the limits of this chapter that may be granted by a county at State expense under this section.

SEC. 4. Section 2502 is hereby added to said code, to read as follows:

2502. (a) Needy persons who possess a State residence but no county residence shall be granted relief by the county of their presence. The State shall be responsible for all direct costs of the relief granted to such persons until they acquire a county residence.

(b) Needy persons who possess a State and county residence shall be granted relief by the county of their residence at county expense, the State to bear such proportion of the costs thereof as may be provided by law.

SEC. 5. Section 2506 of said code is hereby amended to read as follows:

2506. The board of supervisors of every county as a board, or by committee or by such person or society as it may authorize, shall investigate every applica-

tion for relief [from the funds of the county] under this chapter shall appear as by periodic visitation every person receiving [such] relief, shall do the same and means for bringing persons unable to maintain themselves to such support and shall keep full and complete records of such investigation, supervision, relief [and] rehabilitation as shall be prescribed by the [State] department [of Social Welfare].

Such records shall be confidential and shall not be open to examination or inspection except by the grand jury of the county or by a board or an officer of the State or the county charged with the supervision or direction of [such] relief or with the control or expenditure of funds applicable to [such] relief.

Any citizen shall be entitled to demand and receive from the board, officer, committee, person, or society having custody of such records a statement of the amount, character, and value of the relief received by any person."

Amendment No. 9

On page 1, line 10, of the printed bill, as amended, strike out "2", and insert "6"

Amendment No. 10

On page 2, line 15, of the printed bill, as amended, strike out "3", and insert "7"

Amendment No. 11

On page 2, line 17, of the printed bill, as amended, strike out ", to whom Section 2557 applies, or".

Amendment No. 12

On page 2 of the printed bill, as amended, strike out all of lines 25 to 28, inclusive, and insert "has no year of residence in a county within three years preceding his application, but is a resident of California under Section 2555, the county of his presence shall be responsible for his support and the State shall reimburse the county for the costs of all relief granted to him until he has resided in the county for the period necessary to acquire a residence therein."

Amendment No. 13

On page 2 of the printed bill, as amended, strike out all of lines 32 to 35 inclusive.

Amendment No. 14

On page 2, line 37, of the printed bill, as amended, strike out "4", and insert "5"

Amendment No. 15

On page 2 of the printed bill, as amended, strike out all of lines 39 to 47, inclusive; and in line 48, strike out "(c)", and insert

"2557. Notwithstanding any residence qualifications contained in Sections 2555 and 2556, every person in need, otherwise eligible, may be granted relief if he is within the scope of the following provisions:

(a) Who on or at any time prior to March 31, 1941, either (i) is receiving or has received relief from the Relief Administration and the Relief Commission, or (ii) was certified to the Works Projects Administration by the Relief Administrator and the Relief Commission.

(b)".

Amendment No. 16

On page 2 of the printed bill, as amended, strike out line 52, and insert

"The relief shall be granted to such person in the same manner and to the same extent that it is granted to persons complying with Sections 2555 and 2556 by the county determined to be responsible for him as though he were a resident of that county. The county responsible for him is one of the following:

(a) The county in which he applies, if he has resided therein continuously for one year immediately preceding his application.

(b) If no county is responsible under (a), the county in which he resided continuously for one year within three years of his application.

(c) If no county is responsible under (a) or (b), the county wherein he was present for the longest time within three years of his application.

SEC. 9. Section 2600 of said code is hereby repealed.

SEC. 10. Article 2.5, comprising Sections 2559 to 2570."

Amendment No. 17

On page 3, line 5, of the printed bill, as amended, insert

"2559. Subject to the limitations of Section 2560, the department may from time to time fix for each county maximum relief case budgets and minimum standards of relief within the range of which the board of supervisors may establish its own policies.

All budgets and standards shall be based upon need and shall not be more than sufficient to maintain him and his dependents in accordance with minimum living requirements."

Amendment No. 18

On page 3, lines 50 and 51, of the printed bill, as amended, strike out "of the Welfare and Institutions Code".

Amendment No. 19

On page 4, line 37, of the printed bill, as amended, strike out "Every county", and insert "The department".

Amendment No. 20

On page 4, line 50, of the printed bill, as amended, after "law", insert "and (ii) to the standards of living, wage rates and living conditions in the locality in which such person and his family reside."

Amendment No. 21

On page 5, line 8, of the printed bill, as amended, after "supervisors", insert "and the department".

Amendment No. 22

On page 5 of the printed bill, as amended, strike out line 24, and insert "SEC. 11. Article 6, comprising Sections 2625 to 2633, inclu-".

Amendment No. 23

On page 6 of the printed bill, as amended, strike out line 36, and insert "2633. As used in this article, the term 'appropriations for the purposes of this chapter' refers to State money appropriated or made available for expenditure under this chapter.

Sec. 12. Article 6.5, comprising Sections 2635 and 2636, is hereby added to Chapter 2 of Division 4 of said code, to read as follows:

Article 6.5. Administration

2635. As used in this chapter, "department" refers to the State Department of Social Welfare, to the Director of the State Department of Social Welfare, to the State Social Welfare Board and to any division of the State Department of Social Welfare which has been established or designated by the Director of the State Department of Social Welfare in accordance with the provisions of this code, to exercise the particular power or to perform the particular duty granted or imposed.

2636. The department may require the counties to establish an accounting system and a system of records in the form prescribed by it with respect to relief activities.

The department, the State Controller or any other agency of the State authorized by law or requested by the department, may, with respect to county relief activities, examine all books, records, reports or other matter in possession of any county and may post-audit all county relief activity expenditures.

Sec. 13. Article 7, comprising Sections 2650 to 2658, inclu-".

Amendment No. 24

On page 6 of the printed bill, as amended, strike out lines 42 to 50, inclusive; and on page 7, strike out lines 1 to 45, inclusive, and insert

"2650. To the extent and for purposes provided in this chapter, State grants shall be made to the counties, from money appropriated by other provisions of law, for the direct and administrative costs incurred by them under this chapter.

2651. Within the limits of this chapter, State money may be expended for relief when matched by the required share of county money. Every county may grant such medical assistance from county funds as may be necessary for the adequate relief of persons resident therein.

2652. From money appropriated therefor by other provisions of law, the State shall pay:

(a) The entire amount of the direct costs of relief incurred by a county under this chapter for the relief of (i) persons having no State and no county residence and (ii) persons having a State but no county residence.

(b) Two-thirds of the direct costs of relief incurred by a county under this chapter for the relief of persons having a State and a county residence, until the total cost to any county under this subdivision exceeds the amount expended by the county for the direct costs of indigent relief under this chapter during the fiscal year, 1939-1940, and any costs in excess thereof for the remainder of the current fiscal year shall be borne 90 per cent by the State and 10 per cent by the county.

(c) Two-thirds of the administrative costs incurred by a county under this chapter in administering relief to any person for whose relief the State bears the costs in whole or in part, not counting in the amount of such administrative costs so much thereof as exceeds 15 per cent of the total amount of State and county funds expended by the county for direct relief under this chapter. The department shall define administrative costs by rule and regulation.

2653. Prior to the beginning of each quarter, the department shall estimate the amount that will have to be paid upon the beginning of the quarter to each county from the amounts of State money appropriated for the direct and administrative costs of relief.

2654. The department shall make its estimate of the amount to be paid each county upon the basis of a report filed by the particular county containing:

(a) An estimate of the total sums that will probably be expended during the quarter by the county for the direct and administrative costs of relief for which it is entitled to receive State money.

(b) The amount appropriated or to be made available by the county for the quarter for that share of the direct and administrative costs of relief to be borne by it, and, if the total sum appropriated or made available by the county is less than that share it is required by law to bear, the source from which the difference is expected to be derived.

(c) Records showing the number of relief cases in the county.

2655. The department shall certify to the Controller the amounts estimated by it to be paid to each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the department for such prior quarter.

Upon the order of the department, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter.

The Controller shall draw his warrant prior to audit or settlement by the department or the Controller and the State Treasurer shall pay to each county the amount certified.

2656. Reports of all money paid out by the counties for all costs of relief, both direct and administrative, shall be presented by the counties in the form and at the times prescribed by the department.

The reports shall be audited by the department and the Controller and when and in the amount approved shall be allowed to the county as a credit to apply against the advances made to the counties.

2657. Within 10 days after the beginning of each month for the month preceding, each county shall send to the department in such manner and form as the department may prescribe:

(a) The number of applications for relief granted.

(b) The grants of relief changed, revoked or suspended.

(c) Copies of all applications received and a statement of the action of the county on such applications.

2658. Notwithstanding any other provisions of law to the contrary or otherwise providing, all reimbursement secured from any relief case shall be divided between the State and the county in the same proportion that both or either thereof contributed to the direct costs of the case.

SEC. 14. Section 124 of said code is hereby amended to read as follows:

124. There is a Social Welfare Fund established in the State Treasury, in which fund there shall be deposited:

(a) All grants of money received by this State from the United States, the expenditure of which is administered through or under the direction of the State Department of Social Welfare.

(b) All money appropriated by the State for the support of the State Department of Social Welfare and for the administrative costs incurred by the counties in the administration of aid to needy children under Chapter 1 of Part 2 of Division 2, to the aged under Chapter 1 of Division 3, and to the needy blind under Chapter 1 of Division 5 of this code.

(c) All money appropriated by the State for the direct and administrative costs of relief under Chapter 2 of Division 4.

The money to be deposited in the Social Welfare Fund under (this) subdivision (b) and (c) shall be transferred to the Social Welfare Fund monthly, in amounts of not less than one-twenty-fourth (1/24) of [the] a biennial appropriation or one-twelfth (1/12) of an annual appropriation.

The State Department of Social Welfare shall keep a record of the classes and sources of income credited to the Social Welfare Fund and of the disbursements therefrom.

Unless otherwise expressly provided, all money deposited in the Social Welfare Fund under an appropriation by the State shall be available for all expenditures incurred for the purposes for which it was appropriated during the period thereof, and four years from the time the appropriation became available, the unexpended amount thereof shall revert to the State fund from which the appropriation was made.

Amendment No. 25

On page 8, line 10, of the printed bill, as amended, strike out "8", and insert "15".

Amendment No. 26

On page 8, line 12, of the printed bill, as amended, strike out "from the General Fund".

Amendment No. 27

On page 8, line 17, of the printed bill, as amended, strike out "9", and insert "16. Notwithstanding any of the provisions contained in this act or in any section amended, repealed or added by this act, all relief cases under the jurisdiction of the Relief Commission and the Relief Administrator shall become subject to the full, complete, absolute and separate jurisdiction of the State Department of Social Welfare upon the effective date of this act.

For this purpose, the State Department of Social Welfare shall have all the powers, duties, purposes, responsibilities and jurisdiction of the Relief Commission and the Relief Administrator under the California Unemployment Relief Act of 1935.

From the effective date of this act and until April 1, 1942, the State Department of Social Welfare may exercise all the powers, duties, purposes, responsibilities and jurisdictions granted to it under this section necessary or convenient to effect the transfer of all duties, powers, purposes, responsibilities and jurisdictions over the relief cases under the California Unemployment Relief Act of 1935 to itself and the counties in accordance with Chapter 2 of Division 4 of the Welfare and Institutions Code, and for this purpose the State Department of Social Welfare may continue in existence the administrative organization of the Relief Commission and the Relief Administrator as a separate unit of the State Department of Social Welfare.

On and after the effective date of this act, no further relief cases shall be accepted under the California Unemployment Relief Act of 1935, but all such cases shall be subject to the jurisdiction of the State Department of Social Welfare or the counties, or both, in accordance with the provisions of Chapter 2 of Division 4 of the Welfare and Institutions Code. All cases receiving relief under the California Unemployment Relief Act of 1935 on the effective date of this act and which after such date continuously receive such relief and for which the counties are responsible under the provisions of Chapter 2 of Division 4 of the Welfare and Institutions Code shall be gradually transferred to the counties in accordance with the rules and regulations prescribed by the State Department of Social Welfare.

Irrespective of whether the State Department of Social Welfare has transferred the administration of relief for a relief case to a county or not, the State shall bear all the direct costs of every relief case receiving relief under the California Unemployment Relief Act of 1935 on the effective date of this act and which after such date continuously receives such relief, until January 1, 1942, after which date the counties shall bear its proportion of the costs as determined under Chapter 2 of Division 4 of the Welfare and Institutions Code.

Immediately upon the effective date of this act, the State Department of Social Welfare shall undertake to determine the relief cases for which each county is responsible under Chapter 2 of Division 4 of the Welfare and Institutions Code, and to determine the amount of the direct costs connected therewith, which direct costs would in some part be borne by the county under Chapter 2 of Division 4 of the Welfare and Institutions Code if the case were subject to county administration. For all direct costs borne by the State after January 1, 1942, for relief cases receiving relief on the effective date of this act and continuously receiving relief after such date the administration of which has not been transferred to the counties, and any part of the direct costs of which would be borne from county funds under Chapter 2 of Division 4 of the Welfare and Institutions Code, the State shall retain from the funds thereafter advanced to the county for the direct costs of relief under Article 7 of Chapter 2 of Division 4 of the Welfare and Institutions Code, the amount which would be borne by the county from county funds had the administration of the case been transferred to the county.

Effective April 1, 1942, the California Unemployment Relief Act of 1935 is hereby repealed.

SEC. 17. The State Department of Social Welfare shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Relief Commission and the Relief Administrator under the provisions of the California Unemployment Relief Act of 1935 and of the several officers, deputies and employees of or under the Relief Administrator of the Relief Commission.

SEC. 18. The State Department of Social Welfare shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the Emergency Relief Administrator and the State Emergency Relief Commission under the Unemployment Relief Bond Act of 1933, or of any other law, and of the several officers, deputies, and employees of or under the Emergency Relief Administrator or the State Emergency Relief Commission.

SEC. 19. Whenever by the provisions of any statute or law now in force or which may hereafter be enacted, a duty or jurisdiction is imposed or authority

conferred upon the Relief Administrator or the Relief Commission, or upon any of the officers, deputies or employees of or under either thereof, such duty, jurisdiction and authority are imposed upon and transferred to the State Department of Social Welfare with the same force and effect as if the department had been specifically set forth and named therein, in lieu of the name of the Relief Administrator, the Relief Commission, or any such officer, deputy or employee thereof at the time. For the purposes of this act, the terms "Relief Administrator," "Relief Commission," or similar designation, and of the several officers, deputies and employees of or under either thereof, when used in any statute or law now in force or which may hereafter be enacted, shall be construed to refer to and mean the State Department of Social Welfare the same as if the department had been specifically set forth and named therein.

SEC. 20. The State Department of Social Welfare shall be in possession and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, and real and personal property now or hereafter held for the benefit or use of the Relief Commission or Relief Administrator, and the title to all property held by the Relief Commission or Relief Administrator for for the use and benefit of the State is hereby transferred to the State of California to be held in the possession of the State Department of Social Welfare. The State Department of Social Welfare shall make available or give possession to the counties of all records of the Relief Commission and the Relief Administrator relating to all people persons to whom the county is authorized to grant relief under Chapter 2 of Division 4 of the Welfare and Institutions Code and Section 16 of this act.

SEC. 21. From and after the date on which this act takes effect the State Department of Social Welfare shall be and is hereby authorized to expend the moneys in any appropriation or in any special fund in the State Treasury now remaining or made available by law for expenditure by the Relief Commission or Relief Administrator, if such money is appropriated and available for withdrawal from the State Treasury under any provisions of law not contained in this act.

SEC. 22. The following acts and parts of acts together with all acts amendatory and supplementary thereof, are hereby repealed:

(a) The Unemployment Relief Appropriation Act of 1940.

(b) An act entitled "An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately," enacted over Governor's veto February 24, 1940.

(c) An act entitled "An act to transfer the duties, powers, positions, facilities, abilities, unexpended moneys, and jurisdiction of the Relief Commission and Relief Administrator to the Department of Social Welfare and declaring the urgency thereof, to take effect immediately," approved May 8, 1937.

SEC. 23.

Amendment No. 28

On page 8 of the printed bill, as amended, strike out lines 19 to 32, inclusive, and insert

"Sec. 24. This act shall take effect on the first day of the first month next succeeding the ninetieth day after final adjournment of the Fifty-fourth Legislature.

SEC. 25. Notwithstanding the provisions of Section 24, this act shall not take effect unless the Old Age Assistance Act of 1941 and the Public Works Act of 1941 are both in effect."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 133 by the following vote:

AYES—Senator Kenny—1.

NOES—Senators Biggar, Breed, Collier, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuehl, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—24.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1191—An act to add Section 2765 to the Penal Code and to repeal Section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational funds; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison;

authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to forfeiture by prisoners of moneys earned by them.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1191?

Amendment No. 1

On page 2, line 1, of the printed bill, strike out "after", and strike out all of line 2, and insert "in accordance with law".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1191 by the following vote:

AYES—Senators Biggar, Breed, Collier, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.
NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1250—An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 667, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1250?

Amendment No. 1

On pages 4 and 5 of the printed bill, as amended, make the following changes:

Page	Line	Strike out	Insert
4	42	California State Prison at Chino	Southern California Prison
4	45	California State Prison at Chino	Southern California Prison
4	46	California State Prison at Chino	Southern California Prison
4	52	California State Prison at Chino	Southern California Prison
5	9 and 10	California State Prison at Chino	Southern California Prison
5	14	California State Prison at Chino	Southern California Prison

Amendment No. 2

On page 14, line 5, of the printed bill, as amended, strike out "the", and insert "in a civil action or special proceeding a".

Amendment No. 3

On page 14, line 7, of the printed bill, as amended, after "deposition", insert ", or for his temporary removal and production before a court or officer, for the purpose of being orally examined,".

Amendment No. 4

On page 18, lines 50 and 51, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "Southern California Prison".

Amendment No. 5

On page 19, lines 6 and 7, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "the Southern California Prison".

Amendment No. 6

On page 24, line 27, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "Southern California Prison".

Amendment No. 7

On page 38 of the printed bill, as amended, between lines 24 and 25, insert "Any woman inmate who would give birth to a child during her term of imprisonment may be temporarily taken to a hospital outside the prison for the purposes of

childbirth, and the charge for the hospital and medical care shall be charged against the funds allocated to the institution. The board shall provide for the care of any children so born and shall pay for their care until suitably placed."

Amendment No. 8

On page 54 of the printed bill, as amended, after line 46, insert

"Sec. 18. The following acts, together with all acts amendatory thereof and supplementary thereto, are hereby repealed:

Year	Chapter	Page
1880	56	43
1913	591	1048
1925	346	622
1927	456	783
1931	440	593

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1250 by the following vote:

AYES—Senators Biggar, Breed, Collier, Deuel, Foley, Gordon, Jendak, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Serwell, Slater, Swan, Swing, Tickle, and Ward—23.

NOES—None.

Above bill ordered enrolled.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Deuel moved that Senate Bill No. 110 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Biggar moved that Senate Bill No. 154 be placed on the inactive file.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 822—An act to repeal Sections 301 to 304, both inclusive, and to amend Section 300 of the Labor Code, all relating to assignment of wages.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out lines 23 to 27, inclusive, and insert

"(d) Where such assignment of or order for wages or salary is made by a person who is unmarried or who is an adult or who is both unmarried and adult, an affidavit by the person making such assignment or order, setting forth such facts, is attached to such assignment or order;

(e) No other assignment or order exists in connection with the same transaction or series of transactions and an affidavit by the person making such assignment or order to that effect, is attached thereto; and

(f) Such an assignment or order is authenticated by a notary public, is accompanied by an itemized statement of the amount then due to the assignee, and shall have been filed with the".

Amendment No. 2

On page 2 of the printed bill, after line 30, insert

"The employer shall be entitled to rely upon the statements of fact in the affidavits provided for in subdivisions (d) and (e) hereof, without the necessity of inquiring into the truth thereof, and the employer shall incur no liability whatsoever by reason of any payments made by him to an assignee under any assignment or order, in reliance upon the facts stated in such affidavits.

No assignment of or order for wages or salary earned or to be earned shall be valid under any circumstances, if the wages or salary earned or to be earned are paid under a plan for payment at a central place or places established under the provisions of Section 204a of this code."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 363—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346 and 6360 of the Business and Professions Code, and to add Sections 6326, 6348.3 and 6348.5 thereto, relating to boards of law library trustees and law libraries.

Bill read second time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Donel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 299—An act to amend Section 2209 of the Public Resources Code, relating to publications of the Division of Mines in the Department of Natural Resources.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Donel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1648—An act to repeal Section 482 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Donel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1100—An act to amend Section 545 of the Agricultural Code, relating to cheese.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Donel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Phillips moved that Assembly Bill No. 102 be taken from the inactive file and placed on the second reading file.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Keating:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 3, 1941

MR. PRESIDENT. In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to promote the use of milk and milk products, to provide for the raising and expenditure of money therefor, and for the establishment of a State agency to carry out the purposes of this act.

Respectfully submitted.

SENATOR KEATING

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 3, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
BREED
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Denel, Dellinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Sweng, Tickle, Wagy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1308: By Senator Keating—An act to promote the use of milk and milk products, to provide for the raising and expenditure of money therefor, and for the establishment of a State agency to carry out the purposes of this act.

Referred to Committee on Agriculture.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1459—An act to add Section 2924d to the Civil Code, relating to the reinstatement of a deed of trust, mortgage, chattel mortgage or contract of purchase upon which the payments have been extended, the sale postponed, the right of redemption extended or a forfeiture or termination postponed under moratorium acts; providing that this act shall take effect immediately and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Wagy:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for manufacture of tobacco products in institutions of the State of California, the sale of such products to State agencies, and making an appropriation therefor.

Respectfully submitted.

SENATOR WAGY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 4, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE
MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1309: By Senator Wagy—An act to provide for manufacture of tobacco products in institutions of the State of California, the sale of such products to State agencies, and making an appropriation therefor.

Referred to Committee on Welfare and Institutions.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1005 was passed, was continued until the next legislative day.

RESOLUTIONS

The following resolutions were offered.

By Senator Tickle:

Senate Resolution No. 73

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, as of April 5, 1941:

Frieda Sherman

Per day
\$5.00

Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 74

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning April 4, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same.

Frances Davis, Stenographer

See days
per week
\$5.00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 504—An act to amend Section 83 of the Fish and Game Code, relating to Fish and Game District 15.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Myland, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 784—An act to amend Section 12510 of the Business and Professions Code, relating to the use of false or improper equipment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger,

Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seaton, Slater, Swing, Tickle, Wagy, and Ward—29.
 NOES—None.

Motion to Amend

Senator Garrison moved the adoption of the following amendment to the title of Assembly Bill No. 784:

Amendment No. 1

In line 2 of the title of the printed bill, after "relating to", insert "weights and measures, including".

Amendment read and adopted.

Bill ordered printed, and to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Joint Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Welfare and Institutions.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolution re-referred to Committee on Welfare and Institutions.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1015

Senate Constitutional Amendment No. 16

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 118

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 997

Assembly Bill No. 54

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1299

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 908

Senate Bill No. 995

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 151

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be placed on inactive file until further amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 295

Senate Bill No. 498

Assembly Bill No. 1328

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 737

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 2, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 74

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2121

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Constitutional Amendment No. 24: By Senator Swan—Proposed amendment to Section 13 of Article I of the Constitution, relating to rights of defendants in criminal prosecutions.

Referred to Committee on Judiciary.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1788—An act to amend Section 421 of the Fish and Game Code, relating to sale of fish taken under sporting fishing licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Meizger, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Waggy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 12.30 p.m., on motion of Senator Garrison, the President pro tempore declared the Senate adjourned until 2 p.m., April 7, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY
NINETY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 7, 1941

The Senate met at 2 p.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Bigger, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Brown, on motion of Senator Myhand.

Senator Keating, on motion of Senator McBride.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. R. G. Parrish of San Diego.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Hubert B. Scudder of Sebastopol.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Shirley Vaughn of Sacramento.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Earl Mixer, Louise and Frances Ann Mixer, all of Visalia.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Nancy Higbee and Midge Phillips of Banning.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Willis Sargent, secretary of the Republican State Central Committee, of Los Angeles.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieut. D. J. Davenport, Seventh Medical Battalion, Fort Ord.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Walter H. Duval of Santa Paula.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Francis Stoffels of Roseville.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss McCorkindale, in charge, and the following students of Chaffey Junior College, San Bernardino County: Betty Lou Ober, Dorothy Murray, Betty Bennetts, Lila Acker and Betty Hoppe.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Thomas C. Moran of Yreka and Herbert Edmonds of Dunsmuir.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roy N. Dreiman and Charles Grunsky of Santa Cruz.

On request of Senator Denel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. L. Chaffin of Oroville.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wm. Schooler of Redding, and Mrs. E. B. Winters of Sacramento.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. J. Demeke, teacher, and the following eighth grade students of the San Carlos Elementary School, San Carlos: Alison Aitken, Velma Berlin, John Cahill, Herbert Carlson, Werner Carlson, William Corsick, Herbert Collins, William Dungan, Edgar Fulwider, Gretchen Gentner, Robert Hallawell, George Jones, Barbara Kreck, Howard Larsen, Benjamin Leet, Kenneth Neil, Yola Old, Dean Peters, Margaret Rauch, Barbara Smith, Marilyn Shields, Margie Wilson, Joy Thompson, Gwendolyn Hoffman, Bob Miller, Allen Howells, Walter Vignau, Ronald Lewis, John Adams, Farrell Stevens, Barbara Sharp, Maria Gagliano and Jo Ann Engleman.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. F. Showers of Madera.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Horace Spencer, Malin Petz and Ervin Russell, all of Westley; and Walter Awe of San Fernando Valley.

On request of Senators Swan and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Henry Attias, Editor, California Law Review, of Berkeley.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene C. Kimbal, Vice President, California Farm Bureau Federation, and son Charles, of Ventura.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Ryan, C. Besetti, Glenn Allard and Douglas Hensley, manager of West Stanislaus Bean Growers Association, all of Westley, and Fred Eggers of Vernalis.

RESOLUTIONS

The following resolution was offered:

By Senators Slater, Foley and Quinn:

Senate Resolution No. 75

Relative to adjournment for the observance of Good Friday.

In fulfillment of tradition and in humble and grateful acknowledgment of the significance of Good Friday throughout the Christian world and in accordance with the custom followed by the California Legislature, be it

Resolved by the Senate: That the proceedings of this body be adjourned between the hours of 12 m. and 3 p.m. on Friday, April 11, 1941, so that all who may desire, can attend their respective churches and participate in the religious rites that contemplate remembrance of the day on Calvary's slope on the first Good Friday.

Resolution read, and unanimously adopted.

APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING SENATE BILL NO. 133

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Phillips, Wagv and Shelley as a Committee on Conference concerning Senate Bill No. 133.

RICH, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 269

Senator Swan moved that Senate Bill No. 269 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 233—An act to amend School Code Sections 3.618 and 3.624, relating to the average daily attendance of physically handicapped pupils of the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

A communication from the Interim Committee of Twenty-five of the California Conference on Government and Taxation was presented by the Secretary of the Senate, and ordered printed in the Journal:

INTERIM COMMITTEE OF TWENTY-FIVE
OF THE
CALIFORNIA CONFERENCE ON GOVERNMENT AND TAXATION

OFFICE OF THE CHAIRMAN
SAN FRANCISCO, April 4, 1941

*The Honorable Culbert L. Olson, Governor
and the Legislature of the State of California
Sacramento, California*

GENTLEMEN: After the lapse of much time, there is transmitted herewith Final Report of the Committee on State Organization, known as the Interim Committee of Twenty-five of the California Conference on Government and Taxation. The report is accompanied by bound volumes of reports (referred to in the committee's report as unpublished documents) of Griffenhagen & Associates, who were consultants of this citizens' committee.

Because of the wide scope of the report, considerable study of it will be necessary and it is hoped that such official study may proceed without delay. It is believed that the report and the supporting data afford a pattern for readjustment of functions of State Government that must necessarily result in efficiency and economy.

Copies of the report and bound volumes of Griffenhagen reports will be filed with the Attorney General, the Legislative Counsel, the Department of Finance, and also in the State Library and the libraries of the University of California, Stanford, University of Southern California, Los Angeles City, Commonwealth Club of California, Town Hall, Los Angeles, Bureau of Governmental Research, San Francisco, and a few other institutions having to do with civic affairs, for convenience of those institutions and the public. With the reports filed in the State Library and the City Library at Los Angeles, there will also be filed the only copies of Survey of the University of California, prepared at the committee's request by the staff of the University of California in cooperation with Mr. J. C. Bennett of the California Taxpayers' Association, under date of July 22, 1938, supplementing reports of the consultants.

Printed copies of the committee's report will be made available for all members of the State Legislature and heads of departments and other State agencies that may be affected.

Twenty members of the committee have voted to approve the report and, therefore, it has been approved in accordance with the committee rules. In this respect, we regretfully inform you of the death of Mr. W. I. Hollingsworth prior to completion of the report. Mr. E. S. Dulin tendered his resignation, by reason of frequent and extended absences on account of business. Mr. A. W. Hoch was in attendance at only a few conferences and Mr. Edward Vandeleur was unable to attend any, and neither has expressed approval or disapproval of the report.

As related to the portions of the report affecting fiscal organization in general, financial and revenue administration, the Treasury and the Auditor General, based upon rather exhaustive research, a constitutional amendment and bills were prepared and introduced in the Assembly late in the session of 1937. Assembly Constitutional Amendment No. 65 was drafted as complementary of the plan comprehended in Assembly Bill No. 2229, relating to Fiscal Code, Assembly Bill No. 2424, relating to the Auditor General, and Assembly Bill No. 2425, relating to Department of Revenue. Similar measures were proposed in 1939 and 1941.

Attention is respectfully invited to the foregoing as a basis for essential legislation affecting the portions of the program indicated.

It is perhaps not amiss to emphasize that this is a voluntary contribution of a committee of citizens whose objectives are nonpolitical, whose attitude toward administration is not fault finding, and whose proposals are not intended to reflect upon incumbent officials. However, it must be emphasized that incumbents of individuals must not interfere with essential readjustments to complete a plan of government which will permit efficient administration and consequent economy.

Respectfully,

F. V. KEESLING, Chairman

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 24: By Senator Swing—Expressing appreciation to members of Committee on State Organization, also

known as the Interim Committee of Twenty-five of the California Conference on Government and Taxation.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 24, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 24

Senate Concurrent Resolution No. 24—Expressing appreciation to members of Committee on State Organization, also known as the Interim Committee of Twenty-five of the California Conference on Government and Taxation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Sherry, Slater, Swan, Swing, Tieds, Ward, and Ward—36

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 17: By Senator Crittenden—Relative to memorializing Congress to enact legislation requiring Federal governmental agencies to comply with California minimum price laws for milk.

Referred to Committee on Agriculture.

REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Senate Bill No. 10 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 186—An act to repeal Section 70 of, and to add a new Section 70 and Sections 70.4, 70.6 and 80 to, the Streets and Highways Code, relating to the California Highway Commission and providing for the establishment, appointment, organization, and expenses thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Gordon, Jaspersen, Judah, Mayo, McCormack, Metzger, Mixter, Parkman, Powers, Seawell, Shelley, Swan, and Wagy—21.

NOES—Senators DeLap, Fletcher, Foley, Garrison, Kenny, Kuebel, Luckey, McBride, Myhand, Phillips, Quinn, Rich, Slater, Swing, and Ward—15.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1122—An act to add Chapter 7 to Part 3 of Division 13 of the Health and Safety Code, including the addition of Sec-

tion 19800 to said code, relating to refrigerants and refrigerating plants and regulations governing the same.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

A communication from Fred B. Wood, Legislative Counsel, relative to recessing on Good Friday, was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, April 7, 1941

Honorable W. P. Rich, President pro tempore

The Senate of California, Sacramento, California

REQUEST No. 2219

DEAR SENATOR: *You ask* whether or not a recess of the Senate from 12.30 p.m. of a Friday to 2 p.m. of the following Monday, in the absence of express consent thereto on the part of the Assembly, is or is not an adjournment "for more than three days" and thus a violation of the requirements of Section 14 of Article IV of the State Constitution.

It is our opinion that such a recess is not an adjournment for more than three days and therefore constitutes no violation of the requirements of said provision of the Constitution.

It is a settled general rule that fractions of a day are not considered in the computation of time. A day is regarded as a unit of time and not as an aggregation of a certain number of hours, minutes or seconds. (See 24 Cal. Jur. 577 and cases there cited.) There is an exception to this rule whenever it becomes important to determine the sequence of events that occurred upon one and the same day; but in our opinion that exception has no application to the facts involved in the question you have propounded.

Very truly yours,

FRED B. WOOD, Legislative Counsel

REQUEST FOR UNANIMOUS CONSENT

Senator Foley asked for, and was granted, unanimous consent to retain Senate Bill No. 1274 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 1162—An act to amend Sections 4 and 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to loans by and between credit unions.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Sections", insert "3".

Amendment No. 2

Strike out line 4 of the title of the printed bill, as amended, and insert "31, 1927, relating to credit unions, including their powers and loans by and between credit unions."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out line 1, and insert:

"SEC. 1. Section 3 of the act cited in the title is hereby amended to read as follows:

Sec. 3. Every credit union shall have power:

1. To issue shares to those persons qualified for membership and to issue shares in joint tenancy with any person to be designated by any credit union member.

2. To charge an entrance fee to subscribers for such shares.

3. To charge a reasonable fee for the transfer of its shares.

4. To receive money and accumulate funds to be loaned and to loan the same to members and to execute certificates for the money received, which shall specify the date, amount, rate of interest, and when the principal and interest are payable.

5. To lend money to its members upon such terms and conditions as by-laws provide and as the credit committee shall approve, at rates not exceeding 1 per centum per month, inclusive of all charges incident to the making of such loan; provided, however, that the cost of any contract and any cost of procuring any certification, registration, or recordation actually paid by the credit union used in connection with such loan shall not be deemed to be a charge incident to the making of such loan.

6. To deposit any moneys received by it and not lent to members, as provided in Section 6 of this act.

7. To borrow money from any source in an aggregate amount not to exceed 50 per centum of the paid in and unimpaired capital and surplus of such corporation.

8. To fine members for failure to meet punctually obligations to such credit union.

9. To expel members, as provided in Section 12 of this act.

10. To impress a lien upon the shares and dividends of any member to the extent of any loans made to him and for any dues or fines payable by him.

11. To cancel the shares of any member who withdraws or is expelled, and apply value thereof to the liquidation of such member's indebtedness to the corporation.

12. To invest any moneys received by it not lent to its members in the securities which are authorized as an investment for savings banks as set forth by statute.

13. In addition to the powers herein enumerated, every credit union shall have the general powers conferred upon corporations by Chapter [111] 10, Title 1, Part 4, Division 1 of the Civil Code, except as herein otherwise provided.

SEC. 2. Section 4 of said act is".

Amendment No. 4

On page 2, line 31, of the printed bill, as amended, strike out "SEC. 2", and insert "SEC. 3".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 559—An act to amend Section 356a of the Political Code, relating to contracts between different State agencies.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 559:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 4, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS:

SENATE BILL NO. 559

"An act to amend Section 356a of the Political Code, relating to contracts between different State agencies".

In my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 559 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 822—An act to repeal Sections 301 to 304, both inclusive, and to amend Section 300 of the Labor Code, all relating to assignment of wages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dillinger:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to the Department of Natural Resources, Division of Forestry, from unexpended balances remaining of the moneys appropriated by the act entitled "An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately" as amended, approved May 29, 1940, declaring the urgency of the act and that it take effect immediately.

Respectfully submitted.

SENATOR DILLINGER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE
MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1310: By Senator Dillinger—An act making an appropriation to the Department of Natural Resources, Division of Forestry, from unexpended balances remaining of the moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1909, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately" as amended, approved May 29, 1940, declaring the urgency of the act and that it take effect immediately.

Referred to Committee on Finance.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to retain Senate Constitutional Amendment No. 8 on third reading until the next legislative day.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 658—An act to amend Sections 1299.18, 1299.20 and 1300.4 of, and to add a new section, to be numbered 1300.4a, to the Agricultural Code, relating to processors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judith, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 659—An act to amend Sections 821, 822, 823, 826 and 827 of, and to add Sections 821.3 and 821.6 to the Agricultural Code, relating to standards for apples.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judith, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Crittenden moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1005 was passed.

The roll was called, and Senate Bill No. 1005 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

Bill ordered to third reading file.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 660—An act to amend Section 820 of the Agricultural Code, relating to tomatoes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 661—An act to add Section 787.5 to the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Jespersen, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 667—An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 713—An act to add Chapter 1a, comprising Section 1247k, to Title 9 of Part 2 of the Penal Code, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in criminal cases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride,

Metzger, Mixer, Myland, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An act to add Chapter 1a, comprising Section 961, to Title 13 of Part 2 of the Code of Civil Procedure, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in civil actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLoe, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judith, Kenny, Knecht, Mayo, McBride, Metzger, Mixer, Myland, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 886—An act to amend Sections 2819 and 2845 of the Civil Code, relating to suretyship and guaranty.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLoe, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judith, Kenny, Knecht, Mayo, McBride, Metzger, Mixer, Myland, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 827—An act to amend Section 4155 of the Public Resources Code of the State of California, relating to the operation of stationary engines in any woods operation, located in any forest or brush covered land, and limiting the application of the act to wood-burning steam-operated stationary engines.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "of the State of California".

Amendment No. 2

In line 5 of the title of the printed bill, strike out "act", and insert "section".

Amendment No. 3

On page 1, line 3, of the printed bill, strike out the quotation marks, and insert "4155."

Amendment No. 4

On page 1, line 15, of the printed bill, strike out the quotation marks.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 828—An act to amend Section 4157 of the Public Resources Code of the State of California, relating to the operation of steam-operated donkey, stationary engine, locomotive or loader in any

forest or brush covered land and excluding the use and operation of internal combustion engines from the provisions of said section.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "of the State of California".

Amendment No. 2

On page 1, line 3, of the printed bill, strike out the quotation marks, and insert "4157."

Amendment No. 3

On page 1, line 14, of the printed bill, strike out the quotation marks.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 741—An act to amend Sections 20743, 20744, 20746, 20751, 20880, 20888, 20930 and 20956 of, to repeal Sections 20800, 20826, 20840, 20849, 20860, 20866, 20892, 20910, 20911 and 20950 of, and to add Sections 20704, 20705, 20706, 20707, 20708, 20800, 20826, 20840, 20849, 20860, 20866, 20882.5, 20892, 20911 and 20950 to the Business and Professions Code, relating to sales of petroleum products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, McBride, Metzger, Mixer, Myhand, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 987—An act to amend Section 52.2 of, and to add Section 57.7 to, the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Powers:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 1250 of, and to add Section 1346 to, the Fish and Game Code, relating to antelope.

Respectfully submitted.

SENATOR POWERS

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 7, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYHAND
TICKLE
DEUEL
BREID

The roll was called, and permission granted by the following vote:

AYES—Senators: Breed, Carter, Crittenden, Cunningham, Deuel, DeLonger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Juelich, Kenna, Kessel, Mann, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shellen, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.
NAYS—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1311: By Senator Powers. An act to amend Section 1250 of, and to add Section 1346 to, the Fish and Game Code, relating to antelope.

Referred to Committee on Fish and Game.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 92—An act to add Section 4512 to the California Unemployment Insurance Act, relating to refunds to workers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators: Bigger, Carter, Collier, Crittenden, Cunningham, Deuel, DeLonger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Juelich, Kenna, Kessel, Mann, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shellen, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.
NAYS—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 76

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 7, 1941, and the Comptroller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Loren Thomas, Page	\$2 50
Christopher Landels, Page	2 50
Richard E. Alderman, Page	2 50
John Randolph Collier, Page	2 50
Raymond Mayo, Page	2 50
Jesse Mayo, Page	2 50
Jack Quinn, Page	2 50
Tom Quinn, Page	2 50
Ted Craig, Page	2 50
Bob Seawell, Page	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—32.

NOES—None.

By Senator Kenny:

Senate Resolution No. 77

WHEREAS, Helen Melhorn, a Senate attache during the 1935 and 1937 sessions and formerly private Secretary to the Governor, was married on February 1, 1941, to Michael Mahoney, Educational Administrator of the WPA in Orange County, California; and

WHEREAS, The happy couple are making their home at Newport Beach, Orange County, California; now, therefore, be it

Resolved by the Senate of the State of California, That this Senate extends its heartiest congratulations to Mr. and Mrs. Michael Mahoney and wish for them many years of wedded happiness; and be it further

Resolved, That a suitably engrossed copy of this resolution be transmitted by the Secretary of the Senate to Mr. and Mrs. Michael Mahoney, at Newport Beach, California.

Resolution read, and unanimously adopted.

By Senator Tickle:

Senate Resolution No. 78

Resolved, That in adopting Senate Resolution No. 70 on April 1, 1941, removing the name of Ann Kelly French from the Senate pay roll it was the intention of the Senate that said Ann Kelly French be paid for services to the completion of work on March 31, 1941, and be it further resolved that in adopting Senate Resolution No. 73 on April 5, 1941, removing the name of Frieda Sherman from the Senate pay roll it was the intention of the Senate that said Frieda Sherman be paid for services to the completion of work on April 5, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—34.

NOES—None.

Senate Resolution No. 79

By Senator Kenny:

Resolved, That the remarks made in the Senate by Senator Slater on April 2, 1941, in connection with the adoption of Senate Resolution No. 71 be inserted in the Senate Journal of April 2, 1941, following the said resolution.

Resolution read, and unanimously adopted.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Deuel moved that Senate Bill No. 1306 be placed on the inactive file.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 584—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to provide for the joint exercise of powers by public agencies and defining public agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuehn, Marks, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 171—An act to amend Section 2 461 of, to repeal Sections 2 462, 2 463, 2 464 and 2 465 of, and to add a new section to be numbered 2 462 to, the School Code, all relating to annexation of elementary school districts on petition from a high school board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuehn, Marks, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Jespersen moved that Senate Bill No. 971 be placed on the inactive file.

Motion carried.

MOTION TO RECONSIDER

Senator Phillips moved to reconsider the vote whereby Senate Bill No. 186 was passed.

Postponement of Reconsideration

On motion of Senator Phillips, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 186 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 824—An act to amend Section 3700 of the Political Code, relating to the salaries of the members of the State Board of Equalization.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Marks, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing and Ward—26.

NOES—Senators Bigger, Breed, Gordon, Phillips, Rich, Tickle, and Wagy—7.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 271—An act providing for the registration of certain societies, corporations, associations, camps, groups, bunds, political parties, assemblies and other bodies and organizations.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, strike out "all corporations and", and strike out lines 2, 3 and 4 thereof, and insert "every corporation, association, society, camp, group, bund, political party, assembly, and to every other body or organization composed of two or more persons or members,".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 25: By Senator Shelley—Relative to a site for statue of Andrew Furuseth.

Without reference to committee.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Luckey, on motion of Senator Biggar.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 129—An act to add Section 2700.5 to, and to amend Sections 2701, 2702 and 2843 of the Elections Code, relating to primary elections and county central committees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1200—An act to add a new section to the Elections Code, to be numbered 7803.1, relating to the canvass of absent voters ballots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1201—An act to amend Section 7805 of the Elections Code, relating to challenges of absent voters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 223—An act to amend Sections 737c and 737v of the Political Code, relating to the salaries of judges of the superior court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 95—An act to amend Section 737hh of the Political Code, relating to compensation of the judges of the Superior Court in and for the County of Sacramento.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—27.

NOES—Senators Biggar and Judah—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 890—An act to amend Section 103e of the Code of Civil Procedure, providing for justice's clerks and deputy clerks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1022—An act to amend Section 853 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to bonds of city clerks and city treasurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1023—An act to amend Section 855 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the compensation of city clerks and city treasurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 664—An act to add Article 4 to Chapter 6 of Part 2 of Division 6 of the School Code, relating to the providing of educational facilities for pupils in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 824

Senator Crittenden moved that Senate Bill No. 824 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 464

Senator Crittenden moved that Senate Bill No. 464 be withdrawn from Committee on Public Health and Safety for purpose of amendment.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 171

Senate Bill No. 987

Senate Bill No. 827

Senate Bill No. 1302

Senate Bill No. 828

Senate Bill No. 1306

Senate Bill No. 971

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 658

Senate Bill No. 659

Senate Bill No. 660

Senate Bill No. 661

Senate Bill No. 713

Senate Bill No. 714

Senate Bill No. 728

Senate Bill No. 886

Senate Bill No. 1273

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 92

Senate Bill No. 522

Senate Bill No. 584

Senate Bill No. 741

Senate Bill No. 783

Senate Bill No. 1144

Senate Bill No. 1276

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 822

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 16—Relative to authorizing the Governor to appropriate thirty-eight million seven hundred fifty thousand dollars (\$38,750,000) for the Central Valley Project as recommended by President Roosevelt.
And reports that the same has been correctly enrolled, and presented to the Governor on the seventh day of April, 1941, at 10.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1188—An act to add Section 2722 to the Penal Code and to repeal Section 1 of an act entitled "An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment of offenses under the same," approved May 19, 1927, relating to the sale of jute goods;

Senate Bill No. 1189—An act to add Sections 2745 and 2746 to the Penal Code and to repeal Sections 6 and 7 of an act entitled "An act providing for the erection and operation of rock crushing plants at the State prisons, for the preparation of highway material for the benefit of the people of the State, and providing for the necessary advances and appropriation of money to carry out said work," approved March 28, 1895, making an appropriation for the operation by prison labor of rock-crushing plants;

Senate Bill No. 1190—An act to add Section 2056 to the Penal Code and to repeal Section 1595 of the Penal Code as added in 1907, relating to the rebuilding of buildings destroyed by fire;

Senate Bill No. 1191—An act to add Section 2765 to the Penal Code and to repeal Section 1 of an act entitled "An act authorizing the use of convict labor on State highways or State roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners' recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to forfeiture by prisoners of moneys earned by them;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of April, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1192—An act to add Sections 2004 and 2006 to the Penal Code and to repeal an act entitled "An act relating to the first unit of the Southern California Prison and making an appropriation therefor," approved May 28, 1937, relating to an appropriation for the Southern California Prison;

Senate Bill No. 1193—An act to amend Section 1 of an act entitled "An act providing for the use of the labor of inmates of any State prison or of the Preston School of Industry upon public roads and defining the powers and duties of public officials in relation thereto," approved May 14, 1927, relating to highways leading to State prisons or the Preston School of Industry;

Senate Bill No. 1194—An act to amend Section 1 of an act entitled "An act empowering any State institution to advance to the Napa State Farm out of its support appropriation money to cover the cost of meat to be delivered to it, after processing for use," approved July 1, 1937, relating to the purchase of meat from the Napa State Farm;

Senate Bill No. 1195—An act to add Section 2710 to the Penal Code and to repeal an act entitled "An act to create a Revolving Fund for the Manufacturing Departments at the State Prison at San Quentin and to appropriate money therefor," approved June 12, 1915, appropriating a Revolving Fund for the Maintenance of the Manufacturing Departments of the State Prison at San Quentin;

Senate Bill No. 1196—An act to add Section 2720 to the Penal Code and to repeal an act entitled "An act making an appropriation for the establishment of a Permanent Fund for the Purchase of Jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, relating to a Revolving Fund for the Purchase of Jute;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of April, 1941, at 3 p.m.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1197—An act to amend Section 4174a of the Political Code, relating to the duties of sheriff;

Senate Bill No. 1250—An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 2730, 606, 644, 667, 684, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventh day of April, 1941, at 3 p.m.

RICHL, Chairman

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Joint Resolution No. 32

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted as amended.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 1043

Senate Bill No. 1045

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass as amended.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bills ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1080

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Welfare and Institutions.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill re-referred to Committee on Welfare and Institutions.

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred

Senate Bill No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred

Assembly Bill No. 375

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred

Senate Bill No. 933

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 9; absent 2

McCORMACK, Chairman

Above reported bill re-referred to Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred

Senate Bill No. 500

Senate Bill No. 1003

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 124—An act to amend Section 19561 of the Business and Professions Code and Section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to rules, regulations and conditions adopted by the California Horse Racing Board.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 273—An act to amend Section 19595 of the Business and Professions Code, and Section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties

for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions." approved June 5, 1933, relating to wagering on the result of horse racing meetings.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1015—An act creating the office of State Manager, and prescribing his powers and duties.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 to 18, inclusive, and insert "Sec. 2. The State Manager shall be appointed for a term of four years by the Governor, with the advice and consent of the Senate, from a list of five names submitted to him by an Administrative Board which shall consist of the Attorney General, State Controller, one member appointed by the Governor and two members appointed by the Legislature. He shall be removable by concurrent resolution of the Assembly and the Senate. He shall receive a salary of fifteen thousand dollars (\$15,000) per year."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 38, directing the Legislature to create the office of State Manager and providing for his appointment.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2 of the printed bill, strike out lines 4 to 10, inclusive, and insert "shall be appointed for a term of six years by the Governor, with the advice and consent of the Senate, from a list of five names submitted to him by an Administrative Board consisting of the Attorney General, the State Controller, one member appointed by the Governor and two members elected by the Legislature. The State Manager may be removed by concurrent resolution of the Senate and Assembly."

Amendment read and adopted.

Resolution ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 151—An act to create a Department of Corrections to administer the penal system of this State, to transfer to it certain correctional institutions, to repeal the acts specified herein, and to abolish the Board of Prison Terms and Paroles and the Advisory Pardon Board.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 10, of the printed bill, strike out the period, and insert ", including prison road camps and farms now or hereafter acquired, and divisions or bureaus created by it to assist in the prevention of crime, and the training or conditioning of inmates for adjustment to civil life."

Amendment No. 2

On page 2, line 46, of the printed bill, after "the", insert "General Manager and the".

Amendment No. 3

On page 3, line 1, of the printed bill, strike out ", and it", and insert ". The board may establish a division whose duty it shall be to aid inmates in securing employment during and after incarceration and to render aid and encouragement in making adjustments to civil life when placed on parole or at the expiration of sentence.

The board may also establish a division with facilities to cooperate and advise with juvenile courts, juvenile officers, enforcement officers and probation officers, judges and citizen groups for the purpose of preventing offenses by juveniles, and aiding with the rehabilitation of such offenders by all means available, including medical, psychiatric, educational and supervisory means found effective for constructive training and treatment of law violators. The board".

Amendment No. 4

On page 3, line 9, of the printed bill, after "Directors", insert "and each of whom shall serve at the pleasure of the board".

Amendment No. 5

On page 3 of the printed bill, strike out lines 35 to 39, inclusive, and insert "ance of his duties hereunder."

Amendment No. 6

On page 4, line 23, of the printed bill, strike out "demand", and insert "ask from the General Manager".

Amendment No. 7

On page 5 of the printed bill, strike out lines 16 to 30, inclusive, and insert:
"SEC. 12. (a) On and after the effective date of this act the following existing institutions and agencies, as well as institutions, farms and agencies established hereafter for a similar purpose, shall be under and be administered by the department:

1. The State Prison at San Quentin
2. The State Prison at Folsom
3. The Southern California Prison
4. The Preston School of Industry
5. Whittier State School
6. Farms, road camps, and other camps in so far as they are now or may hereafter be under the jurisdiction of the department
7. The State Parole Office

(b) After one year from the effective date of this act the California Institution for Women and the Ventura School for Girls shall be under and shall be administered by the department.

Amendment No. 8

On page 5 of the printed bill, between lines 38 and 39, insert
"The board shall as rapidly as possible install a merit system to give loyal and efficient employees security in their positions and to reduce labor turnover to a minimum consistent with the proper administration of the department."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 908—An act to amend Section 1 of the California Nautical School Act, relating to the State Nautical School.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 1 of", and insert "add Section 6½ to".

Amendment No. 2

In line 2 of the title of the printed bill, strike out the period, and insert a comma and "declaring the urgency thereof, and providing that this act shall take effect immediately."

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 1 to 29, both inclusive, and insert

"SECTION 1. Section 6½ is hereby added to the act cited in the title hereof, to read as follows:

Sec. 6½. The board of governors is hereby authorized with the approval of the Director of Finance to accept on behalf of, and in the name of, the State of California, such gifts, donations, bequests and devices as may be made to the school, by whatever name the school may be known, which in the judgment of the board would be of benefit to the State of California and to the school. Such gifts, donations, bequests and devices may be made subject to such conditions or restrictions as the board of governors may deem advisable.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall therefore go into immediate effect. The following is a statement of the facts constituting such necessity:

The Federal Government has been compelled to order the California Maritime Academy from its present site. The academy has, therefore, no site at the present time and it is imperative that an adequate site and necessary buildings and improvements be immediately provided. It is therefore imperative that work on such buildings and improvements be started immediately before the training ship returns. The proposed new site is not entirely adequate as to size and contour and a gift of land adjacent to the proposed new site has been proposed in order to provide an adequate site. The nature of the plans for the use of the site is dependent upon whether the proposed gift will be accepted. There is now no provision of law which authorizes the acceptance of the proposed gift of land and it is therefore necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 995—An act to repeal Section 16½ and to amend Section 54 of the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 28, of the printed bill, strike out "Hold", and insert "except as permitted under Section 6 of this act or authorized by the provisions of this section hold".

Amendment No. 2

On page 3, line 18, of the printed bill, between "manufacturer," and "rectifier", insert "manufacturer's agents,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 118—An act to add Sections 7.5 and 7.7 to and to amend Section 13 of the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 3, of the printed bill, after "no", strike out "on-sale beer and wine license or".

Amendment No. 2

On page 1, line 5, of the printed bill, after "ing", strike out "on-sale beer and wine or".

Amendment No. 3

On page 1, line 7, of the printed bill, after "under", strike out "on-sale beer and wine and".

Amendment No. 4

On page 1, line 8, of the printed bill, after the comma following "licenses", strike out "or either of such two licenses".

Amendment No. 5

On page 2, line 4, of the printed bill, after "for", strike out "on-sale beer and"; and in line 5, strike out "wine and".

Amendment No. 6

On page 2, line 5, of the printed bill, after "licenses", strike out the balance of said line 5; and in line 6, strike out "licenses".

Amendment No. 7

On page 3, line 15, of the printed bill, after "additional", strike out "on-sale beer and wine licenses and".

Amendment No. 8

On page 3, line 16, of the printed bill, after the comma following "licenses", strike out "or any of such two licenses".

Amendment No. 9

On page 2, line 43, of the printed bill, after "of", strike out "on-sale"; and in line 44, strike out "beer and wine or".

Amendment No. 10

On page 2, line 45, of the printed bill, after "those", strike out "on-sale beer and wine or".

Amendment No. 11

On page 3, line 10, of the printed bill, after "under", strike out "on-sale beer and wine licenses and".

Amendment No. 12

On page 3, line 11, of the printed bill, following the comma after "licenses", strike out "or either of such two licenses".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 997—An act to add Section 7.1 to the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1299—An act to amend Sections 6.9, 24, 24.2, 24.3, 27, 33e, 34, 51 and 67.5, and to repeal 24.5, 24.7, 27a, 27b, 27c, 27d, 33, 33a, 33b, 33c and 33d of the Alcoholic Beverage Control Act, and to add thereto new sections, to be designated 24.1, 24.5, 24.6, 27a, 27b, 27e, 33, 33a, 33b, 33c, 33d, 33f, 33g, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i and 34j, relating to alcoholic beverages, and to provide that this act shall go into effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In the title of the printed bill, strike out " , and to provide that this act shall go into effect immediately."

Amendment No. 2

In line 1 of the title of the printed bill, after "34," insert "49, 49.2"; and after "51", insert " , 66"; and in line 5 of the title, after "24.5," insert "24.55,".

Amendment No. 3

On page 1, line 20, of the printed bill, strike out "exclusive"; and on page 1, line 21, strike out "to license".

Amendment No. 4

On page 2 of the printed bill, strike out the last two words in line 1, and strike out lines 2 to 14, inclusive, and insert "80 cents per wine gallon, and at a proportionate rate for any quantity."

Amendment No. 5

On page 2, line 40, of the printed bill, strike out the last two words in said line, and strike out all of line 41; and in line 42, strike out "premises; or (7)".

Amendment No. 6

On page 3 of the printed bill, after line 21, insert
"SEC. 6a. Section 24.55 is hereby added to the act, cited in the title hereof, to read as follows:

Sec. 24.55. The license of any taxpayer shall be automatically suspended upon cancellation of his bond, or if the bond shall become void or unenforceable for any reason, or if the taxpayer fails to pay any taxes due under the provisions of this act. Such license shall be immediately reinstated by the board if the taxpayer files a valid bond, or pays his delinquent taxes, as the case may be.

A hearing shall be afforded any taxpayer whose license has been suspended under the provisions of this section upon his petition after five days notice of the time and place of hearing."

Amendment No. 7

On page 5, line 13, of the printed bill, strike out "25", and insert "5".

Amendment No. 8

On page 9, line 42, of the printed bill, strike out "25", and insert "10"; and in line 47, strike out "50", and insert "25".

Amendment No. 9

On page 10, line 12, of the printed bill, strike out "25", and insert "5"; in line 25, strike out "25", and insert "10"; in line 29, strike out "50", and insert "25"; and in line 30, strike out "25", and insert "10".

Amendment No. 10

On page 11 of the printed bill, strike out lines 43 to 51, inclusive; and on page 12, strike out lines 1 to 9, inclusive.

Amendment No. 11

On page 14 of the printed bill, after line 40, insert
"SEC. 32.1. Section 49 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 49. Alcoholic beverages shall be brought into this State from without this State for delivery or use within the State only by common carriers and only when such alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of such licensed importer or to the premises of a public warehouse licensed under this act; provided, however, that a shipment shall be deemed to be consigned to a licensed importer, although originally consigned to a person not so licensed, when such shipment is, before delivery and without leaving the possession of the common carrier transporting the same, reconsigned or diverted in transit by either the consignor or the consignee or consignees, to a licensed importer to whom final delivery by the common carrier is made. Alcoholic beverages which are consigned to a destination within this State shall be presumed to be for delivery or use within this State. Alcoholic beverages imported into this State contrary to the provisions hereof shall be seized by the board. Every person violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 31.2. Section 49.2 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 49.2. Common carriers transporting alcoholic beverages into this State from without the State for delivery or use within this State must obtain the receipt of the licensed importer, manufacturer or distilled spirit manufacturer's agent for the alcoholic beverages so transported and delivered and, if the consignee refuses to give such receipt and show his license to the carrier, the carrier shall be relieved of all responsibility for delivery of said alcoholic beverages. Subject to the provisions of Section 49 of this act, where the consignee is not a licensed importer,

manufacturer or distilled spirits manufacturer's agent, or where the consignee refuses to give his receipt and show his license the carrier shall immediately notify the board at Sacramento giving full details as to the character of shipment, point of origin, destination and address of the consignor and consignee and within 10 days such alcoholic beverages shall be delivered to the board and shall be forfeited to the State of California. If any alcoholic beverages seized under the possessing section or forfeited under this section are sold by or under the direction of the board the common carrier's unpaid freight and storage charges accruing on the shipments of such alcoholic beverages shall be satisfied out of the proceeds of the sale made by the State after deducting the cost of such sale and any excise taxes accruing thereon. Every person violating the provisions of this section shall be guilty of a misdemeanor."

Amendment No. 12

On page 15, line 9, of the printed bill, strike out "not", and after "paid", strike out ", regardless of where"; and in line 10, strike out "found".

Amendment No. 13

On page 15 of the printed bill, after line 18, insert

"Sec. 32.1. Section 66 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 66. Alcoholic beverages in continuous transit through this State shall be exempt from the provisions of this act only while in continuous transit through this State in the possession or custody of common carriers. The board may require affidavits of any person on forms prescribed by the board and may require and such shipments to be checked in and checked out at the boundaries of the State. Any person refusing to make such report or refusing to check in or check out such alcoholic beverages shall be guilty of a misdemeanor."

Amendment No. 14

On page 15, line 34, of the printed bill, strike out "distilled spirit manufacturer's agents," and in line 35, strike out "brandy manufacturers,".

Amendment No. 15

On page 16 of the printed bill, strike out lines 19 to 26, inclusive.

Amendments read and adopted

Bill ordered printed, engrossed, and to third reading

Senate Bill No. 295—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 498—An act to add Section 4986.2 to the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 737—An act to add Sections 9603.5 and 9606.5 to the Revenue and Taxation Code, and to amend Section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle, including persons engaged in the carriage of mail and parcel post.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 74—An act to amend Section 110 of the Revenue and Taxation Code, relating to property taxation and the determination of the actual value of intangibles, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 9 to 15, inclusive, and insert "In determining the "actual value" of intangibles, the assessor shall not take into account the existence of any custom or common method, if any, in arriving at the full cash value of any class or classes of property."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 54—An act to amend Sections 79 and 83a of the State Employees' Retirement Act, relating to the retirement of members of the California Highway Patrol.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1328—An act to amend Section 2 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2121—An act to amend Section 894 and 895 of the Military and Veterans Code, relating to veterans' dependents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 102—An act to add Section 844 to the Political Code, relating to qualifications for public office, to take effect immediately.

Bill read second time, and ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1018

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Robertson, Bashore and Turner as a Committee on Conference concerning:

Senate Bill No. 485—An act to add Sections 4026, 4026.1, 4026.2 and 4026.3, to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 41
 Assembly Bill No. 42
 Assembly Bill No. 217
 Assembly Bill No. 311
 Assembly Bill No. 330
 Assembly Bill No. 333
 Assembly Bill No. 435
 Assembly Bill No. 436
 Assembly Bill No. 792
 Assembly Bill No. 818
 Assembly Bill No. 1007

Assembly Bill No. 1297
 Assembly Bill No. 1253
 Assembly Bill No. 1473
 Assembly Bill No. 1482
 Assembly Bill No. 1552
 Assembly Bill No. 1781
 Assembly Bill No. 1981
 Assembly Bill No. 1794
 Assembly Bill No. 1995
 Assembly Bill No. 2052

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1644
 Assembly Bill No. 340
 Assembly Bill No. 503

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 41—An act to add Section 7.3 to the Alcoholic Beverage Control Act, relating to licenses for sale of alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 42—An act to add Section 73.5 to the Agricultural Code, relating to exhibits at the California State Fair.

Referred to Committee on Agriculture.

Assembly Bill No. 217—An act to add Chapter 12, consisting of Sections 22100 to 22132, inclusive, to Division 8 of the Business and Professions Code, relating to the marking of articles of merchandise made in whole or in part of platinum and other metals in the platinum group or their alloys.

Referred to Committee on Business and Professions.

Assembly Bill No. 311—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles, including those operated by constables and deputy constables.

Referred to Committee on Transportation.

Assembly Bill No. 330—An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

Referred to Committee on Agriculture.

Assembly Bill No. 333—An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

Referred to Committee on Agriculture.

Assembly Bill No. 340—An act to amend School Code Sections 2.90 and 2.92, relating to superintendents of schools.

Referred to Committee on Education.

Assembly Bill No. 435—An act to amend Section 1394 of the Labor Code, relating to the hours and places of work of minors.

Referred to Committee on Labor.

Assembly Bill No. 436—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Referred to Committee on Labor.

Assembly Bill No. 503—An act to amend Section 2286 of the Business and Professions Code, relating to medical examinations.

Referred to Committee on Business and Professions.

Assembly Bill No. 792—An act to amend Sections 12605 and 12607 of the Business and Professions Code, relating to containers and their contents.

Referred to Committee on Business and Professions.

Assembly Bill No. 818—An act to amend Section 6406 of the School Code, relating to school book depositories.

Referred to Committee on Education.

Assembly Bill No. 1007—An act to amend Section 2837 of the Elections Code, relating to the election of county central committees.

Referred to Committee on Elections.

Assembly Bill No. 1253—An act to amend Section 537 of the Code of Civil Procedure, relating to attachment.

Referred to Committee on Judiciary.

Assembly Bill No. 1297—An act to add Section 160.05 to the Agricultural Code, relating to the liability for the expenses of abatement of agricultural pests.

Referred to Committee on Agriculture.

Assembly Bill No. 1473—An act to amend Section 16d of the Bank Act, relating to orders stopping the payment of checks.

Referred to Committee on Judiciary.

Assembly Bill No. 1482—An act to amend Sections 269, 304, 506 and 736 of the Vehicle Code, relating to drivers of motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1552—An act to amend the Agricultural Code by amending Section 1043; and to provide exemption from the provisions of said section to nonprofit, cooperative, agricultural marketing associations.

Referred to Committee on Agriculture.

Assembly Bill No. 1644—An act to amend Section 81 of the State Civil Service Act, relating to eligible lists.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1781—An act to add Section 4154a to the Political Code, relating to the defense of county officers and employees.

Referred to Committee on Judiciary.

Assembly Bill No. 1794—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations.

Referred to Committee on Local Government.

Assembly Bill No. 1981—An act to amend Article 6 of Chapter 3 of Part 2 of Division 12 of the Health and Safety Code of the State of California by adding a new section thereto, to be numbered 13780, and to provide for certain exemptions, relating to the spotting and pressing of clothing on certain passenger trains therein defined.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1995—An act to amend Section 4910 of the School Code, relating to high school courses.

Referred to Committee on Education.

Assembly Bill No. 2052—An act to amend Section 1299.18 of the Agricultural Code, relating to liens of producers of farm products sold to processors.

Referred to Committee on Agriculture.

ADJOURNMENT

At 5.45 p.m., on motion of Senator Ward, the President pro tempore declared the Senate adjourned until 2 p.m., April 8, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

NINETY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 8, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beck at the desk.**ROLL CALL**

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crattenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judith, Keating, Kennen, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Myhand, on motion of Senator Parkman.

Senator Jespersen, on motion of Senator Phillips.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Margaret Fisher of Oakland, and Miss Molly Chamberlain of Piedmont.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Mark Eglin of Ukiah.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Hortense Jamison, Mr. Walter Hastings, teachers, and the following eighth grade students of the Waterford Elementary School, Waterford: Alice Blocher, Opal Root, Velma Fagundes, Helen Jane Lipsey, Barbara May Brown, Laura Jean Brewer, Thelma Coffey, Lois Sinclair, Barbara

Mae German, Beverly Smith, Mildred Laughlin, Edna Mae Nielsen, Maeola Bowman, Dorothea Fitch, Glennis Peters, Ray Cooper, Garth L. Norton, Edward Hicks, Kenneth Shook, Bennie Gilmore, William Metzger, Gordon Beaver, Karl Edwards, Charles Garroitt, Clarence Burris, Stanley Nielsen, Bob McGee and Alvin Thompson.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. A. Brandenburger of Sacramento.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Robert Miller of Martinez.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Ernest Dorel of Auburn.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Col. Thomas Milligan and Phillip Wright, both of Dinuba, and Willard Wall of Porterville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain Robert Gaultney of North Sacramento.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel Donald Shore and Colonel Donald Kohler, both of Bakersfield.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ann Martin of Carmel.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Walter Evans of Mono County, Wallis Park and Brooks Park, both of Gardnerville, Nevada.

On request of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Sanborn Young of Los Gatos, and former Senator A. L. Pierovich of Jackson.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Major Edwin Rau of Fresno.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended

Senate Bill No. 1303

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OINIMUS, Chief Clerk of the Assembly
By ROBERT J. FENNIE, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1303--An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city for repairs, alterations

or construction of school buildings or equipment, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1303?

Amendment No. 1

On page 1, line 9, of the printed bill, as amended, after "\$5,000", insert "and did not exceed six thousand dollars (\$6,000)."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1303 by the following vote:

AYES—Senators Brown, Carter, Deuel, Fletcher, Foley, Gordon, Toole, Kenny, Kuchel, Luckey, Mayo, McCormick, Metzger, Miller, Pritchard, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swann, Trible, Wagon and Ward—25.
 NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 119
 Assembly Bill No. 307
 Assembly Bill No. 673
 Assembly Bill No. 829

Assembly Bill No. 1412
 Assembly Bill No. 1483
 Assembly Bill No. 2477

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Mrs. Daley and Messrs. Hawkins and Wolfenberg as a Committee on Conference concerning:

Senate Bill No. 133

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 119—An act to add Chapter 7, comprising Sections 1125 to 1127, both inclusive, to Part 3 of Division 2 of the Labor Code, relating to discrimination by labor organizations.

Referred to Committee on Labor.

Assembly Bill No. 307—An act to amend Sections 351, 352, 354 and 356, and to repeal Section 353 of, and to add Section 353 to, the Labor Code, relating to tips and gratuities.

Referred to Committee on Labor.

Assembly Bill No. 673—An act to add Sections 802.6 and 828.53 to, and to amend Sections 828.1, 828.45 and 829.15 of the Agricultural Code, relating to containers for grapes, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 829—An act to amend Section 44 of the Bank Act, relating to the making of loans upon the security of the capital stock of another bank or of a corporation.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1412—An act to amend Section 61a of the Bank Act, relating to the investigation and certification of securities by the Superintendent of Banks.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1483—An act to add Section 269.1 to and to amend Section 307 of the Vehicle Code, relating to drivers licenses.

Referred to Committee on Transportation.

Assembly Bill No. 2477—An act to add Section 613.1 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California to amend Section 23 of Article IV of the Constitution of said State, relating to the compensation of members of the Legislature.

Referred to Committee on Governmental Efficiency.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 80

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work April 7, 1941:

Christopher Landels, Page-----	<i>Per day</i> \$2 50
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Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 81

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning April 8, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Stanley Hollingsworth, Page-----	<i>Six days per week</i> \$2 50
----------------------------------	--

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Brown moved that Senate Bill No. 1249 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Carter moved that Senate Bill No. 817 be taken from the inactive file and placed on the second reading file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Phillips, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 186 was passed, was continued until the next legislative day.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 8, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS. Will the Senate advise and consent to the appointment of Edward Cummings to the State Board of Education, vice Lutra Stanglthaus Kusch, term expired, for the term ending January 15, 1945.

Edward Cummings

Edward Cummings is a native Californian, born in Tehachap, on November 8, 1905. He was educated in the public schools of Tehachap and Bakersfield, and attended Santa Clara University and Santa Barbara State College, from which he received his B.A. degree.

Mr. Cummings is married and has two sons.

For the past five years he has been serving as district representative for the National Youth Administration, his territory covering the counties from Ventura to San Francisco and from Kern to San Joaquin.

He has also served as State Supervisor of Resident Projects, and was given a special training course in youth educational work in the Federal Government at Eastport, Maine.

Mr. Cummings' work is closely related to the field of education and has given him extensive and valuable contacts with youth and education officials of the Federal Government.

Mr. Cummings presently resides at 1804 Terrace Way, Bakersfield.

Respectfully submitted

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 10—An act to amend Section 186 of and to add Section 180.5 to the Vehicle Code, relating to transfers of title or interest in motor vehicles, including the validity of a transfer of a security interest in a vehicle pursuant to a trust receipt transaction.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Donel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuehl, Luskay, Mayo, McBride, McCormack, Metzger, Minter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1274—An act to amend Section 17025 of the Business and Professions Code and Section 6 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition

and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair competition and discrimination.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 522—An act to amend Section 2837 of the Elections Code, relating to county central committees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Mixer, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 827—An act to amend Section 4155 of the Public Resources Code of the State of California, relating to the operation of stationary engines in any woods operation, located in any forest or brush covered land, and limiting the application of the act to wood-burning, steam-operated stationary engines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Metzger, Mixer, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 828—An act to amend Section 4157 of the Public Resources Code of the State of California, relating to the operation of steam-operated donkey, stationary engine, locomotive or loader in any forest or brush covered land and excluding the use and operation of internal combustion engines from the provisions of said section.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1144—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Wag, and Ward—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1302—An act to amend Section 718 of the Civil Code, relating to the leasing by municipalities, or departments or boards thereof, of property owned thereby, or held thereby, or under the management and control thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Wag, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 783—An act to amend Section 4288 of the Political Code, relating to the payment of the salaries of county officers, deputies, clerks and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Telle, Wag, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1276—An act to amend Section 4251 of the Political Code, relating to the compensation for public services in counties of the twenty-second class.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 15, of the printed bill, as amended, strike out "three", and insert "one".

Amendment No. 2

On page 1, line 16, of the printed bill, as amended, strike out "\$300", and insert "\$100".

Amendment No. 3

On page 1, line 24, of the printed bill, as amended, strike out "one", and insert "seven".

Amendment No. 4

On page 1, line 25, of the printed bill, as amended, strike out "\$2,100", and insert "\$2,700".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

RECESS

At 2.50 p.m., on motion of Senator Mixter, the Senate recessed until 2.55 p.m. to hear from Col. Donald Shore, commanding the First Regiment, California High School Cadets.

REASSEMBLED

At 2.55 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 124—An act to amend Section 19561 of the Business and Professions Code and Section 3 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to rules, regulations and conditions adopted by the California Horse Racing Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Refer Bill to Inactive File

Senator Shelley moved that Senate Bill No. 995 be placed on the inactive file.

Motion carried.

Motion to Refer Bill to Inactive File

Senator Metzger moved that Senate Bill No. 273 be placed on the inactive file.

Motion carried.

Senate Bill No. 997—An act to add Section 7.1 to the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kucenas, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 118—An act to add Sections 7.5 and 7.7 to and to amend Section 13 of the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "No", insert "on-sale beer and wine license or"

Amendment No. 2

On page 1, line 5, of the printed bill, as amended, after "ing", insert "on-sale beer and wine or".

Amendment No. 3

On page 1, line 7, of the printed bill, as amended, after "under", insert "on-sale beer and wine and".

Amendment No. 4

On page 1, line 8, of the printed bill, as amended, after "license", insert "or either of such two licenses,".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out line 5 and insert "on-sale beer and wine and on-sale distilled spirits licenses or either of such two licenses".

Amendment No. 6

On page 2, line 43, of the printed bill, as amended, after "of", insert "on-sale beer and wine or".

Amendment No. 7

On page 2, line 45, of the printed bill, as amended, after "those", insert "on-sale beer and wine or".

Amendment No. 8

On page 3, line 10, of the printed bill, as amended, after "under", insert "on-sale beer and wine licenses and".

Amendment No. 9

On page 3, line 11, of the printed bill, as amended, after "licenses," insert "or either of such two licenses,".

Amendment No. 10

On page 3, line 15, of the printed bill, as amended, after "additional", insert "on-sale beer and wine licenses and".

Amendment No. 11

On page 3, line 16, of the printed bill, as amended, after "licenses," insert "or any of such two licenses,".

Amendments read.

Roll Call Demanded

Senators Swan, Phillips and Garrison demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Kachel, Phillips, Swan, and Wagy—4.

NOES—Senators Biggar, Breed, Brown, Carter, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Ward—24.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 18, of the printed bill, as amended, strike out "1,000", and insert "1,500".

Amendment No. 2

On page 1, line 26, of the printed bill, as amended, strike out "1,000", and insert "1,500".

Amendment No. 3

On page 2, line 16, of the printed bill, as amended, strike out "1,000", and insert "1,500".

Motion lost.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Keating, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, and Ward—13.

NOES—Senators Biggar, Breed, Carter, Collier, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Phillips, Swan, Tickle, and Waggy—18.

Senate Bill No. 295—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Deuel, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498—An act to add Section 4986.2 to the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Deuel, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 737—An act to add Sections 9603.5 and 9606.5 to the Revenue and Taxation Code, and to amend Section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle, including persons engaged in the carriage of mail and parcel post.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 32, of the printed bill, strike out "Part 1", and insert "Part 4".

Amendment No. 2

On page 3, line 34, of the printed bill, strike out "Part 1", and insert "Part 4".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 908—An act to amend Section 1 of the California Nautical School Act, relating to the State Nautical School.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Donald, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tinkle, Wagy, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Donald, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tinkle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 25—Relative to a site for statue of Andrew Furuseth.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tinkle, Wagy, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1614—An act to add Section 38.5 to the Alcoholic Beverage Control Act, relating to certificates of compliance.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 28, of the printed bill, as amended, strike out "on a finding by the"; and strike out lines 1 and 2 on page 2, and insert "suspend or revoke the certificate of compliance in the manner provided by this act for the suspension or revocation of licenses, except that the hearing shall be held in the City of Sacramento or in such other county seat in this State as the board determines to be convenient to the holder of the certificate. No".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 6 to 11, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

COMMUNICATIONS

A communication from Fred B. Wood, Legislative Counsel, relative to Assembly Bill No. 271, was presented by Senator Kenny, and ordered printed in the Journal:

April 2, 1941

Memorandum for Hon. Robert W. Kenny

IN RE: Constitutionality of Assembly Bill No. 271 as proposed to be amended by Senate Committee on Judiciary, April 1, 1941, providing for the registration of certain organizations

REQUEST: 1920

Question

The question as to the validity of the above bill arises by reason of the enactment by Congress of Public Act No. 870, Seventy-sixth Congress, approved October 17, 1940, hereinafter referred to as the Voorhis Act. The specific question is whether by that act the United States Government has so occupied the field of registration of subversive organizations as to preclude enactment of legislation by this State as proposed by Assembly Bill No. 271, as proposed to be amended by the Senate Committee on Judiciary, April 1, 1941.

Opinion

While it is impossible to give an unqualified and conclusive answer to this question, the reasoning contained in the opinion of the majority of the United States Supreme Court in *Hines v. Davidowitz*, U. S., 85 Law Ed., 336 (which case held the Pennsylvania Statute for registration of aliens invalid in view of the enactment of the Federal Alien Registration Act) strongly indicates that in so far as the Voorhis Act provides for Federal registration of certain organizations, the provisions of Assembly Bill No. 271 requiring registration of the same organizations with the State would be held invalid.

There is, however, a substantial number of cases supporting the doctrine that an exercise by the State of its police power which would be valid if not superseded by Federal action is superseded only where the repugnance or conflict between the State and Federal law is so direct and positive that the two acts can not be fairly reconciled or consistently stand together.

Analysis

Both the Voorhis Act and Assembly Bill No. 271 provide that certain organizations and associations shall file statements of certain information with the Attorney General of the United States and the Secretary of State of this State, respectively, under heavy penalties.

Among the organizations and associations required to file statements by the Voorhis Act are those which:

- (1) (a) Are subject to foreign control, and (b) Engage in activities a purpose of which is the control by force or overthrow of the Government of the United States, any State, or a political subdivision;
- (2) (a) Engage in activities a purpose of which is the control by force or overthrow of the Government of the United States, any State, or a political subdivision, and (b) Instruct their members in military arts or science or drill or engage in military maneuvers, etc.;
- (3) (a) Are subject to foreign control, and (b) Instruct their members in military arts or science or drill or engage in military maneuvers, etc.;
- (4) Have as a purpose the establishment, seizure or overthrow of a Government or subdivision thereof by force, military measures, or threats thereof.

The organizations and associations which would be required to file statements with the Secretary of State of California if Assembly Bill No. 271 as proposed to be amended by the Committee were enacted into law are those which:

- (1) Teach the propriety of overthrowing the Government of the United States, this State, or any political subdivision thereof, by force or violence.
- (2) Are subject to foreign control.
- (3) Both teach the propriety of overthrowing the Government of the United States, this State, or any political subdivision thereof, by force or violence and are subject to foreign control.

The basic subject of the Voorhis act and of Assembly Bill No. 271 as proposed to be amended is identical—the registration of certain subversive organizations.

The case of *Hines v. Davidowitz*, 312 U. S. 504, decided on January 29, 1941, is authority for the proposition that where the Federal Government in the exercise of its superior authority in the general field of foreign affairs has enacted a complete scheme of regulation and has therein provided a standard for the registration of aliens, States can not, inconsistently with the purpose of Congress, burden or interfere with, curtail or complement the Federal law or enforce additional or auxiliary regulations.

The court further declares:

"There is not—and from the very nature of the problem there can not be—any rigid formula or rule which can be used as a universal pattern to determine the meaning and purpose of every act of Congress. This court, in considering the validity of State laws in the light of treaties or Federal laws touching the same subject, has made use of the following expressions: conflicting; contrary to; occupying the field; preemption; interference; incompatibility; inconsistency; violation; curtailment; and interference. But none of these expressions provides an infallible constitutional test or an exclusive constitutional yardstick. In the final analysis there can be no one rigid and clear distinctly marked formula. Our primary function is to determine whether, under the circumstances of this particular case, Pennsylvania's law stands as an obstacle to the accomplishment and execution of the full purpose and objectives of Congress. And in that determination, it is of importance that this legislation is in a field which affects international relations, the one aspect of our Government that from the first has been most generally conceded imperatively to demand broad National authority. Any concurrent State power that may exist is restricted to the narrowest of limits; the State's power here is not bottomed on the same broad base as is its power to tax. And it is also of importance that this legislation deals with the rights, liberties, and personal freedoms of human beings, and is in an entirely different category from State tax statutes or State Pure Food Laws regulating the sale of goods.

Our conclusion is that appellee is correct in his contention that the power to restrict, limit, regulate, and register aliens as a distinct group is not an equal and continuously existing concurrent power of State and Nation, but that whatever power a State may have is subordinate to supreme National law."

Applying the same reasoning to the instant situation it seems logical to conclude that the court would reach a similar conclusion as to Assembly Bill No. 271.

However, as pointed out by Mr. Justice Stone in the dissenting opinion in the same case at page 379, the United States Supreme Court in a number of cases there cited, held that the passage during the last war of the National Draft and the National Espionage Acts with their penalties for violation did not preclude a State making it a misdemeanor for any person to advocate that citizens of the State refuse to aid or assist the United States in carrying on a war.

In view of the opinion expressed by the majority of the United States Supreme Court in this case, we do not feel justified in concluding that a distinction exists between the situation there under discussion and the provisions of Assembly Bill No. 271 as proposed to be amended.

It is, however, within the realm of possibility that, if the question were presented, the court might distinguish between State and Federal laws regarding the registration of aliens and State and Federal laws regarding the registration of certain organizations upon the ground that the latter do not so directly affect foreign affairs or the relationship of the National Government with foreign sovereignities.

In the absence however of an opinion directly upon this point, we do not feel that it is safe to conclude that the United States Supreme Court would so hold if the question were presented.

FRED B. WOOD
By C. A. WELTNER

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 388—An act to amend the Probate Code, by adding Section 684 thereto, relating to the stay of payment of family allowances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Deuel, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 133—An act to amend Sections 2604 and 2617 of the Elections Code, relating to nominations and sponsors' certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Deuel, Dillinger, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 112—An act to amend Section 4 of an act entitled "An act to provide for the issuance of duplicates of bonds, warrants, and other evidences of indebtedness of counties and municipal and other public corporations," approved June 10, 1933, relating to duplicate bonds, warrants and other evidences of indebtedness, including the filing thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Deuel, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1388—An act providing for the creation of county treasurers' cash difference funds and overage funds in the counties of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1653—An act providing for the establishment and administration of industrial farms and houses of correction in cities of the first and one-half class; the commitment of persons thereto; the discipline of persons committed thereto; and providing for the working of persons committed to such industrial farms and houses of correction and to city jails in cities of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Deuel, Dillinger, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, McCormack, Myster, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagdy, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54—An act to amend Sections 79 and 83a of the State Employees' Retirement Act, relating to the retirement of members of the California Highway Patrol.

Bill read third time.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, after "State", insert "Highway Patrol."

Amendment No. 2

On page 2, line 9, of the printed bill, after the comma, insert "regardless of his age at retirement,".

Amendment No. 3

On page 2 of the printed bill, strike out lines 17 and 18, and insert "If a member retires before attaining the age of 60 years,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1328—An act to amend Section 2 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 4.28 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2121—An act to amend Sections 894 and 895 of the Military and Veterans Code, relating to veterans' dependents.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagdy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.32 p.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 1328 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Mayo, on motion of Senator Deuel.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 102—An act to add Section 844 to the Political Code, relating to qualifications for public office, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RETAIN BILL ON FILE

Senator Kenny moved that Assembly Bill No. 271 be retained on Assembly third reading file until the next legislative day.

Motion carried.

INACTIVE FILE

Senate Bill No. 257—An act to amend Section 380.51 of, and to add Section 333.5 to, the Agricultural Code, relating to brands.

Bill read.

Motion to Amend

Senator Powers moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "An animal may be branded on the neck", and strike out all of lines 5, 6 and 7; and insert "The owner of a recorded brand may vent his cattle by rebranding the cattle with said brand at a different place on the same side that the brand is recorded."

Amendment read and adopted.

Bill ordered printed, engrossed, and to inactive file

MOTION TO RE-REFER SENATE BILL NO. 110

Senator Deuel moved that Senate Bill No. 110 be re-referred from the inactive file to Committee on Local Government

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Seawell:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 218 and 219 of the Penal Code, relating to the wrecking of trains.

Respectfully submitted,

SENATOR SEAWELL

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLER
BREID
DEUEL

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 5.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 151

Senate Bill No. 1299

Senate Bill No. 908

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 118

Senate Bill No. 995

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 124

Senate Bill No. 273

Senate Bill No. 295

Senate Bill No. 498

Senate Bill No. 737

Senate Concurrent Resolution No. 25

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 827

Senate Bill No. 1162

Senate Bill No. 828

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1018—An act to amend School Code Sections 2381 and 6190, relating to the powers of governing boards of school districts, declaring the urgency hereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of April, 1941, at 2:30 p.m.

RICH, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 1489

Assembly Bill No. 1262

Assembly Bill No. 1161

Assembly Bill No. 1155

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1263

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

METZGER, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 850

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

DeLAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Constitutional Amendment No. 14

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2

DELAPE, Chairman

Above reported resolution ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Bill No. 1292

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 5; committee vote: Ayes 4; absent 1.

RICH, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 721

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 803

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 417

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 701

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 7

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 23

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1088

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended and be placed on the inactive file.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 82

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1019

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1037

Has had the same under consideration, and reports the same back with the recommendation: Re-referred to Committee on Welfare and Institutions.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Welfare and Institutions.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 558

Senate Constitutional Amendment No. 15

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote Ayes 6; absent 5

SWING, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1043—An act to amend Sections 126, 1067, 1234, 1255, 1650, 2011, 2042, 2043, 2044, 2577, 2577, 2655, 2658, 2659, 2754, 2815, 2816 and 3281 of, to add Section 2041.5 to, and to repeal Sections 1652 and 2865 of, the Water Code, relating to water and the determination and administration of water rights.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 126, 1067, 1234, 1255, 1650, 2011," and strike out lines 2 and 3, and in line 4, strike out "Sections 1652 and 2865 of, the Water Code", and insert "Section 19 of, and to add Section 24.1 to, the Water Commission Act".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2, and insert

"SEC. 1. Section 19 of the Water Commission Act is hereby amended to read as follows:

Sec. 19. Immediately upon completion, in accordance with law, the rules and regulations of the State Water Commission, and the terms of the permit, of the project under such application, the holder of a permit for the right to appropriate water shall report said completion to the State Water Commission. The said commission shall as soon as practicable thereafter cause to be made a full inspection and examination of the works constructed and the use of water therefrom, and shall determine whether the construction of said works and the use of water therefrom is in conformity with law, the terms of the approved application, the rules and regulations of the State Water Commission, and the permit. The said Water Commission shall, if said determination is favorable to the applicant, issue a license which shall give the right to the diversion of such an amount of water as has been found by inspection to have been applied to beneficial use. Said license shall be in such form and shall contain such terms as may be prescribed by the State Water Commission under the provisions of this act. But if the said commission shall find, upon inspection and examination of the works constructed and the use of water therefrom, that the construction and condition of said works and the use of water therefrom are not in conformity with the law, the rules and regulations of the State Water Commission, the terms of the approved application and the terms of the permit, then and in that case the said commission may, after due notice in writing and in the manner provided in Sections 1011, 1012 and 1013 of the Code of Civil Procedure to the applicant or the holder of the permit, and a public hearing thereon, refuse to issue said license. And 30 days after the refusal of said commission to issue said license all rights of the applicant and the holder of the permit under said application and permit shall lapse and cease. But the holder of any permit to whom the said Water Commission may have refused to issue said license, shall have the right to bring an action within 30 days after the said refusal, in the superior court to review said order and to obtain a decree requiring the issuance of such license. And the rights of the holder of any permit so bringing an action shall continue under said permit until the decree in such action has been entered and become final. But

until the refusal of the commission to issue said license shall be finally determined by the courts, the permittee shall not take or use any of the water, the taking and using of which is granted to him by said permit. And if the holder of any permit which has been revoked by the State Water Commission shall not bring an action within said 30 days in the superior court to determine the validity of said revocation, then and in that case all rights of the applicant and of the holder of said permit shall lapse and cease.

[In every case wherein a license for the appropriation of water shall have been issued by the State Water Commission prior to September 1, 1925, it shall be the duty of said commission to file a true copy of said license in the office of the county recorder of that certain county wherein the point of diversion specified in said license lies or in case there are points of diversion lying in more than one county then in each of those counties wherein a point of diversion lies and in case the place or places of use specified in said license are in different counties than the point or points of diversion then a true copy of said license shall also be filed by the State Water Commission in the county or counties wherein the place or places of use lie. Also, as to those licenses issued prior to September 1, 1925, it shall be the duty of the State Water Commission to file with the respective county recorders true copies of all orders allowing a change in point of diversion or place of use, revoking a license, or otherwise affecting a license which may have been entered by said commission prior to September 1, 1925.]

As to licenses for the appropriation of water issued by the State Water Commission on or after September 1, 1925, a true copy of each license issued or of each order allowing a change in point of diversion or place of use or otherwise modifying or changing a license shall within 30 days after issuance thereof be filed by the commission [service of notice thereof upon the licensee, either personally or by registered mail, be filed by said licensee] in the office of the recorder of that certain county wherein the point of diversion specified in said license lies or in case there are points of diversion lying in more than one county then in each of those counties wherein a point of diversion lies and in case the place or places of use specified in said license are in different counties than the point or points of diversion then a true copy of said license or order shall also be filed by said licensee in the county or counties wherein the place or places of use lie; provided, however, that whenever an order revoking a license in whole or in part shall have become final a true copy of said order revoking said license in whole or in part shall be filed promptly by the State Water Commission in the office or offices wherein a copy of the license affected is on file or in case the order of revocation shall have been modified by a court the order as finally decreed by the court shall be filed as herein provided. [Whenever a copy is to be filed by the licensee, a certificate of such filing by the county recorder shall be filed with the State Water Commission by or on behalf of said licensee within 15 days after said filing and if the filings herein provided for be not made by said licensee or on his behalf as directed all rights of appropriation under the license affected shall cease and determine and the State Water Commission shall forthwith enter its order revoking said license.]

SEC. 2. Section 24.1 is hereby added to the Water Commission Act to follow immediately Section 24 thereof and to read as follows:

SEC. 24.1. During the pendency of any reference, upon motion of the commission and upon a hearing by the court after at least 10 days' notice to the parties, the court may order such interim or partial payments of the expense to be made by the parties as it deems proper and equitable under the circumstances."

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 23, inclusive, and strike out all of pages 2, 3 and 4.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1045—An act to amend Section 4251 of, and to add Sections 4200.5, 4300.5 and 4351.5 to, the Water Code, or to amend Sections 4, 5 and 9 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safe-guarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In the title of the printed bill, strike out lines 1 and 2, and insert: "An act to amend Sec."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 19, and on page 2 strike out lines 1 to 10, inclusive.

Amendment No. 3

On page 2, line 11, of the printed bill, strike out "Sec. 5", and insert "Section 1"

Amendment No. 4

On page 2, line 45, of the printed bill, strike out "Sec. 6", and insert "Sec. 2"

Amendment No. 5

On page 4, line 40, of the printed bill, strike out "Sec. 7", and insert "Sec. 4"

Amendment No. 6

On page 5 of the printed bill, strike out lines 24 to 31, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 269—An act to add Section 3808 to the School Code, relating to high school courses of study.

Bill read second time.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "75,000", and insert "50,000"

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "75,000", and insert "50,000"

Amendment No. 3

On page 1, line 11, of the printed bill, strike out "A course in the Portuguese" and all of lines 12 to 16, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 824—An act to amend Section 59.5 of the Alcoholic Beverage Control Act, relating to hours during which alcoholic beverages may be sold.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out "Section 59.5", and insert "Sections 51a, 51c, 51g and 52".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "hours during which".

Amendment No. 2a

In line 3 of the title of the printed bill, strike out "may be sold".

Amendment No. 3

On page 1, line 1, after "SECTION 1.", strike out all of the printed bill, and insert "Section 51a of the act cited in the title hereof is hereby amended to read as follows:

Sec. 51a. The board or its employees shall also have the power to seize any unlicensed still, whether in actual operation or not, and whether assembled for operation or dismantled and also any parts of such stills, and also any materials or supplies capable of being used for the manufacture of alcoholic beverages which are found on or about the premises where any such unlicensed still or parts thereof are found. *The board or its employees may also seize any implements, instruments, vehicles and personal property whatsoever, in the place or building, or within any yard or inclosure where any such unlicensed still or parts thereof are found.*

SEC. 2. Section 51c of the act cited in the title hereof is hereby amended to read as follows:

Sec. 51c. [When alcoholic beverages or other property are seized for forfeiture or forfeited under this act they may be disposed of by the board, its officers or employees by summary destruction when such alcoholic beverages are unfit for human consumption or when such alcoholic beverages or other property is incapable of lawful use or incapable of lawful sale by the persons from whom seized.]

(a) *Alcoholic beverages manufactured in this State by any person other than a licensed manufacturer, when seized for forfeiture under this act, may be disposed of by the board, its officers or employees, by summary destruction.*

(b) *Any alcoholic beverages or other property seized for forfeiture under this act, except automobiles or other vehicles seized under Sections 51a or 51g of this act, may be disposed of by the board, its officer or employees, upon order of the board made not less than 15 days after the date of seizure. Any person whose alcoholic beverages or other property, except automobiles or other vehicles seized under Sections 51a or 51g of this act, have been seized for forfeiture under this act, may, within 10 days after such seizure, petition the board to return such alcoholic beverages or other property, upon the grounds that such alcoholic beverages or other property were illegally or erroneously seized. Any petition filed hereunder shall be considered by the board within 60 days after filing, and an oral hearing granted the petitioner if requested. Notice of the decision of the board shall be served upon the petitioner. The board may order the alcoholic beverages or other property seized under this act disposed of, or returned to the petitioner if illegally or erroneously seized.*

(c) Any beverage or other property seized by the board may be turned over to any State department or institution. The person in charge of any State department or institution may file with the board a request that beverages or other property of a kind specified in the request be turned over to the department or institution. No beverage or property for which a request has been made by a State department or institution shall be destroyed until all requests of State departments and institutions for the type or kind of beverage or property have been complied with.

SEC. 3. Section 51g of the act cited in the title hereof is hereby amended to read as follows:

Sec. 51g. It shall be unlawful for any person to use any automobile or other vehicle to conceal, convey, carry, or transport any alcoholic beverages which are subject to seizure under the provisions of this act *or any stills or parts thereof subject to seizure under Section 51a of this act or any materials or supplies capable of and intended for use in the manufacture of alcoholic beverages with the design to evade the excise taxes or license fees imposed by this act*; except that the provisions of this section shall not apply to any person [who is the holder of an industrial alcohol dealer's license or who has purchased distilled spirits from the holder of an industrial alcohol dealer's license and] who uses an automobile or other vehicle to transport distilled spirits for lawful use in the trades, professions or industries. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Any automobile or other vehicle [so] used to conceal, convey, carry or transport alcoholic beverages, still, materials or supplies in violation of this section shall be forfeited to the State of California.

SEC. 4. Section 52 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 52. (a) Any peace officer of this State upon seizing any alcoholic beverages or other property [, not subject to summary destruction as provided in Section 51e, shall] *may* hold the same as evidence until a forfeiture has been declared [or], a release ordered as provided in this section, *or other disposition has been made in accordance with the provisions of this act.* All forfeitures under this act are hereby declared to be statutory forfeitures.

(b) [Notice] *If disposition of seized property is not made under the provisions of Section 51c of this act, notice of the seizure and of the intended forfeiture proceeding shall be filed with the county clerk and shall be served on all persons, firms or corporations having any right, title or interest in the alcoholic beverages or*

other property seized; and when the owner or owners are unknown or can not be found then notice of the seizure and intended forfeiture proceedings shall be made upon such owners by one publication in a newspaper of general circulation in the county where such seizure was made.

(c) Within 20 days after service of the notice of seizure and intended forfeiture proceedings, or within 20 days after the date of publication, the owner or owners of the alcoholic beverages or other property so seized may file a verified answer to the fact of the alleged unlawful use of the alcoholic beverages or other property; provided, however, that the claimant of any right, title or interest in said alcoholic beverages or other property so seized may make a verified answer to establish his claim as provided in subdivision (f) of this section. No extensions of time shall be granted for the purpose of making the verified answer above required.

(d) If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of unlawful use and shall, upon proof thereof, order the alcoholic beverages or other property forfeited to the State of California.

(e) If a verified answer has been filed, then the forfeiture proceeding may be set for hearing on a day within 30 days thereafter, and notice of this proceeding shall be given to the owner or owners filing verified answers.

(f) At the time set for the hearing any of the owners who have verified answers on file may show by competent evidence that the alcoholic beverages or other property were not in fact used contrary to the provisions of this act. The claimant of any right, title or interest in said alcoholic beverages or other property under a lien, mortgage or conditional sales contract which is officially of record may prove that such lien, mortgage or conditional sales contract is bona fide and was created after a reasonable investigation of the moral responsibility, character and reputation of the lienor, mortgagor or vendee and without any knowledge that such alcoholic beverages or other property was being, or was to be, used contrary to the provisions of this act.

(g) In the event of such proof, the court shall order said alcoholic beverages or other property released to such lienholder, mortgagee or vendor if the amount due to such person shall be equal to, or in excess of, the value of the alcoholic beverages or other property. If the amount due to such person shall be less than the value of said alcoholic beverages or other property then said alcoholic beverages or other property shall be sold at public auction by the board and the remainder of the proceeds of such sale, after payment of the balance due on the purchase price, mortgage, or lien, shall be deposited in the State Treasury.

Should the fact be determined that the alcoholic beverages or other property were not used contrary to the provisions of this act, the court shall order the alcoholic beverages or other property released to the owner or owners thereof.

(h) In any case the State Department of Finance shall have the right, within 30 days after judgment, to pay the balance due to such bona fide or innocent purchaser, lienholder, mortgagee or vendor and to purchase the alcoholic beverages or other property for the State.

(i) Nothing contained herein shall apply to common carriers or to an employee acting within the scope of his employment under this act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 464—An act to add Chapter 12, comprising Sections 9201 to 9225, inclusive, to Part 4, Division 8 of the Health and Safety Code, relating to abandonment of cemeteries by public cemetery districts.

Bill read second time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, after line 5, insert

"9201. Any public cemetery district may acquire, by grant, gift, or any other method, cemeteries existing within the boundaries of a public cemetery district at the time of its formation.

9202. Any cemetery in which there has not been interred any human dead for the period of twenty-five (25) years may be declared an abandoned cemetery.

9203. Any public cemetery district having acquired a cemetery within its district boundary lines, as hereinbefore provided, may, by resolution of its board of directors, if no human dead have been interred therein for a period of twenty-five (25) years

immediately preceding the date of the resolution, declare the abandonment in whole or in part of the cemetery as a burial place for the human dead and for the removal of human remains interred therein to another cemetery or cemeteries within the boundaries of the district or, for the depositing of such remains in a memorial mausoleum, or columbarium as in this chapter provided.

9204. Any resolution or declaration for abandonment and removal duly adopted and made under the provisions of this chapter shall specify and declare that at any time after the expiration of two months after the first publication of the notice of declaration of abandonment and removal required to be published, as in this chapter set forth, the human remains then remaining in the cemetery or part thereof will be removed by the district owning or controlling the cemetery.

9205. Notice of the declaration of abandonment and the proposed removal of the human remains from any abandoned cemetery, or part thereof, shall be given, to all persons interested therein, by publication in a newspaper of general circulation published within the public cemetery district and most likely to give notice to the parties concerned. If no newspaper of general circulation is published in the district, then publication shall be made in a newspaper of general circulation published in the county within which the district is located. Publication shall be made once a week for four consecutive times. The notice shall be entitled "Notice of the Declaration of Abandonment of Lands for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein" and shall specify a date not less than two months after the first publication of the notice when the district owning or controlling the cemetery lands and causing the notice to be published will proceed to remove the human remains then remaining in such cemetery, or part thereof.

9206. Copies of the notice so published shall within 10 days after the first publication thereof be posted in at least three conspicuous places in the cemetery from which the removal of the human remains interred therein are to be made, and a further copy of the notice shall be mailed to every person who owns or holds or has the right of burial in any lot, or plot in the cemetery, or part thereof, affected by the resolution or declaration of abandonment and removal, whose name appears as owner or controller upon the records of the cemetery. The notice so mailed shall be addressed to the last known post-office address of the respective lot owner or plot holder as the same appears from the records of the cemetery, and if no address appears or is known, then it shall be addressed to such persons at the county seat of the county in which the cemetery land is situated. Notice shall be mailed to any known living heir at law of any person whose remains are interred in the cemetery when the address of the heir is known.

9207. After the completion of the publication, posting and mailing of the "Notice of Declaration of Abandonment of Land for Cemetery Purposes and of Intention to Remove the Human Bodies Interred Therein," and after the expiration of two months as specified in the notice, the district owning or controlling the cemetery shall have power to cause the removal of all human remains interred in the cemetery, or part thereof, to be abandoned as a cemetery or burial place of the dead, and to cause the reinterment in other cemeteries in the district where burials are permitted, or to deposit the remains in a mausoleum or columbarium erected for that purpose, without further notice to any persons claiming any interest in the cemetery or part thereof, or in the remains therein interred.

9208. At any time before the date fixed for the removal of the remains by the district owning or controlling such cemetery land, any relative or friend of any person whose remains are interred in the cemetery or part thereof, from which it is proposed to make removal may give the district proposing to make removals, written notice that he or she desire to be present when the remains of a friend or relative, are disinterred or reinterred or deposited in a mausoleum or columbarium. The notice shall state the name of the person whose remains are referred to, and as accurately as possible shall describe the lot or plot where the remains are buried and the date of the burial, and shall specify an address to which the notice provided for in Section 9209 may be made. Notice may be delivered at the office or the principal place of business of the district owning or controlling the cemetery land and proposing to make removal, or may be forwarded thereto by registered mail.

9209. Upon receipt of such notice before the date fixed for the removal of the remains by the district proposing to make removals, it shall be the duty of the district to give written notice, to the persons giving the notice provided in Section 9208, of the time when the remains shall be disinterred and of the time when and the place where the same will be reinterred or deposited. The notice shall be given by delivery thereof at the address stated in the notice referred to in Section 9208, or by mailing the same to the person giving such notice, at the address stated, delivery or mailing to be made not less than ten (10) days prior to the date specified for the disinterment of such remains. Whenever written notice shall be given by a relative or a friend of any persons interred in the cemetery lands from which removals are proposed to be made, the district owning or controlling such cemetery land and proposing to remove the bodies interred therein shall not disinter the bodies until notice of time of such disinterment is given such relative or friend.

9210. At any time prior to the removal, by the district owning or controlling the abandoned cemetery land, of the remains of any persons buried in the abandoned

cemetery, any relative or friend of the person may voluntarily remove the remains and deposit the same as he may desire, provided, however, that the persons desiring to cause removal prior to such removal shall deliver to the district owning or controlling the abandoned cemetery, an affidavit, duly sworn to before an officer qualified to administer oaths, stating the name of the person whose remains it is desired to remove and further stating, so far as is known to affiant, the date of burial of the remains and the names and places of residence of the heirs at law of the deceased person.

9211. In the event that the person desiring to cause such removal is not an heir at law of the person whose remains he desires to remove, removal shall not be made by him until he shall have delivered to the district owning or controlling the abandoned cemetery a written consent of a majority of the known heirs at law of the deceased person who are residents of the State of California. The statements in the affidavit shall be sufficient evidence of the numbers, names and residence of the heirs at law for all the purposes of this chapter, and the written consent of the majority of the heirs at law named in the affidavit shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of the remains by such persons.

9212. The purchaser or owner of any burial lot or plot in the abandoned cemetery, or part thereof, or of the right of burial therein or any one of the said purchasers of any lot or plot of burial land therein may cause the removal of any person or of the remains interred in such lot or plot without the necessity of signing any affidavit of consent as specified in Section 9210.

9213. If the right, title or interest of any grantee of any burial lot or plot of the abandoned cemetery, or the right of burial therein, shall have passed by succession to the heir or heirs at law of the grantee without formal distribution by order of court, the heir or heirs at law may remove the remains of persons interred in such lot or plot, and the affidavit of any heir at law setting out the fact of heirship shall be accepted by the district owning or controlling the abandoned cemetery and from which removals are to be made as sufficient evidence for all the purposes of this chapter of the fact of the transfer of title or right of burial to such heir, or heirs at law.

9214. Whenever the remains of any person shall have been removed from any abandoned cemetery, or the part thereof abandoned as a burial place under the provisions of this chapter, by the district having charge or control of the abandoned cemetery lands, the remains shall be transported and reinterred in any other cemetery lands, within the boundaries of the district having charge or control of the abandoned cemetery land or deposited in a mausoleum or columbarium as provided in this chapter.

9215. The remains of each person reinterred shall be placed in a separate and suitable receptacle and decently and respectfully interred under the rules and regulations now in force or that may be adopted by the district making removal. If the remains of any person removed from the abandoned cemetery are deposited in a memorial mausoleum or columbarium built for that purpose, each body removed shall be inclosed in a separate and suitable receptacle or container and shall be deposited in a decent and respectful manner, in accordance with the rules and regulations now existing or that may hereinafter be adopted by the district owning or controlling the abandoned cemetery lands.

9216. Whenever the remains of any person shall be removed from any abandoned cemetery by any relative or friend of such person, under the provisions of this chapter, the persons causing such removal shall also be entitled to remove any vault, monument, headstone, coping or other improvement appurtenant to the grave from which the remains have been removed, and the affidavit or written consent given under the provisions of Section 9210 shall be sufficient warrant and authority for the district owning or controlling the abandoned cemetery to permit the removal of any vault, monument, headstone, coping or other improvement appurtenant to the grave.

9217. Whenever the remains of any person buried in any lot or plot shall have been removed, and any vault, monument, headstone, coping or other improvement appurtenant thereto shall remain on the lot or plot for more than sixty (60) days after removal of the last human remains therefrom, the vault, monument, headstone, coping or other improvement may be removed and disposed of by the district owning or controlling the abandoned cemetery land, and thereafter no persons claiming any interest in the lot or plot or the vault, monument, headstone, coping or other improvement appurtenant thereto, shall have the right to maintain in any court, any action in relation to such vault, monument, headstone, coping or other improvement so removed or disposed of.

9218. Whenever a cemetery or part thereof has been abandoned as a cemetery or place of burial for the human dead, as provided in this chapter, by the district owning or controlling the same, the parts or portions thereof in which no interments have been made and the parts and portion thereof from which all human remains have been removed may be sold by the district owning and controlling the abandoned cemetery lands. No order of any court shall be required in order to make any sale

of lands abandoned for cemetery purposes and from which the human remains have been removed.

9219. Whenever any district shall have resolved upon the abandonment of any cemetery, or part thereof, and the removal of the human remains therefrom, under the provisions of this chapter, the district shall have power to employ any moneys in its treasury to defray the expenses of such abandonment and removal, including the expenses of purchasing additional lands or otherwise providing a suitable place for the interment or depositing of the remains, in any other cemetery, mausoleum, or columbarium within the boundaries of the district and under its control; also including the expenses of disinterment, transportation and reinterment, or the depositing of the remains in the mausoleum or columbarium; also including the expenses of the removal and disposal of any vaults, monuments, headstones, coping or other improvements which may remain after the human bodies are removed from any abandoned cemetery or part thereof; also including all necessary expenses incident to the sale of any lands; also including all other expenses necessarily incurred in carrying out the abandonment of the abandoned cemetery lands and the removal and reinterment or depositing of the bodies removed and all other expenses incident to any of the above purposes.

9220. Any moneys received by the district from the sale of the lands of the abandoned cemetery may be used for any purpose as the district may lawfully declare.

9221. Whenever any district shall remove human bodies or the remains thereof from any abandoned cemetery lands the district shall reinter or deposit or redeposit any human remains removed in the established cemetery of the district or in the mausoleum or columbarium owned or operated by the district; and thereafter the lots or plots, niches, compartments or receptacles in which the human remains removed have been reinterred or deposited shall be conveyed to the person or persons, if known, who owned the lot or plot in the abandoned cemetery from which the human remains were removed, and the conveyance shall be in full of all right, title and interest of any person or persons owning any lot or plot in the abandoned cemetery from which the human remains have been removed.

9222. In event of any person or persons owning any lot or plot of land within the abandoned cemetery in which no human remains have been interred, the directors of the district owning or controlling the lands of the abandoned cemetery, shall convey to such person or persons owning any lot or plot in the abandoned cemetery a lot or plot of equal dimensions in the cemetery owned and conducted by the district and such conveyance shall be in full of all right, title and interest in and to the lot or plot owned by such person or persons in the abandoned cemetery, and thereafter no person or persons claiming any interest in any such lot or plot shall have the right to maintain in any court an action in relation to such lot or plot owned by such person or persons in the abandoned cemetery.

9223. After the removal and reinterment or deposit in a mausoleum or columbarium of the human bodies disinterred from any abandoned cemetery, or part thereof, the district owning or controlling the abandoned cemetery lands and making removals shall cause to be erected upon or imbedded in any lot or plot wherein any such body is reinterred, a suitable permanent marker identifying the remains and shall prepare a complete record of the name of each person, where known, whose body was reinterred and deposited and the lot or plot in the cemetery or the niche or compartment in any mausoleum or columbarium where the body is reinterred or deposited and such record shall be kept on file in the office of the district making the removals and reinterments or depositing bodies in a mausoleum or columbarium and shall at all times be open to inspection of the relatives or friends of those so reinterred or deposited.

9224. After the removal of all human remains interred in any part or the whole of the cemetery lands abandoned as a burial place for the human dead as provided in this chapter, the district owning or controlling the abandoned cemetery lands may file for record in the office of the county recorder of the county or city and county in which the lands are situated, a written declaration reciting that all human remains have been removed from the part or portion of the lands described in the declaration. The declaration shall be acknowledged in the manner of the acknowledgment of deeds to real property by the president and secretary, or other corresponding officers, of the district owning or controlling the abandoned cemetery lands, and thereafter any deed or other conveyance of any part of such lands shall be conclusive evidence in favor of any grantee therein named, his successors or assigns, of the fact of the complete removal of all human bodies therefrom.

9225. In the disinterment, transportation, and removal of human remains made under the provisions of this chapter, it shall not be necessary for the district owning or controlling the abandoned cemetery lands to obtain from the board of health or health officer of the city, county, or town where the cemetery lands are located, a separate permit for the disinterment, transportation, or removal of the remains of each person so disinterred, transported, or removed, but disinterment, transportation, and removal of the human remains shall be made subject to reasonable rules and regulations relative to the manner of disintering, transporting

or removing remains as may be adopted by the board of health or the health officer of the city, city and county, or town wherein the cemetery lands are situated."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Senate Bill No. 1—An act creating a Labor Relations Commission for the mediation, arbitration, and conciliation of labor disputes, defining the jurisdiction, powers, and duties of the commission and the rights, remedies, powers, and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

Strike out the title of the printed bill, as amended, and insert

"An act creating a Labor Relations Department for the mediation, arbitration, and conciliation of labor controversies and contentions, defining the jurisdiction, powers, and duties of the department and the rights, remedies, powers and duties of employers and employees, and prescribing penalties for the violation of its provisions."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 7, and insert "industrial controversy, and to provide a just and orderly procedure to settle all industrial or labor controversies to the end that there shall not be a stoppage of wages or of industrial operations because of industrial or labor controversies, and that wages may be steadily paid and that the earnings of labor and the operation of industries may be assured and continuous during industrial and labor controversies, contentions, or disputes.

The objects of this enactment are:

First: To safeguard the rights of the public and prevent the impairment and disruption of commerce and the losses occasioned to the public thereby.

Second: To prevent losses to labor by providing for no cessation of employment during labor controversies, in order that earnings shall not be stopped or lost.

Third: To subject to reasonable regulation all threatened or existing industrial controversies in order to promote the convenience, prosperity, and welfare of the general public.

Article 2. Labor Relations Conciliator and Commissions

Sec. 10. There is in the State Government a Labor Relations Department under the supervision and control of the Labor Conciliator.

Sec. 11. The Conciliator shall be appointed for a term of three years by the Governor with the consent of the Senate. The appointment shall not be effective until it is so confirmed. A vacancy in the office may be filled by the Governor by an appointment for the unexpired term.

Sec. 12. The Conciliator shall be a person who ranks high in the respect and estimation of the public and is widely known for his upright character, his high principles and character and his knowledge of and interest in the labor relations. He shall not be connected with either the employer or employee groups of this State.

At the time of his appointment he shall be a qualified citizen of the State, over the age of 35 years and shall have been a citizen of the United States for at least 21 years.

Sec. 13. The Labor Relations Department shall have jurisdiction over labor disputes which shall be exercised through the Conciliator and four commissions with the following designations and authority:

(1) The Transportation Labor Relations Commission shall exercise authority over such labor disputes arising in or involving the transportation industry as are referred to it by the Conciliator.

(2) The Manufacturing Labor Relations Commission shall exercise authority over such labor disputes arising in or involving the manufacturing industry as are referred to it by the Conciliator.

(3) The Mercantile Labor Relations Commission shall exercise authority over such labor disputes arising in or involving the mercantile industry as are referred to it by the Conciliator.

(4) The Service Labor Relations Commission shall exercise authority over such labor disputes arising in or involving service industries as are referred to it by the Conciliator.

If any labor dispute arises it shall be referred by the Conciliator to the commission which, in his judgment, is most appropriate to deal with it, notwithstanding that it does not particularly fall within the class of industry over which the commission has authority.

SEC. 14. Each commission shall be composed of five commissioners of whom four shall be appointed as follows:

(1) The labor unions or organizations of employees engaged in the transportation industry shall recommend to the Governor the names of six persons for appointment to the Transportation Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(2) The labor unions or organizations of employees engaged in the manufacturing industry, shall recommend to the Governor the names of six persons for appointment to the Manufacturing Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(3) The labor unions or organizations of employees engaged in the mercantile industry shall recommend to the Governor the names of six persons for appointment to the Mercantile Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(4) The labor unions or organizations of employees engaged in service industries shall recommend to the Governor the names of six persons for appointment to the Service Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(5) The organizations of employers engaged in the transportation industry shall recommend to the Governor the names of six persons for appointment to the Transportation Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(6) The organizations of employers engaged in the manufacturing industry shall recommend to the Governor the names of six persons for appointment to the Manufacturing Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(7) The organizations of employers engaged in the mercantile industry shall recommend to the Governor the names of six persons for appointment to the Mercantile Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

(8) The organizations of employers engaged in service industries shall recommend to the Governor the names of six persons for appointment to the Service Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate.

SEC. 15. The persons to be recommended shall be selected by the labor and employers organizations, including those affiliated with the American Federation of Labor, the Congress of Industrial Organization, the Employers Council of San Francisco and the Merchants and Manufacturers Association of Los Angeles, under such rules and regulations as the Conciliator shall prescribe after a public hearing of which reasonable notice shall be given in such manner as the Conciliator deems best. Such organizations shall not be limited in their recommendations of persons for appointment to members of organized groups of employees or employers.

SEC. 16. Such recommendations of persons to be originally appointed commissioners shall be made within 60 days of the effective date of this act and recommendations of persons to be subsequently appointed shall be made within 60 days of the expiration of the terms of office of their predecessors or of a vacancy in the office.

SEC. 17. The terms of office of each such commissioner shall be four years and each shall hold office until the appointment and qualification of his successor.

SEC. 18. Such four commissioners first appointed to each commission shall recommend to the Governor within 15 days of the appointment of the commissioner last appointed, the names of three persons for appointment to that commission. One of such persons shall be appointed to the commission by the Governor. Such fifth commissioner shall hold office for a term of four years and shall be chairman of the commission.

SEC. 19. In the event of a failure to exercise the right to make any recommendation provided for in Sections 14 and 18 within the times set forth, the Conciliator shall exercise such right and shall recommend a person to the Governor for appointment, after conference with the organizations of employees or of employers or with the commissioners so failing to recommend.

SEC. 20. The salary of the Conciliator shall be the sum of eight thousand dollars (\$8,000) per year. The compensation of each commissioner shall be fifteen dollars (\$15) per day for each and every day devoted to the actual performance of his duties. Each commissioner shall receive his actual and necessary traveling and other expenses incurred in such performance.

SEC. 21. The Legislature may, by a two-thirds vote of all members elected to each house, remove any commissioner or the Conciliator from office.

SEC. 22. A majority of the commissioners of each commission shall constitute a quorum for the transaction of business and for the exercise of any powers of the commission, except that five members shall be a quorum for the adoption of findings and recommendations under Section 67.

Any action concurred in or approved by a majority of a quorum of a commission shall be the act of the commission.

SEC. 23. Each commission may hold meetings in any place in the State when necessary in order to perform its duties to the best advantage.

SEC. 24. Upon the occurrence of any dispute, other than involving the certification of representatives, the Conciliator shall refer the matter to the labor relations commission which in his judgment is most concerned.

Article 3. Representatives

SEC. 40. Employees shall have the right to self-organization and to bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act. Such representatives shall be chosen by secret ballot held in the presence of the Conciliator or such officers or employees of the department as he shall determine. The Conciliator shall have power to determine who may participate in the election and to establish the rules governing any such election. The one chosen at such election shall be the exclusive representative of all the employees in such unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment. The one who receives the highest number of votes, if a majority of employees in the unit participate in the election, shall be certified to the Conciliator as the representative. The employer shall recognize the certified representative.

SEC. 41. Representatives, for the purposes of this act, shall be designated by the respective parties without interference, influence, or coercion by either party over the designation of representatives by the other, and neither party shall in any way interfere with, influence, or coerce the other in its choice of representatives.

SEC. 42. Representatives of employees for the purposes of this act need not be persons in the employ of the employer, and no employer shall, by interference, influence, or coercion seek in any manner to prevent the designation by its employees as their representatives of those who or which are not employees of the employer.

SEC. 43. No person shall deny or in any way interfere with the right of any other person to join, organize, or assist in organizing the labor organization of his choice.

SEC. 44. It shall be unlawful for any employer to interfere in any way with the organization of his employees, or to use his funds or facilities or assisting or contributing to any labor organization, labor representative or other agency of collective bargaining, or in performing any work therefor, or to influence or coerce employees in an effort to induce them to join or remain or not to join or remain members of any labor organization, or to deduct from the wages of employees any dues, fees, assessments, or other contributions payable to labor organizations, or to collect or assist in the collection of any such dues, fees, assessments, or other contributions. However, nothing in this act shall be construed to prohibit an employer from permitting an employee, individually, or local representatives of employees, from conferring with management during working hours without loss of time.

SEC. 45. If an employer or any of his employees notifies the Conciliator that a question exists as to the proper representative of the employees for the purpose of collective bargaining, it shall be the duty of the Conciliator immediately to ascertain the seriousness thereof and if in his judgment it can not be settled within a reasonable time, or if the employer or any of his employees demand that an election be held to enable the employees to select their representative, the Conciliator shall call an election within 10 days. The election shall be by secret ballot. The Conciliator shall determine the proper unit, group or class of employees who shall take part therein, and a majority vote of these so taking part shall prevail.

SEC. 46. No person shall picket a place of employment or strike or cause a lockout prior to or during the choice of representatives for the purposes of this act in the event of a question, whether presently existing or reasonably likely to occur, concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, other than of agricultural laborers, regardless of whether or not the parties stand in the proximate relation of employer and employee.

Article 4. Negotiation, Mediation, and Conciliation

SEC. 60. Whenever a labor dispute develops to a stage where all the parties believe it can not be settled among themselves, or which threatens to result in a strike or lockout, they or one of them may notify the Conciliator.

The notice of dispute shall contain a brief statement of the facts.

Only one notice of dispute need be given with reference to any one dispute.

Upon receipt of such a notice the Conciliator shall summon both parties, or their representatives, to appear before him for a conference for the purpose of ascer-

taining the nature of the dispute and to determine whether or not it can be settled within a reasonable time without a formal hearing and investigation by a commission. If after the conference it should appear to the Conciliator that the dispute can not be settled by the parties themselves within five days, the Conciliator shall notify the appropriate commission which shall institute a formal hearing and investigation of all the facts pertaining to or affecting the dispute.

SEC. 61. Each representative of employer or employee shall upon being summoned to appear before the Conciliator file with the Conciliator in writing his authority to appear.

SEC. 62. The commission or its representative may present to the parties to the dispute at any time such information, advice, or recommendations as to it may seem fit and proper. At any time during a hearing, either party to the dispute may make an offer for a settlement and may present such arguments and information relative to such offer as are relevant, fit, or proper.

SEC. 63. Whenever such offer is made, the commission may, with the consent of all parties, conduct a vote of the employees affected by or involved in such labor dispute on any or all of such questions, disputes, or offers, by secret ballot. For that purpose the commission shall determine the proper unit, group, or class of employees who shall vote upon such questions, disputes, or offers.

SEC. 64. The majority of the votes cast at an election in which a majority of the employees in any group, unit, or class of employees involved in, or affected by, such labor dispute participate shall be final, conclusive, and binding upon all of the employees of the group, unit, or class; provided, that no employee shall thereby be required to render labor or service without his consent or against his will.

SEC. 65. All parties to the dispute shall have reasonable notice and opportunity to present to the commission such matters as may be relevant to the settlement of the dispute. Notice of hearing shall be given to the parties to the dispute in the manner and form as provided in this act.

SEC. 66. Hearings shall be held at such times and places as the commission in its judgment shall determine will best serve the public interest, having due regard to the convenience of the parties. All parties to the dispute shall be given reasonable notice of the time and place of such hearings as provided in this act. The commission shall have power to continue any hearing from time to time or from place to place and to bring in new parties as the circumstances may require.

SEC. 67. The commission in conducting such inquiry shall proceed with due diligence to complete its inquiry into the dispute and shall make in writing its findings and recommendations. The findings and recommendations shall clearly recite the nature of the controversy and the points of dispute. The recommendations shall be just and equitable in the premises, and such as will contribute to the settlement of the dispute on a basis fair to all concerned.

SEC. 68. Immediately upon the completion of the findings and recommendations, one copy thereof shall be furnished to each of the parties to the dispute.

SEC. 69. If the parties to the dispute shall notify the commission that they refuse to accept its recommendations, or if, after the lapse of a time deemed reasonable by the commission, it shall appear to the commission that the dispute will not be amicably settled by the parties, then the commission shall file one copy of its findings and recommendations with the Secretary of State and one copy with the county clerk of the county where the dispute exists, or is threatened, which copies shall be public records.

SEC. 70. Any recommendations issued by the commission after a hearing as provided in this act in which an increase in wages is recommended, may specify that said wage increase shall be retroactive; such recommendation shall indicate the effective date of such wage increase, which in no case shall be earlier than the formal request.

SEC. 71. No person shall picket a place of employment or strike or cause a lockout prior to or during the hearing of a dispute before a commission or while a dispute is being arbitrated under this act, whether or not the dispute is referred to a commission.

SEC. 72. At any time during a labor dispute other than one referred to a commission, the Conciliator may offer his good offices in effecting a settlement and such information, advice and recommendations to the parties as may seem fit and proper.

If any offer of settlement is made by any of the parties, the Conciliator may with the consent of all parties conduct a vote of the employees affected by or involved in such labor dispute on any or all of such questions, disputes, or offers in like manner and with the same effect as a commission may conduct a vote under Section 63.

Article 5. Arbitration

SEC. 90. Whenever a dispute is not settled in conference or through mediation, the commission shall suggest and request arbitration. In any case the dispute may, by agreement of the parties, be submitted to the arbitration of a board of arbitration composed of three, or if the parties so stipulate, of five persons.

SEC. 91. In the case of a board of arbitration of three members, each party to the dispute shall name one member, and these two shall choose the third. If, after their first meeting they fail to do so within five days, the Conciliator shall name the third. In the case of a board of arbitration of five members each party shall name

two members, and these four shall name the fifth. If they fail to do so within five days after their first meeting, the conciliator shall name the remaining member.

SEC. 92. When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator, they shall notify the Conciliator and in the event of their failure to agree upon the necessary arbitrator within the period fixed by this act, they shall, at the expiration of such period, so notify the Conciliator.

SEC. 93. The board of arbitration shall organize, and select its own chairman, and make all necessary rules for the conduct of its hearings, provided, however, that the board of arbitration shall be bound to give the parties to the dispute a full and fair hearing, which shall include an opportunity to present evidence in support of their claims, and an opportunity to present their case, in person, by counsel, or by other representative as they may respectively elect.

SEC. 94. No arbitrator, chosen by the Conciliator shall be interested in the dispute or connected with the parties thereto.

SEC. 95. Each member of any board of arbitration created under the provisions of this act, named by either party to the arbitration shall be compensated by the party naming him. Each arbitrator selected by the arbitrators or by the Conciliator shall receive from the Conciliator such compensation as the Conciliator may fix, together with his necessary traveling expenses incurred while serving as an arbitrator.

SEC. 96. The board of arbitration shall furnish a certified copy of its award to the respective parties to the dispute. It shall transmit the original together with the papers, proceedings, and transcript of the evidence taken at the hearings, certified by at least a majority of the members of the board of arbitration, to the Conciliator.

SEC. 97. A board of arbitration may, subject to the approval of the Conciliator employ and fix the compensation of such assistants as it deems necessary to carry on the arbitration proceedings. The compensation of such employees and the necessary expenses of boards of arbitration shall be paid by the Conciliator from his funds.

SEC. 98. All testimony before a board of arbitration shall be given under oath or affirmation, and any member of a board of arbitration shall have the power to administer oaths or affirmations.

SEC. 99. All agreements to arbitrate under this act shall:

- (a) Be in writing.
- (b) Stipulate that the arbitration is had under the provisions of this act.
- (c) State whether the board of arbitration is to consist of three or of five members.
- (d) Be signed by the duly accredited representatives of the employer or employers and the employees, parties respectively to the agreement to arbitrate, and be acknowledged by the parties before a notary public or before the Conciliator, and when so acknowledged, be filed in the office of the Conciliator.
- (e) State specifically the questions to be submitted to said board of arbitration for decision.

(f) Provide that the questions, or any one or more of them, submitted by the parties to the board of arbitration may be withdrawn from arbitration on notice to that effect signed by the duly accredited representatives of all parties and served on the board of arbitration.

(g) Stipulate that the signatures of a majority of the board of arbitration affixed to its award shall be competent to constitute a valid and binding award.

(h) Fix a period from the date of the appointment of arbitrator or arbitrators necessary to complete the board within which the board of arbitration shall commence its hearings.

(i) Provide that the respective parties to the award shall each faithfully execute it.

SEC. 100. The award of the board of arbitration, having been acknowledged as provided in this act, shall be filed by the Conciliator in the office of the clerk of the superior court in and for the county in which the agreement was signed.

SEC. 101. An award acknowledged and filed as provided in this act shall be conclusive on the parties as to the merits and facts of the dispute submitted to arbitration, and unless, within 10 days after the filing of the award, a petition to impeach the award, on the grounds set forth in this act, shall be filed in the office of the clerk of the superior court in and for the county in which the award has been filed, the court shall enter judgment on the award, which judgment shall be final and conclusive on the parties.

SEC. 102. A petition for the impeachment or contesting of any arbitration award filed with the superior court shall be entertained by the court only on one or more of the following grounds:

- (a) That the award plainly does not conform to the substantive requirements laid down by this act for such awards, or that the proceedings were not substantially in conformity with this act;
- (b) That the award does not conform, nor confine itself, to the stipulations of the agreement to arbitrate;

(c) That a member of the board of arbitration rendering the award was guilty of fraud or corruption; or that a party to the arbitration practiced fraud or corruption which fraud or corruption affected the result of the arbitration.

However, no court shall entertain any such petition on the ground that an award is invalid for uncertainty; in such case the proper remedy shall be a submission of such award to a reconvened board, or subcommittee thereof, for interpretation.

SEC. 103. An award contested as provided in this act shall be construed liberally by the court, with a view to favoring its validity, and no award shall be set aside for irregularity or clerical error, going only to form and not to substance.

SEC. 104. If the court determines that a part of the award is invalid on some ground or grounds designated in this act as a ground of invalidity, but determines that a part of the award is valid, the court shall set aside the entire award. However, if the parties agree thereto, and if such valid and invalid parts are separable, the court shall set aside the invalid part, and order judgment to stand as to the valid part.

SEC. 105. At the expiration of 10 days from the decision of the superior court upon the petition filed as aforesaid, final judgment shall be entered in accordance with the decision, unless during the 10 days, proceedings for an appeal therefrom have been commenced. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by the petition and to be decided.

SEC. 106. If the petitioner's contentions are finally sustained, judgment shall be entered setting aside the award in whole or, if the parties so agree, in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the dispute, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Article 6. General Provisions

SEC. 120. Unless a different meaning is plainly required by the context, the general provisions, including definitions, set forth in this act, shall govern the construction of this act.

SEC. 120.5. "Commission" means the Labor Relations Commission acting with respect to a particular matter.

SEC. 121. "Member" or "commissioner" means a member of a Labor Relations Commission.

SEC. 122. "Conciliator" means the Labor Conciliator.

SEC. 123. "Person" means an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, or receiver.

SEC. 124. "Employer" means a person who has an employee, defined in this act, in service under an employment or contract of hire, or apprenticeship, express or implied, oral or written, but does not include the United States, the State or any county, city and county, city, district, public or municipal corporation, or any other public agency or authority created or existing under any law of this State.

SEC. 125. "Employee" means any individual engaged in the service of an employer subject to this act, who received wages for personal services, and shall not be limited to the employees of a particular employer, unless expressly provided, and shall include any individual whose work has ceased in consequence of, or in connection with, any current labor dispute or question concerning representatives and who has not obtained any other regular and substantially equivalent employment, but shall not include an individual employed by a parent or spouse or who performs services as an agricultural laborer.

SEC. 126. "Agricultural laborer" means a person performing services:

(1) On a farm in connection with cultivating the soil or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of live stock, bees, poultry, and fur bearing animals and wildlife.

(2) In connection with the operation, management, conservation, improvement, or maintenance of a farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of maple sirup or maple sugar or any commodity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended, the raising or harvesting of mushrooms, the hatching of poultry, the ginning of cotton, or the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables as an incident to the preparation of such fruits or vegetables for market, and not if such services are performed in connection with commercial canning or commercial freezing, or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

As used in this section, the term "farm" includes stock, dairy, poultry, fruit, fur bearing animal; and truck farms, plantations, ranches, nurseries, ranges, green-houses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

SEC. 127. "Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable by any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commission.

SEC. 128. "Labor organization," "union," or "labor union" means an organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

SEC. 129. "Representative" means any person or organization designated by employees to act for them in dealing with employers, or by employers to act for them in dealing with employees, with respect to grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes labor unions.

SEC. 130. "Labor dispute" or "dispute" means any question or dispute, whether presently existing or reasonably likely to occur, concerning terms or conditions of employment, other than of agricultural laborers, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

SEC. 131. "Lockout" means the closing of a place of employment, or suspension of work, or refusal by any employer to continue to employ any number of persons employed by him in consequence of a dispute, or of a question concerning representatives, done with the intention or with the effect of compelling these persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of, or affecting employment or representatives.

SEC. 132. "Strike" means the cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are, or who have been so employed, to continue to work or to accept employment.

SEC. 133. "Agreement" means an agreement in writing entered into by or binding upon an employer and his employees, either directly or through their representatives, concerning grievances, labor disputes, representatives, wages, rates of pay, hours of employment or conditions of work, whether made under the provisions of this act or independently thereof.

SEC. 134. In this act, the masculine and neuter genders each includes the feminine, masculine and neuter, the singular includes the plural and the plural the singular; the present tense includes the past and future tenses and the future the present.

SEC. 135. The Conciliator may employ such officers, experts, engineers, statisticians, accountants, inspectors, clerks and other employees as are necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon him or any commission.

SEC. 136. The Conciliator is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus and appliances, that may be needed in carrying out this act.

SEC. 137. Each commission shall adopt a seal bearing the following inscription: "(Name of industry) Labor Relations (Commissions, State of California)".

The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct, and such seal shall be judicially noticed by all courts and tribunals.

SEC. 138. The Conciliator may adopt and use a seal.

SEC. 139. The Conciliator and each commission shall have authority to adopt, publish, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act; provided, however, that such rules and regulations shall apply only to employees of the department and rules of procedure in conducting the business of the department, including each commission.

SEC. 140. In any investigation, proceeding or hearing which under the provisions of this act, the Conciliator or any commission is empowered to institute, conduct or hold, the Conciliator or any commission, each member thereof, its secretary, or any person authorized by the Conciliator or any commission to conduct such investigation, proceeding or hearing, shall have the power to administer oaths, certify to official acts, issue subpoenas for the attendance of witnesses and the production of such evidence as the Conciliator or any commission deems pertinent to the hearing.

SEC. 141. Witnesses required to appear before the Conciliator or any commission are entitled to the fees and mileage provided for witnesses attending upon the superior court in civil cases. The Conciliator and each commission shall pay witness fees out of funds appropriated for the department.

SEC. 142. All hearings, investigations, and proceedings of the Conciliator or any commission shall be governed by this act and in the conduct thereof technical rules of evidence need not be applied.

No informality in any hearing, investigation or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved or confirmed by the Conciliator or any commission.

SEC. 143. If at any time a commission is unable immediately to hear all cases referred to it by the Conciliator, it shall give priority to those disputes involving the largest number of employees, or most likely to disturb the public peace and welfare.

SEC. 144. The department may employ examiners who shall have power to administer oaths, examine witnesses, and receive evidence at the direction of the Conciliator or of any commission.

SEC. 145. Any party to a labor dispute or question concerning representatives being heard or arbitrated under this act may attend the hearing or arbitration in person or by representative or by counsel, present testimony and arguments, and cross-examine witnesses.

SEC. 146. Facts relating to secret processes or formulas, which by reason of their nature if given to the public might jeopardize the rights of the employer shall not be made public; and should such secret formulas or processes become known to the Conciliator, the members of a commission or any of the employees of the department, it shall be unlawful to divulge the same to any person or persons.

SEC. 147. No party to any proceedings under this act shall be compelled to testify or to produce books, records or papers which would disclose its financial condition or membership, but may be compelled to produce pay roll and other records which do not disclose such facts.

Such parts of books, records and papers produced in evidence as do not relate to the matter at issue or which would disclose financial condition or membership may be sealed up at the direction of the Conciliator or the commission, as the case may be.

SEC. 148. Either party to proceedings under this act may object to the use of a report as evidence upon which the Conciliator or commission may base its decision on the grounds that such report is inaccurate or insufficient. In the event of such objection, the Conciliator or commission shall endeavor to procure more conclusive information on the points objected to as early as possible thereafter.

SEC. 149. Any party to, including a labor union or an organization of employers representing any party in the proceedings terminating in, or in entering into, an award which has become final or an agreement as defined in this act may recover damages for a breach of the award or agreement from any other party thereto, including such a union or organization, committing or persuading another to commit a breach thereof.

SEC. 150. All departments and agencies of the Government of the State of California, and of political subdivisions, shall render all appropriate assistance to the department, including each commission, in the performance of its duties.

SEC. 151. The Conciliator shall make and submit to the Governor on or before the first day of December of each year a report containing a full and complete account of the proceedings of the department during the previous 12 month period and setting forth such suggestions and recommendations as he deems of value.

SEC. 152. This act shall apply to commerce with foreign nations and commerce among the several States of the Union so far as such regulation is not in conflict with the provisions of the Constitution of the United States, but nothing contained herein shall apply to disputes, employments, employers or employees subject to or included in the acts of Congress known as the Railway Labor Act.

SEC. 153. It shall be unlawful to interfere with or obstruct the calling or holding of any meeting or election herein provided for, or to interfere with, obstruct or prevent the performance of any award which has become final or any agreement as defined in this act, or to attempt to persuade, induce or compel any of the parties thereto, or working thereunder, to violate the same.

SEC. 154. Every employer shall maintain in a conspicuous place on his premises where persons are employed, readily accessible to all his employees, a bulletin board during all working hours for the posting and display of orders and notices required under this act.

SEC. 155. All notices required to be given under this act shall be posted on said board. If it be notice of a meeting or hearing such notice shall be posted at least 48 hours prior to the hour fixed for such meeting or hearing. In addition, the Conciliator may mail notices to the employer and to all employees or representatives of either if the names and addresses of such persons have been filed with the commission.

SEC. 156. It shall be unlawful for any person other than the Conciliator or other officer or employee of the department to remove, deface or destroy any such posted notice.

SEC. 157. If a dispute or a question concerning representatives between an employer and his employees be not adjusted under the foregoing provisions of this act and should, in the judgment of the Conciliator threaten substantially to interfere with services essential to the public health, welfare, and safety, the Conciliator shall notify the Governor who may thereupon, in his discretion take such steps as may be necessary to maintain such services.

SEC. 158. The right of labor to bargain collectively and to strike and to picket peacefully is hereby recognized.

Nothing in this act shall be construed as requiring any person to perform services against his will.

SEC. 159. This act shall be liberally construed in order to effect the purposes thereof.

SEC. 160. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances shall not be affected thereby.

SEC. 161. Any violation of this act shall be a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail not to exceed one year, or both such fine and imprisonment."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 8 to 21, inclusive, and strike out pages 2 to 14, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Senate Bill No. 500—An act to amend Section 942 of the Streets and Highways Code, relating to powers of board of supervisors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "loan", and insert "let".

Amendment No. 2

On page 1 of the printed bill, strike out lines 8 to 12, inclusive, and insert "equipment used in the maintenance and construction of county roads, when such equipment is not in use upon the roads under the jurisdiction of the board, and may charge for the use thereof a rental, and arrange the basis of compensation, in keeping with the general conditions prevailing in the county in which the transaction is made."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1003—An act to amend Sections 195 and 203 of, and to add Sections 205 and 206 to, the Streets and Highways Code, relating to the expenditure of moneys from the State Highway Fund within cities.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 31, of the printed bill, strike out "With the consent of the city.": and strike out all of lines 32, 33 and 34, and insert "When the city council, by resolution adopted by a four-fifths vote, requests that funds allocated under this section for expenditure in a city, be expended on a State highway outside of the limits of such city, the department may expend such funds for the purposes authorized in the resolution."

Amendment No. 2

On page 3 of the printed bill, strike out lines 2 and 3, and insert "shall be deemed to revert to the unallocated funds in the State Highway Fund."

Amendment No. 3

On page 3 of the printed bill, strike out lines 12 to 16, inclusive, and insert "between portions of a city, the property on each side of the highway being within the incorporated limits thereof, shall be deemed to be a State highway within such city for all purposes of this article."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 32—Relative to Kings River flood control.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 23 of the printed bill, strike out "incapable", and insert "financially unable".

Amendment No. 2

In line 20 of the printed bill, strike out "forceably", and insert "forcibly".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 375—An act to add Sections 552.1, 1296.1 and 1299.1 to the Labor Code, relating to the sale or distribution of newspapers and other publications by minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 2, line 42, of the printed bill, as amended, after the period, insert "The notice and card shall state the name and date of birth of the minor, the name and address of the school attended by him, and the name and address of the person, firm, or corporation supplying him with newspapers, magazines, periodicals, or circulars. Immediately upon receiving the written notification, the person receiving it shall in turn notify the principal of the school attended by the minor. The principal shall at once examine the scholastic and health record of the minor."

Amendment No. 2

On page 2, line 46, of the printed bill, as amended, after "minor", insert ", or in any case where there is neither any school physician of such school nor any superintendent of schools having jurisdiction of the school attended by such minor, then the principal of the school attended by such minor".

Amendment No. 3

On page 2, line 51, of the printed bill, as amended, after "minor", insert ", or in any case where there is no superintendent of schools having jurisdiction of the school attended by such minor, the principal of the school attended by such minor."

Amendment No. 4

On page 3, line 5, of the printed bill, as amended, after "schools", insert "or of such principal of the school".

Amendment No. 5

On page 3, line 8, of the printed bill, as amended, after the period, insert "The certificate shall be deemed delivered to such person, firm, or corporation and to the parent or guardian when it has been deposited in the United States mail, registered, postage prepaid and (1) addressed to the parent or guardian of the minor and (2) addressed to such person, firm, or corporation."

Amendment No. 6

On page 3 of the printed bill, as amended, between lines 16 and 17, insert "Any person, firm, or corporation violating any provision of this section is guilty of a misdemeanor."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, March 31, 1941; Tuesday, April 1, 1941; Wednesday, April 2, 1941; Thursday, April 3, 1941; Friday,

April 4, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.20 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission granted to introduce a bill by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLoe, Duell, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Keutel, Lacey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1312: By Senator Seawell—An act to amend Sections 218 and 219 of the Penal Code, relating to the wrecking of trains.
Referred to Committee on Judiciary.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Metzger:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 11166.12, 11200 and 11712 of the Health and Safety Code, relating to narcotics.

Respectfully submitted.

SENATOR METZGER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 8, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BRIEF
TICKLE
DEUEL

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Metzger moved a call of the Senate.

Motion carried. Time, 5.22 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of, and to add a new section to be numbered 19 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof."

approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 12, line 41, of the printed bill, as amended in the Senate on March 31, 1941, strike out " , other than a small claims court".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1562—An act to amend Section 5440 of the Public Resources Code and to add Sections 5455 to 5458, both inclusive, thereto, relating to county recreation districts, authorizing the borrowing of money for improvements and equipment and providing for the annexation of territory thereto, and, in addition, to validate the organization, boundaries, trustees, acts, proceedings and bonds of such districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.27 p.m., on motion of Senator Metzger, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission granted to introduce a bill by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1313: By Senator Metzger—An act to amend Sections 11166.12, 11200 and 11712 of the Health and Safety Code, relating to narcotics.

Referred to Committee on Public Health and Safety.

ADJOURNMENT

At 5.30 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 9, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-FOURTH LEGISLATIVE DAY
NINETY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 9, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Jones, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Meyer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Marie Dunkley of Vallejo, and Miss Georgia Buchanan of Sacramento.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alexander Palan-deck of Sacramento.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Herman Waters of Empire, and C. D. Frantz of Laton.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Frances Dias, well-known aviatrix, of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jas. Billups, guardian, Miss Jeanne Billups, assistant guardian, Mesdames Clarence Dow, D. S. Box, D. Vigna, mothers, and the following mem-

bers of the Campfire Group, Woodrow Wilson School, Stockton: Joyce Dow, Dorothy Welch, Dorothy Burdick, Frances Colliver, Eugenia Davies, Delores Rust, Phyllis De Soto, Edna Vigna and JoAnn Welch.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Maryetta Fisher and Patricia Doran of Sacramento.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Margaret Ford and Lovella Proctor of Santa Rosa.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Grant Giles and Miss Joan Marie Shelley of San Francisco.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Peter De Graaf of National City, and Chas. A. Judson of San Pasqual.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Margaret Gettys Hall of Modesto.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. E. E. O'Brien, Mrs. J. R. Washburn, and Mrs. J. E. Findley, all of Richmond.

On request of Senator Parkman, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. T. Keeler and R. W. Watson, instructors in Burlingame and San Mateo high schools.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Volna Rush of San Francisco, Miss Helen Rush and Mrs. Eloise Hargrove, of San Diego.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. O. Willis of Redding.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ned Flanders, graduate student and director, and the following members of the University of California Glee Club: Norwood Smith, Byron Ruelas, Ed. Horner, Jr., Howard Hartmann, Henry Ferree, Roschelle Paul, Leslie Tedsen, R. G. Schwing, T. Roy Liedstrand, Douglas C. Frisendahl, Ted Nichols, Charles F. Boyns, Stanley Benedict, Bert Tolbert, George Fetygrove, Dan W. Jones, Robert J. Considine, James Douglass, Jack Williams, Charles G. Day, John Bihn, Alfred Kelley, Ernest Scolari, Whitney Lawrence, Robert Broshear, Thorp Walker, Nathan Tolbert, Park Biehl, Bill Heath, Ralph Eisenschmit, Victor Burkman, Peter Kujochich, Elliott Castello, Bob Griffin and Robert F. Laws.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 91

Senate Bill No. 1158

Senate Bill No. 289

Senate Bill No. 449

Senate Bill No. 693

Senate Bill No. 63

Senate Bill No. 46

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By ROBERT J. FINNEY, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 91—An act to amend Section 1530 of the Water Code or Section 23b of the Water Commission Act, relating to fees for applications or permits to appropriate water.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 91?

Amendment No. 1

On page 1, line 20, of the printed bill, strike out "the", and strike out all of lines 21 to 26, inclusive, and insert

"Division 2 of the Water Code is enacted by the Legislature at its Fifty-fourth Session, and, in such case, at the same time said Division 2 takes effect, at which time Section 23b of the Water Commission Act is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 91 by the following vote:

AYES—Senators Brown, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixer, Phillips, Rich, Seawell, Swan, Swing, Wagy, and Ward—24

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1158—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1158?

Amendment No. 1

On page 1 of the printed bill, as amended, between lines 10 and 11, insert

"Sec. 2. Section 3480h is hereby added to the Political Code, to read as follows:"

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1158 by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 289—An act to amend Sections 7055, 7057 and 7058 and the article heading of Article 2, Chapter 2, Part 6 of the Water Code, and Section 4 of the Central Valley Project Act of 1933, relating to the changing of the name of Kennett Dam to Shasta Dam.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 289?

Amendment No. 1

On page 3 of the printed bill, strike out line 51, and insert "only if Division 6 of the Water Code is enacted by the Legislature at its Fifty-fourth Session, and in such case, at the same time said Division 6 takes effect, at which time Section 4 of the Central Valley Project Act of 1933 is hereby repealed."

Amendment No. 2

On page 4 of the printed bill, strike out lines 1 to 6, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 289 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagly, and Ward—36.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 449—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's office.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 449?

Amendment No. 1

On page 1, line 12, of the printed bill as introduced in the Senate on January 22, 1941, after "months", strike out the period, and insert "; and, provided further, that this amendment shall not affect, adversely or otherwise, the civil service status of any officer or employee directly appointed or employed by the Attorney General who now has civil service status."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 449 by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Rich, Swan, Swing, Tickle, Wagly, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 693—An act to add Section 72.5 to the California Irrigation District Act, relating to court proceedings brought by and against irrigation districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 693?

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "71, and 72", and insert "and 71".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 693 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagly, and Ward—30.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 63—An act to add Section 6141.1 to the Business and Professions Code, relating to waiver of fees of members of the State Bar of California, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 63?

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "on or before the", and in line 17, strike out "first day of February of each year".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 63 by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, Kuchel, Lackey, Mayo, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 46—An act to amend Sections 43, 44 and 46 of the Alcoholic Beverage Control Act.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 46?

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "Act" insert ", relating to hearings on complaints against licensees".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 46 by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Lackey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 150

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 629

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 14

Senate Concurrent Resolution No. 20

Senate Concurrent Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 97

Senate Bill No. 907

Senate Bill No. 310

Senate Bill No. 1140

Senate Bill No. 589

Senate Bill No. 287

Senate Bill No. 288

Senate Bill No. 541

Senate Bill No. 549

Senate Bill No. 551

Senate Bill No. 626

Senate Bill No. 766

Senate Bill No. 688

Senate Bill No. 75

Senate Bill No. 264

Senate Bill No. 338

Senate Bill No. 339

Senate Bill No. 69

Senate Bill No. 73

Senate Bill No. 297

Senate Bill No. 86

Senate Bill No. 590

Senate Bill No. 841

Senate Bill No. 320

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 82

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 9, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
David Clarke Whiting, Page-----	\$2 50
Blanche B. Bliss, Stenographer-----	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

By Senator Tickle:

Senate Resolution No. 83

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 8, 1941:

	<i>Per day</i>
Raymond Mayo, Page-----	\$2 50
Jesse Mayo, Page-----	2 50

Resolution read and adopted.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Phillips moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 186 was passed.

The roll was called, and Senate Bill No. 186 refused reconsideration by the following vote:

AYES—Senators Breed, Carter, DeLap, Fletcher, Foley, Garrison, Jespersen, Kuchel, McBride, McCormack, Myhand, Parkman, Phillips, Rich, Swing, Tickle, and Wagy—17.

NOES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Gordon, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixer, Packman, Quinn, Seawell, Shelley, Slater, Swan, and Ward—22.

Bill ordered transmitted to the Assembly.

RECESS

At 2.55 p.m., on motion of Senator Breed, the Senate recessed until 3.05 p.m., to hear selections from the Glee Club of the University of California.

REASSEMBLED

At 3.05 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REMARKS

Senator Deuel extended an invitation to the members of the Senate and their wives, on behalf of the California Forest Protective Association, Rexford Black, Secretary, to visit logging operations at Butte Meadows in Butte County on April 19th and 20th.

Senator Metzger invited the members of the Senate and their wives to attend the Red Bluff Roundup on Sunday, April 20th.

CONSIDERATION OF DAILY FILE**THIRD READING OF SENATE BILLS (OUT OF ORDER)**

Senate Bill No. 1162—An act to amend Sections 4 and 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to loans by and between credit unions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Packman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Refer Bill to Inactive File

Senator Kenny moved that Senate Constitutional Amendment No. 8 be placed on the inactive file.

Motion carried.

Senate Bill No. 1276—An act to amend Section 4251 of the Political Code, relating to the compensation for public services in counties of the twenty-second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1299—An act to amend Sections 6.9, 24, 24.2, 24.3, 27, 33e, 34, 49, 49.2, 51, 66 and 67.5, and to repeal 24.5, 24.7, 27a, 27b, 27c, 27d, 33, 33a, 33b, 33c and 33d of the Alcoholic Beverage Control Act, and to add thereto new sections, to be designated 24.1, 24.5, 24.55, 24.6, 27a, 27b, 27c, 33, 33a, 33b, 33c, 33d, 33f, 33g, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i and 34j, relating to alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 500—An act to amend Section 942 of the Streets and Highways Code, relating to powers of board of supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Seawell, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 271—An act providing for the registration of certain societies, corporations, associations, camps, groups, bunds, political parties, assemblies and other bodies and organizations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—35.

NOES—Senator Kenny—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 543—An act to add Sections 3.123, 3.174, 3.302 and 3.372 to the School Code, all relating to the admission of persons to the public schools of this State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Myhand,

Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, and Ward—26.

NOES—Senators Deuel, Judah, Mayo, and Wagy—4.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 54—An act to amend Sections 79 and 83a of the State Employees' Retirement Act, relating to the retirement of members of the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 32—Relative to Kings River flood control.

Resolution read.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed measure, as amended, between lines 9 and 10, insert "WHEREAS, There are 1,000,000 acres of land which are irrigated from the waters of Kings River directly by gravity flow or from thousands of electric pumping plants; and

WHEREAS, Flood conditions are generally caused by excessive run off due to the melting of the snows in the high mountains and not only increase the irrigated lands within the lower areas, but in many seasons, cause lack of gravity water for irrigation in the higher areas, thereby forcing the farmers to operate their pumping plants, which greatly diminishes the stored water under the surface; and"

Amendment read and adopted.

Resolution ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of, and to add a new section to be numbered 19 to, an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the

Constitution of said State by adding Section 22 to Article V, relating to the compensation of State officers.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 4.15 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 850—An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand over three hundred dollars (\$300) made by licensed personal property brokers and on all loans or forbearances of money, goods and things in action and on accounts after demand, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1249—An act to amend Sections 16001 and 16102 of the Business and Professions Code, relating to licensing by cities and counties.

Bill read second time, and ordered to third reading.

Senate Bill No. 817—An act to amend Section 1182 of the Penal Code, relating to new trials.

Bill read second time, and ordered to third reading.

Senate Bill No. 1292—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed bill, beginning in line 2, strike out "three thousand dollars (\$3,000) is hereby appropriated for mileage of members and officers of the Senate", and insert "fifty thousand dollars (\$50,000) is hereby appropriated to the Contingent Fund of the Senate".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 721—An act to amend Section 842 of the Probate Code, relating to the leasing of real property belonging to the estate of a deceased person.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 803—An act to amend Section 1457 of the Penal Code, relating to the disposition of fines.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 417—An act authorizing suits against the State of California to establish the boundaries of, and to quiet title to, lands purchased from the State, and regulating the procedure therein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 9, of the printed bill, following the period, insert "The complaint in any such action must contain a plat of the property described therein, which plat must show the location of said property in respect to a section corner, the location of which is shown on an approved United States Government Township Plat, or in respect to a monument which has been established by reference to any such section corner."

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "Director of Finance", and insert "Chairman of the State Lands Commission".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 558—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1019—An act accepting a retrocession of jurisdiction from the United States of America over certain right of ways granted to the State of California over a certain road in the Presidio of San Francisco Military Reservation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 82—An act to amend Sections 1 and 2 of and to add Section 8 to an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 3 and 4 of and to add Section 9 to, an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 1 and 2 of and", and insert "Section 1 of."

Amendment No. 2

In line 2 of the title of the printed bill, as amended, between "to", and "an", insert "and to repeal Section 6 of".

Amendment No. 3

In line 6 of the title of the printed bill, as amended, strike out "Sections 3 and 4", and insert "Section 5".

Amendment No. 3a

On page 1 of the printed bill, as amended, strike out line 1, and insert "SECTION 1. Section 1 of an act entitled 'An act to provide for the retirement, with retirement allowances, of Justices of the Supreme Court and of the district courts of appeal, and judges of the superior courts,' approved July 1, 1937, is".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 34 to 50, inclusive.

Amendment No. 5

On page 2, line 51, of the printed bill, as amended, strike out "3", and insert "2".

Amendment No. 6

On page 3 of the printed bill, as amended, strike out lines 6 to 27, inclusive, and insert

"SEC. 3. Section 6 of the act entitled 'An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts,' approved July 1, 1937, is hereby repealed.

SEC. 4. Section 5 of the act entitled 'An act creating a special fund to be known as the 'Judges' Retirement Fund' providing for disbursements therefrom, and to make appropriations therefor,' approved July 1, 1937, is hereby amended to read as follows:

SEC. 5. Should any justice or judge of any of the said courts die, resign or cease to be a justice or judge of any of the said courts prior to the time he shall have been retired as provided by law, the amount of his accumulated contribution shall be paid to his designated beneficiary or to him, as the case may be."

Amendment No. 7

On page 3, line 28, of the printed bill, as amended, strike out "6", and insert "5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1088—An act to abolish the State Division of Narcotic Enforcement in the Department of Penology.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out "abolish the State", and insert "amend Section 376b of the Political Code, Section 11100 of the Health and Safety Code, and Section 4808 of the Penal Code, relating to the Division of Criminal Identification and Investigation and the".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Section 376b of the Political Code is hereby amended to read as follows:

376b. For the purpose of administration, the department shall be forthwith organized by the director in such manner as he shall deem necessary and proper to conduct the work of the department, and shall be divided into five divisions as follows:

1. Prisons and paroles. The Division of Prisons and Paroles which shall be administered by the State Board of Prison Directors, and the chairman of said board, who shall also be known as chief of the division:

[2. Criminal identification and investigation. The Division of Criminal Identification and Investigation, which shall be administered by the Superintendent of the Bureau of Criminal Identification and Investigation, who shall also be known as the chief of the division, and who shall be a member of the Advisory Pardon Board, to serve thereon in lieu of the Director of the Department of Penology;

3] 2. Pardons and commutations. The Division of Pardons and Commutations which shall be administered by the Chairman of the Advisory Pardon Board, who shall also be known as the chief of the division;

[4. Narcotics. The Division of Narcotic Enforcement which shall also be administered by the Chief of the Division of Narcotic Enforcement who shall also be known as chief of the division.

5] 3. Criminology. The Division of Criminology which shall be administered by the Chairman of the California Crime Commission, who shall also be known as chief of the division.

SEC. 2. Section 11100 of the Health and Safety Code is hereby amended to read as follows:

11100. There is in the [Department of Penology] *State Government* a Division of Narcotic Enforcement.

SEC. 3. Section 4808 of the Penal Code is hereby amended to read as follows:

4808. An Advisory Pardon Board of and for the State of California, is hereby created, which shall consist of the Lieutenant Governor, who shall be chairman of said board, the Attorney General, the [Director of the Department of Penology] *Superintendent of the Bureau of Criminal Identification and Investigation* and the warden of the California State Prisons at San Quentin and at Folsom. Should the Lieutenant Governor be absent or unable to perform the duties herein prescribed the President pro tempore of the Senate shall act in his place. The board shall have and exercise the powers and duties hereinafter set forth and specified. The members of said board shall not receive any salary or compensation."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 7, inclusive, and insert:

"Sec. 4. The term "Division of Criminal Identification and Investigation" when used in any statute or law now in force, or that may hereafter be enacted, shall be construed to mean and refer to the "Bureau of Criminal Identification and Investigation" the same as though the title of such bureau had been specifically set forth and named therein."

Amendments read and adopted.

Bill ordered printed, engrossed, and to the inactive file

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1489—An act to amend Section 201 and to add Section 211 to the Health and Safety Code, relating to special investigations by, and the reporting of cases of epilepsy to, the State Department of Public Health, and the State Department of Motor Vehicles, as a means of reducing motor vehicle traffic hazards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1262—An act to amend Sections 7055, 7350, 7355, 7402, 7406, 7407, 7501 and repeal Sections 7408, 7409, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558 and 7559 of the Health and Safety Code, relating to dead human remains and permits concerning them.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1161—An act to add Section 14450.5 to the Health and Safety Code, relating to county fire protection districts and civil service rates applying thereto.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1155—An act to add Section 10253.7 to the Health and Safety Code, relating to birth certificates of children born in California and adopted elsewhere.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1263—An act to amend Sections 10008, 10112, 10118, 10200, 10325, 10326, 10327, 10328, 10330, 10375, 10427, 10451

and 10475 and repeal Sections 10004, 10005, 10006, 10007 and 10626, of the Health and Safety Code, relating to vital statistics.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "10112".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "10326".

Amendment No. 3

In line 3 of the title of the printed bill, as amended, strike out "10626", and insert "10326".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 11 to 23, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 701—An act to add Section 335a to the Penal Code, relating to the seizure and destruction of machines or devices prohibited by the lottery and gambling laws.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 7

Senate Constitutional Amendment No. 14

Senate Constitutional Amendment No. 15

Senate Constitutional Amendment No. 23

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 500

Senate Bill No. 1043

Senate Bill No. 1003

Senate Bill No. 1045

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 257

Senate Bill No. 1276

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 737

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1005

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1303—An act to approve, confirm, ratify and validate contracts made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city for repairs, alterations or construction of school buildings or equipment, declaring the urgency thereof, and providing that this act shall take effect immediately: And reports that the same has been correctly enrolled, and presented to the Governor on the ninth day of April, 1941, at 2 p.m.

RICHL, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Joint Resolution No. 17

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 58

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 5; noes 4; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 729

Assembly Bill No. 549

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 409

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Joint Resolution No. 21

Assembly Joint Resolution No. 23

Assembly Joint Resolution No. 28

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; absent 4.

CRITTENDEN, Chairman

Above reported resolutions ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 76

Senate Bill No. 480

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 293

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 296

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; noes 3; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 88

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 982

Senate Bill No. 1157

Assembly Bill No. 1805

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 8

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; noes 4; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.22 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Constitutional Amendment No. 23 refused adoption by the following vote:

AYES—Senators Breed, Garrison, Judah, Keating, Kuebel, McCormack, Mixter, Myland, Quinn, Rich, Seawell, Slater, and Swan—13.

NOES—Senators Biggar, Brown, Carter, Collier, Denel, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Shelley, Tickle, Wagy, and Ward—21.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1043—An act to amend Sections 126, 1067, 1234, 1255, 1650, 2011, 2042, 2043, 2044, 2527, 2577, 2655, 2658, 2659, 2734, 2815, 2816 and 3281 of, to add Section 2044 5 to, and to repeal Sections 1652 and 2865 of, the Water Code, relating to water and the determination and administration of water rights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Denel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**WITHDRAWAL FROM COMMITTEE OF ASSEMBLY JOINT
RESOLUTION NO. 39**

Senator Rich moved that Assembly Joint Resolution No. 39 be withdrawn from Committee on Fish and Game for purpose of consideration.

The roll was called, and Assembly Joint Resolution No. 39 withdrawn from committee by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Denel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Above resolution ordered to third reading file.

MOTION TO RE-REFER SENATE BILL NO. 815

Senator Shelley moved that Senate Bill No. 815 be re-referred to Committee on Judiciary.

Motion carried.

MOTION TO PLACE BILL ON THIRD READING FILE

Senator Phillips moved that Senate Bill No. 1088, previously ordered from second reading file to the inactive file, be ordered to third reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 375—An act to add Sections 552.1, 1296.1 and 1299.1 to the Labor Code, relating to the sale or distribution of newspapers and other publications by minors.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 3, of the printed bill, as amended, after "particular", and before "place", insert "type of".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 15 to 52, inclusive; and on page 3, strike out lines 1 to 37, inclusive, and insert

"1299.1. A street trades permit shall be issued by the person authorized to issue permits to work and permits to employ to any boy between the ages of 12 and 16 years who wishes to sell or distribute any publication or merchandise or engage in shoe shining or other services in the streets or other public place in any city over 10,000 population during such times as he is not required to attend school but not before the hour of 5 a.m. nor after the hour of 9 p.m. The form of such street trades permit shall be specified by the State Superintendent of Public Instruction, and shall be valid for a term of not exceeding one year from date of issue, for the specified work and only for the boy to whom it is issued as indicated by the signature of said boy. No girl under 18 years of age shall be employed or engaged in street trades or occupations at any time.

Any boy applying for such street trades permit shall first obtain from his parent or guardian written permission to engage in a specified street trade or occupation, a statement from the principal of the school which he attends indicating his age and grade and any additional information which the State Superintendent of Public Instruction may specify, and proof of age as required for permits to work and permits to employ.

Any person, firm or corporation shall not sell to or distribute to or in any way engage or contract with any minors under the ages herein specified, nor with minors above such ages unless said minor shall have on his person a street trades permit. Said person, firm or corporation shall have on file either a duplicate copy of said permit especially issued for this purpose or a transcript of the information therein contained.

Any person, firm or corporation who violates this section is guilty of a misdemeanor."

Amendments read.

Motion to Table

Senator Metzger moved the above amendments be laid on the table.

Roll Call Demanded

Senators Shelley, Swan and Dillinger demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Deuel, Foley, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Slater, Wagy, and Ward—22.

NOES—Senators Carter, Dillinger, Fletcher, Garrison, Keating, Kenny, Powers, Quinn, Seawell, Shelley, and Swan—11.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—29.

NOES—Senators Carter, Dillinger, Kenny, Shelley, and Swan—5.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 5.07 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 10, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-FIFTH LEGISLATIVE DAY

NINETY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

THURSDAY, April 10, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Michard, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward. 37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Gordon.

Senator Kuchel, on motion of Senator Breed.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Alice Beard of Hemet, Mrs. Leland Horner and Bobby Horner, of Glendale.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Dillinger of Placerville.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superior Judge Donald Geary, Joseph T. Grace, E. C. Craft, and State Highway Commissioner L. G. Hitchcock, all of Santa Rosa.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. S. Perry of San Diego, Myles Clark of San Francisco, and Owen C. Coy of Los Angeles.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. W. Connell, principal; Miss Ann Murray, teacher, and the following students of the Newman Elementary School, Newman: Edward Mutoza, David Brazil, Normamae Jensen, George Teixeira, Alice Souza, Mildred Price, Luree Mason, Moses Paul, Valeska Rademacher, Rose Borba, Marian Martin, Lorraine Pacheco, Vernon Freitas, Laurinda Paul, Frances Brazil, Shirley Markham, Donald Beall, Manuel Vierra, Wayne Munyan, George Bettencourt, Carmina Paptista, Bernadine Borges, Robert Rowley, Valeria Vincent, Ruth Jacobsen, Roxie Kayser, Carol Lopes, Dolores Auseon, Mary Ann Ferguson, Eugene Cawthorne, Peggy Jorgenson and Patsy Brown.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Superior Judge C. J. Luttrell of Yreka, and Mrs. William Rider of Sacramento.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Nelson Conover of Stockton.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank K. Roberts, Jr., of Los Angeles.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Evan T. Hewes, chairman, Colorado River Board, of Imperial County.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Charles H. Kanen, principal; Douglas S. Kidd, Eleanor Kidd, Beck Parsons, Anette Faulkner, teachers; Mrs. Charles H. Kanen, and the following students of the Livingston Elementary Schools, Livingston: Eighth Grade—Esther Alarcon, Cecelia Alvernaz, Albert Baptista, Barbara Jean Brattin, Wilma Bynum, Patricia Carpenter, Robert Cooper, Hullan Dismuke, Pedro Figueroa, Rebecca Friesan, Russell Gerdes, Raymond Gomes, Kiyo Hamaguchi, Robert Henneman, Carl Heppner, Mary Hippolito, Chowehow Kaji, Lily Kawana, Koichi Kimura, Raymond Lena, Phyllis Linan, Bertha Lyon, Doris Lyon, Dora Martinez, Sally Matignon, James McCullough, Aurora Mesa, Barbara Miller, Chizuko Minabe, Lizzer Mitobe, William Morris, Lawrence Nelson, Leonard Ness, Dottie Lou Parker, Virginia Perez, Emily Rogrigues, Donald Switzer, Akira Takahashi, Ruth Tate, Cecil Thompson, Robert Ulrick, Richard Vasquez and Polly Yoder; Seventh Grade—Exiquio Aguilar, Octabio Baltazar, Eraine Baptista, Dolores Bettencourt, Joe Cabrillos, Juanita Cole, Rebecca Cooper, Rudy Cortez, Richard Escola, Ralph Faria, Joe Garcia, Evelyn Gilbert, Lillian Gomes, Helen Gomes, Josephine Gonzales, Donald Good, Esther Guerriero, Graces Haratani, Nancy Herrera, Shirley Hepner, Ira Lee Howe, Myrtle Johnson, Imogene Kidd, Roy Larson, Charlene Lyon, Lillian Manha, Joan Manoukian, Natalina Marchini, Clinton Martin, Shigeko Matsuda, Yoshito Matsuda, Luella McConnell, Bobby McDonough, Margaret

Mesa, George Montero, Dorothy Nobbe, Jessie Reyes, Dora Romero, Manuel Saldana, Bira Salado, Mildred Sellers, James Shoji, Alice Thompson, Henry Tiexeira, Emilio Torrez, Alfred Trujillo, Albert Valdez, Earl Vincent, Esther Viziello, Wilma Wallace, Allen Weaver and Barbara Wilcox.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. A. Gilkey of Sacramento.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Griff Nelson of Portland, Oregon, and Richard Kemp of Dunsmuir.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James A. Tonges of San Francisco and Richard J. Jacinto of Berkeley.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following students of the University of California: Misses Kay Fischer, Women's Representative, A. S. U. C.; Betty Barton, Vice President, A. S. U. C.; Antona Hawkins, Secretary, Women's Executive Board, Martha Welch, Women's Executive Board, Vice President Junior Class; Emily Stout, Y. W. C. A. Executive Committee; Jean Christie, incoming Women's Representative, A. S. U. C.; Carolyn Babasman, Chairman, Women's Judiciary Committee, and Ruth Knapp, President, Y. W. C. A.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 25

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1404

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 3
Assembly Bill No. 310

Assembly Bill No. 559
Assembly Bill No. 1920

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 3—An act to add Section 1197.5 to, and to amend Section 1199 of, the Labor Code, relating to minimum wages.

Referred to Committee on Labor.

Assembly Bill No. 310—An act to amend Section 3935 of, and to add Section 3935.5 to, the Elections Code, relating to the order of names of candidates on primary ballots.

Referred to Committee on Elections.

Assembly Bill No. 559—An act to amend Section 560 of the Agricultural Code, relating to modified milk, by adding Section 560.1 to the Agricultural Code, relating to vitaminized milk.

Referred to Committee on Agriculture.

Assembly Bill No. 1920—An act to amend Section 11860 of the Insurance Code, relating to workmen's compensation insurance and reports of the State Compensation Insurance Fund.

Referred to Committee on Financial Institutions.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1292

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 417

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 82

Senate Bill No. 1088

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 558

Senate Bill No. 850

Senate Bill No. 721

Senate Bill No. 1019

Senate Bill No. 803

Senate Joint Resolution No. 17

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 766—An act to amend Section 2 of the Private Car Tax Act of 1937 and Section 11203 of the Revenue and Taxation Code, relating to the meaning of words, terms and phrases and providing that this act shall take effect immediately;

Senate Bill No. 841—An act to add Section 4a to the act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately;

Senate Bill No. 264—An act to amend Sections 3101, 3105 and 3110 of the Revenue and Taxation Code, relating to property taxation and to the registration of vessels to enforce the payment of property taxes, to take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1941, at 3 p.m.

RICH, Chairman

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 349

Assembly Bill No. 1316

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11

PHILLIPS, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 283

Senate Bill No. 1270

Senate Bill No. 1151

Assembly Bill No. 149

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended

Committee membership 11; committee vote: Ayes 11.

PHILLIPS, Chairman

Above reported bills ordered to second reading

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 1296

Assembly Bill No. 243

Senate Bill No. 1304

Assembly Bill No. 192

Senate Bill No. 554

Assembly Bill No. 265

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9, absent 2

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 796

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9, absent 2

GORDON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 345

Senate Bill No. 346

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1123

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 424

Assembly Bill No. 2547

Assembly Bill No. 2548

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 613

Assembly Bill No. 2085

Assembly Bill No. 1632

Assembly Bill No. 411

Assembly Bill No. 885

Assembly Bill No. 1224

Assembly Bill No. 1227

Assembly Bill No. 1225

Assembly Bill No. 1226

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 72

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 9, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 74

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 138

Has had the same under consideration, and reports the same back with the recommendation: Do pass as amended, and be re-referred to Committee on Finance.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 779

Senate Bill No. 1047

Has had the same under consideration, and reports the same back with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1243

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 221

Senate Bill No. 542

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1301

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 18: By Senator Fletcher—Relative to memorializing the Congress of the United States to amend the Constitution of the United States, relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the Sixteenth Amendment to the Constitution of the United States.

Referred to Committee on Revenue and Taxation.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 8, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the Board of Trustees of the Norwalk State Hospital, all for the term ending April 8, 1945:

Alfred D. Boone

Arthur R. Timme, M. D.

Carley V. Porter

L. H. Wallendorf, M. D.

Glenn Myers, M. D.

Alfred D. Boone

Alfred D. Boone is a native son of California, born in Perris in 1898. He attended grammar schools in Riverside and San Bernardino and graduated from San Bernardino High School as president of his class. He studied law at the University of California, his studies being interrupted by the war during which he enrolled as a member of the United States Naval Reserve Force and was sent to the Massachusetts Institute of Technology for training. He thereafter was given the rank of an Ensign.

After the war he returned to the University of California and received his degree in 1921. In 1926 he took the State Bar examination and was admitted to practice in all courts of the State of California.

He has served as an assistant right of way agent and as land agent for the County of Los Angeles, and served for two years as deputy county surveyor.

Since 1928 he has been engaged in the practice of law, at the present time having his office in Downey, Los Angeles County.

Mr. Boone has been active in civic affairs, both in the Los Angeles Chamber of Commerce and in the Southeast Chamber of Commerce. He has been on the board of directors of several corporations and has a wide business experience. He is a member of the Masonic Lodge, Knights of Pythias and the American Legion.

Dr. Arthur R. Timme

Dr. Arthur R. Timme was born in Cleveland, Ohio, in 1890, received his A.B. and M.D. degrees at Western Reserve University, and additional medical training in the Harper Hospital of Detroit, the Boston City Hospital, the Pennsylvania Hospital in Philadelphia, and the Cleveland State Hospital. In 1917 he served with the United States Medical Corps as a First Lieutenant and was honorably discharged in January, 1919, after service overseas. He thereupon moved to Los Angeles, where he has been practicing in neuro-psychiatry ever since.

From 1919 to 1925 Dr. Timme was attending neurologist at the Los Angeles County Hospital and Neuro-Psychiatric Examiner for the Veterans' Bureau from 1920 to 1925. He has been psychiatrist for the Los Angeles public schools since 1925, and to the Los Angeles Child Guidance Clinic since 1928. In addition, he is presently serving on the staff of the Hollywood Hospital.

Dr. Timme's public work has been devoted largely to the prevention and cure in early stages of mental disorders in children. He has been President of the Junior Section of the Los Angeles County Medical Society, a counselor of the Los Angeles County Medical Society, President of the Los Angeles Society for Neurology and Psychiatry and is presently Honorary President of the Los Angeles Psychoanalytic Study Club.

During recent years, he has published a number of papers in various phases of neuro-psychiatry and has done considerable lecturing before parent-teacher groups, faculties of schools and service organizations, largely in the field of prevention. He is a frequent visitor to State hospitals in Southern California and has maintained contacts with their progress.

Carley V. Porter

Mr. Carley V. Porter was born in Chicago, Illinois, in 1906, and moved to Los Angeles in 1917. Since that time he has resided in Los Angeles, Inglewood, Compton and vicinity, having graduated from the Inglewood Union High School in 1924.

After graduation from public schools, Mr. Porter was employed by a major oil company for several years and later left their employ to resume his studies at the University of Southern California, from which he received his bachelor's degree.

At the present time, Mr. Porter is superintendent and part owner of the Woodlawn Cemetery Association in Compton, President of the Compton Rotary Club, a clerk of the Board of Trustees of the Compton Union Secondary School District, Chairman of the Willowbrook Coordinating Council, Treasurer of the Willowbrook Congregational Church, and coordinating director between the Compton Chamber of Commerce and the Compton Junior Chamber of Commerce.

Mr. Porter has also been active in many other civic activities including the Red Cross and the Boy Scouts.

Dr. L. H. Wallendorf

Dr. L. H. Wallendorf was born in Jefferson City, Missouri, in 1899, and was educated in the public schools of that city and Atchison, Kansas. His school work was interrupted by work in the fields of cattle butchering, painting and decorating, and as a musician, after which he resumed his studies at the University of Kansas, and received his doctor of medicine degree in 1917.

Upon graduation, Dr. Wallendorf was assigned to the staff of the State Hospital for the Insane at St. Joseph, Missouri, and later served in the United States Army in 1918.

He came to California in 1926 and served with the Golden State Hospital in Los Angeles for two years, after which he engaged in general industrial injury practice.

In addition to his medical work, Dr. Wallendorf has studied law and was admitted to the State Bar in 1935, although he does not actively engage in the practice thereof.

He is an active member of the Los Angeles County Medical Society.

Dr. Glenn Myers

Dr. Glenn Myers was born in Athens, Ohio, in 1886, and graduated from the public schools in that community. He later studied in Akron University, Indiana University and the Indiana University School of Medicine, from which he obtained an M. D. degree in 1909.

He served in the Indianapolis City Hospital, the Eastern Indiana State Hospital for the Insane, at Richmond, Indiana, was junior physician at the Manhattan State Hospital for the Insane and was later assistant physician at the New York State Psychiatric Institute and assistant physician at Agnew's State Hospital, California. He served in the United States Medical Corps during the World War as a First Lieutenant and at the close of the war became Director of the Compton Sanitarium, Compton, California, which he has served up to the present time.

In addition, Dr. Myers maintains a private practice of psychiatry and is active in the Los Angeles County Medical Association, the California Medical Association, the American Medical Association, the American Psychiatric Association, the Association of Western Hospitals, of which he is a past president, and the Association of California Hospitals, of which he is now president. He has written a number of papers on psychiatric subjects.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 8, 1941.

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the Board of Trustees of the Patton State Hospital:

- P. J. Cormack, for the term ending April 8, 1945
- Ross Moore, for the term ending April 8, 1945
- J. Dewey Harnish, for the term ending April 8, 1945
- G. D. Snider, for the term ending April 8, 1945
- S. B. Richards, for the term ending April 8, 1945

P. J. Cormack

P. J. Cormack was born in 1893 in Berwickshire, Scotland, and was educated in the public schools of his community. His family on both sides were maritime people and his father captained a three masted bark around the Horn and into San Francisco Bay in 1878.

In 1910 Mr. Cormack migrated to British Columbia and engaged in commercial fishing. In 1917 he volunteered in the Royal Air Corps and served as an instructor in gunnery until the close of the war.

In 1919 he came to Portland, Oregon, became a naturalized American citizen and studied mechanical drafting in American schools.

Since 1923 he has been a resident of California, from 1923 to 1927 being employed by the playground and recreation department of the City of Berkeley as mechanical supervisor. In 1927 he received a call to assist the superintendent of playgrounds in Los Angeles and remained in that position until 1930 when he was appointed Justice of the Peace of Crest Forest Township by the Board of Supervisors of San Bernardino County.

In 1929 Mr. Cormack organized the Crest Forest Chamber of Commerce and was its secretary for seven years and president for one year. He organized the Crestline Business Men's Association and served as its president. In 1938 he organized the Rim O' The World Real Estate Association and is president of that society at the present time.

He also organized the Crestline Parent Teachers' Association and was its first president. He is vice president of the San Bernardino County Magistrates Association and has since been reelected justice of the peace for two four-year terms. In addition, Mr. Cormack operates a real estate and insurance business in his community.

He presently resides at Crestline, California.

Dr. Ross Moore

Dr. Ross Moore was born in Western Pennsylvania, of a ministerial family and has lived successively in Illinois, Indiana and Ohio, following the changes of his father's pastorate. He graduated from Wabash College in Indiana in 1896 with his bachelor's degree and received his medical degree from Western Reserve University, Cleveland.

Following an internship in Cleveland City Hospital, he entered private practice in Cleveland and later secured the position of clinical assistant in neurology in the outpatient dispensary of Western Reserve Medical School.

In 1903 Dr. Moore came to California and became clinical assistant in neurology and psychiatry in the medical department of the University of Southern California. Since 1908 Dr. Moore has been continuously engaged in practice of medicine in Los Angeles, with the exception of 18 months spent in the medical department of the United States Army from 1914 to 1918.

Since 1921 he has been senior consultant in neurology at the Los Angeles General Hospital and has been a member of the State Lunacy Commission for about 30 years.

At present he is practicing neuro-psychiatry at 1930 Wilshire Boulevard, Los Angeles.

Jay Dewey Harnish

Jay Dewey Harnish was born in Lancaster, Pennsylvania, in 1898 and moved to Upland, California, in 1910, attending public schools in that community and in Ontario, after which he obtained a position as engineering draftsman with the County of San Bernardino.

In 1917 he volunteered for enlistment in the 23d Engineers and saw active service in the St. Mihiel and Argonne drives.

Upon return to civilian life, Mr. Harnish resumed his work with the county, interrupting it long enough to enter the University of California at Berkeley and obtain a degree in 1924.

In 1928 Mr. Harnish became ill and was forced to remain inactive for a period of five years. In 1933 he recovered sufficiently to resume his work and in 1935 he accepted the position of acting assistant chief engineer of the district office of the Works Progress Administration for the counties of San Bernardino, Riverside and Imperial.

A year later Mr. Harnish resigned and entered the Art Department of the Metro-Goldwyn-Mayer studios. In 1936 he retired and went into a private architectural association in Ontario, in which he is presently located.

He is now President of the Ontario Chamber of Commerce, an active member of the Rotary Club and the American Legion in that community.

G. D. Snider

Gerald D. Snider was born in Piper City, Illinois, in 1901 and was educated in the public schools of Urbana, Illinois. He came to California in 1921 and transferred from the University of Illinois to the University of California in Los Angeles where he studied until 1924 when he became affiliated with a major oil company.

In 1925 he joined the staff of the Pioneer Title Insurance and Trust Company of Redlands, with which he has remained to date.

Mr. Snider is presently serving as President of the Redlands Chamber of Commerce; he is also Secretary of the Redlands Realty Board and a member of the Advisory Board of the National Orange Show.

Dr. S. B. Richards

Dr. S. B. Richards was born in Kentucky in 1881 and resided in that State and in Missouri until the age of 24. He came to Southern California in 1905 and has lived in this State continuously since.

He was educated in the public schools of Southwestern Kentucky and South-eastern Missouri, the University of Nashville, Tulane University and College of Physicians and Surgeons at Los Angeles.

Dr. Richards is a member of the San Bernardino County Medical Society, the California Medical Society and the American Medical Association. He is also a member of the Masonic Lodge and the Elks Lodge.

He has practiced medicine and surgery in San Bernardino and Victorville, California, since 1906, except for short periods when he left his active practice to pursue postgraduate studies.

For three years, Dr. Richards served as County Health Officer of San Bernardino County, president of the San Bernardino County Medical Society for one term, and president of the county hospital staff for six years.

Since leaving the San Bernardino County Hospital, Dr. Richards has maintained an office in the Platt Building in San Bernardino, from which he has practiced medicine and surgery.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 8, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS: Will the Senate advise and consent to the following appointments to the members of the Board of Trustees of the Pacific Colony and State Narcotic Hospital, all for the term ending April 8, 1945:

Clayton Howland
Mrs. Leisa Bronson
Dr. James A. Blaisdell
Fred King
Captain Henry J. E. Ahrens

Clayton Howland

Clayton L. Howland was born in New York and attended public and high schools in that State. In 1921 he came to California, after completing his academic training at the New York State College for Teachers and the Albany Law School. In California he was admitted to practice by the California State Bar and has been actively engaged in the practice of his profession in the City and County of Los Angeles, where he does business under the firm name of Howland and Prindle.

Mr. Howland is 43 years of age, and for the past seven years has been active in civic and social affairs. In 1935 he was appointed Chief Tax Administrator of the State Board of Equalization for Los Angeles, and held this position for a year, until he resigned to return to the active practice of law in 1936.

Mr. Howland is a veteran of the World War, a member of the American Legion, and a member of the Elks.

Mrs. Leisa Bronson

Mrs. Leisa Bronson was born in St. Paul, Minnesota, in 1899, and obtained her bachelor's degree at Vassar College in 1921. She also studied at Franklin College of Law in Columbus, Ohio, and was admitted to the Ohio Bar in 1934. Since 1935 she has been a resident of California.

For the past two years Mrs. Bronson has been State Public Affairs Chairman for the Y. W. C. A., and was first President of the Pomona Valley League of Women Voters. She is a member of the American Association of University Women, the Pomona Ebell Club, the San Gabriel Valley Y. W. C. A. and has been Chairman of the World Service Committee of the Claremont Congregational Church.

Dr. James A. Blaisdell

Dr. James A. Blaisdell was born at Beloit, Wisconsin, in 1867. He obtained his bachelor's, master's, and doctor's degrees from Beloit, Drake, and Oberlin Colleges, and also studied at Pomona College, University of Colorado, University of California, and the Hartford Theological Seminary.

In 1892 he was ordained to the ministry of the Congregational Church and has served in the pastorate at Waukesha, Wisconsin, and Olivet, Michigan.

From 1903 to 1910 he was professor of literature and ancient oriental history at Beloit College, and from 1910 to 1927 was President of Pomona College at Claremont, California. From 1927 to 1935 Dr. Blaisdell served as President of Claremont Colleges and has been president emeritus since 1936.

Dr. Blaisdell is a member of Phi Beta Kappa and the University Club of Los Angeles. His home is in Claremont.

Fred King

Fred King, now 49 years of age, was born in Wisconsin and received his public school education and high school education at Spokane, Washington. He has been a resident of California for the past 18 years.

In 1932, Mr. King was elected to the City Council of El Monte and has served continuously since, in addition now completing his second term as mayor.

Mr. King has also served a three-year term as a member of the El Monte Union High School Board of Trustees, acting as its chairman during the past two years.

Captain Henry J. E. Ahrens

Captain Henry J. E. Ahrens was born in Lexington, Missouri, in 1890, and received his public and high school education at Belleville, Kansas, the Wentworth Military Academy and was graduated from the University of Kansas in 1912.

From 1914 to 1917 he was cashier of a bank at Chandler, Arizona, and in 1917 he enlisted in the 340th Field Artillery, 89th Division, and was honorably discharged as a captain in the 59th Field Artillery in 1919.

At the close of the World War, Captain Ahrens came to Los Angeles and was associated with the Title Guarantee and Trust Company, from 1919 to 1935, at which time he was appointed to his present position of State Inheritance Tax Appraiser.

Captain Ahrens is a Master Mason, a member of the Veterans of Foreign Wars, a member of the American Legion, a member of the Sigma Chi Fraternity, the

Rotary Club of Long Beach and a member of the First Presbyterian Church of Long Beach.

Captain Ahrens' office is located at 512 Security Building, Long Beach, and his residence at 3717 Livingston Drive, Long Beach.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1292—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "mileage of members and officers", and insert "contingent expenses".

Amendment No. 2

On page 1, line 5, of the printed bill, as amended, strike out "to the Contingent Fund of the Senate.", and insert "for contingent expenses of the Senate to be expended for such purposes and in such manner as the Senate shall by resolution direct. This appropriation shall be available without regard to fiscal year."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 417—An act authorizing suits against the State of California to establish the boundaries of, and to quiet title to, lands purchased from the State, and regulating the procedure therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 558—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 721—An act to amend Section 842 of the Probate Code, relating to the leasing of real property belonging to the estate of a deceased person.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Phillips, Quinn, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1019—An act accepting a retrocession of jurisdiction from the United States of America over certain right of ways granted to the State of California over a certain road in the Presidio of San Francisco Military Reservation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Quinn, Shelley, Slater, Swing, Tickle, Wagy, and Ward—30

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 17—Relative to memorializing Congress to enact legislation requiring Federal governmental agencies to comply with California Minimum Price Laws for Milk.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deneb, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Shelley, Slater, Swing, Wagy, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1045—An act to amend Section 4251 of, and to add Sections 4200.5, 4300.5 and 4351.5 to, the Water Code, or to amend Sections 4, 5 and 9 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Phillips, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 737—An act to add Sections 9603.5 and 9606.5 to the Revenue and Taxation Code, and to amend Section 1 of an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets,

roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately." approved May 15, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle, including persons engaged in the carriage of mail and parcel post.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Phillips moved a call of the Senate.

Motion carried. Time, 3.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 484

Senator Fletcher moved that Senate Bill No. 484 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 386

Senator Metzger moved that Senate Bill No. 386 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 84

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning April 10, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Leal Norton, Page.....	\$2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

By Senator Tickle:

Senate Resolution No. 85

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 10, 1941:

	<i>Per day</i>
Jack Quinn, Page.....	\$2 50
Tom Quinn, Page.....	2 50
David Clarke Whiting, Page.....	2 50
Leal Norton, Page.....	2 50

Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 86

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 11, 1941:

	<i>Per day</i>
Loren Thomas, Page	\$2 50
John Randolph Collier	2 50

Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 87

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 12, 1941:

	<i>Per day</i>
Richard E. Alderman, Page	\$2 50
Ted Craig, Page	2 50
Bob Seawell, Page	2 50
Stanley Hollingsworth, Page	2 50

Resolution read and adopted.

By Committee on Rules:

Senate Resolution No. 88

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate in the sum of three hundred forty dollars (\$350) for postage for the Senate and the Treasurer is directed to pay the same.

RICH, Chairman
MYHAND
BRETT
TICKLE
DEUEL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.
NOES—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.15 p.m., on motion of Senator Phillips, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Mayo, Metzger, Mixer, Phillips, Quinn, Seawell, Shelley, Slater, Swan, and Swing—21.

NOES—Senators Breed, Brown, Collier, Cunningham, DeLap, Judah, Luckey, McBride, McCormack, Myhand, Parkman, Powers, Rich, Tickle, Wagy, and Ward—16.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 484—An act relating to the liability for sales and use taxes and interest thereon arising out of sales of tangible personal property purchased by contractors to carry out their construction con-

tracts with the United States on a cost-plus-a-fixed-fee basis, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill, and insert
 "An act to defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 24, inclusive; and on page 2, strike out lines 1 to 37, inclusive, and insert

"SECTION 1. Except as otherwise provided in this act, if a retailer, or other person authorized so to do, petitions in conformity with the requirements of Section 20 of the Retail Sales Tax Act of 1933, Section 12 of the Use Tax Act of 1935, or Section 6561 of the Revenue and Taxation Code for reassessment or redetermination of a tax computed on gross receipts from sales of, or the sales price of, tangible personal property purchased for use in the performance of contracts with the United States for construction of National defense facilities on a cost-plus-a-fixed-fee basis, pending a final decision in a court of last resort that the tax imposed under the Retail Sales Tax Act of 1933, the Use Tax Act of 1935, or the Revenue and Taxation Code, as the case may be, is applicable with respect to transactions of such kind, the State Board of Equalization shall not initiate action to cause the assessment or determination to become final.

SEC. 2. Except as provided in this act, the State Board of Equalization shall not make a final assessment or determination with respect to a tax which is the subject of a petition for reassessment or redetermination under the conditions described in Section 1 hereof, which is computed on gross receipts from, or the sales price of, a sale made under a contract entered into prior to a decision such as is mentioned in said section, if it is established that the person liable for the tax has been unable to collect the amount of such tax from the vendee by demand duly made.

SEC. 3. Unless a person otherwise liable for a tax such as is described in Sections 1 and 2 of this act shall maintain accurate records with respect to all transactions of the type therein described and shall report the transactions to the State Board of Equalization as required by the Retail Sales Tax Act of 1933, the Use Tax Act of 1935, or the Revenue and Taxation Code, as the case may be, said sections shall not apply to such person or to any tax assessed against him.

SEC. 4. Nothing contained in this act shall prevent the State Board of Equalization from making such final assessments or determinations of tax with respect to transactions of the type described in Sections 1 and 2 of this act as it may deem necessary to establish the validity of assessments or determinations arising out of transactions of such kind, nor shall this act affect jeopardy assessments under Section 19 of the Retail Sales Tax Act of 1933, or jeopardy determinations under Section 11 of the Use Tax Act of 1935, or Section 6536 of the Revenue and Taxation Code.

SEC. 5. A taxpayer shall not be liable for interest with respect to any tax assessed or determined under the Retail Sales Tax Act of 1933 and Use Tax Act of 1935 or Revenue and Taxation Code, arising out of transactions described in Sections 1 and 2 of the act, if such tax is paid within 90 days after the effective date of the final decision in a court of last resort that the tax imposed under said acts is applicable, as the case may be, with respect to transactions of such kind.

SEC. 6. Nothing contained in this act shall be construed as a legislative intent, interpretation, or concession to the effect that the tax imposed under the Retail Sales Tax Act of 1933, the Use Tax Act of 1935, or Revenue and Taxation Code, as the case may be, is inapplicable with respect to any transaction or situation mentioned herein, and the Legislature hereby declares and reaffirms that the sales tax is not imposed upon any purchaser of tangible personal property in this State, but is for the privilege of engaging in the business of selling such property at retail.

SEC. 7. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portion of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

SEC. 8. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately: provided, however, that the provisions of the

Retail Sales Tax Act of 1933, as it existed on January 1, 1941, are hereby continued in force until May 1, 1941, and that the provisions hereof repealing certain sections of the Revenue and Taxation Code shall become operative at the same time as Part 1, Division 2, of the Revenue and Taxation Code, passed by the Legislature at its Fifty-fourth Session."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1249—An act to amend Sections 16001 and 16102 of the Business and Professions Code, relating to licensing by cities and counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Kenney, Loefer, Mayo, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—Senator Garrison—1.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 32—Relative to Kings River flood control.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenney, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Sawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1614—An act to add Section 38.5 to the Alcoholic Beverage Control Act, relating to certificates of compliance.

Bill read third time.

Motion to Amend

Senator Wagy moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "beer", insert: "or the wholesaler or other person from whom such beer is purchased".

Amendment No. 2

On page 1, line 11, of the printed bill, as amended, after "beer", insert: ", wholesaler or other person,".

Amendment No. 3

On page 1, line 19, of the printed bill, as amended, after "it", insert: ", or that such wholesaler or other person, as the case may be,".

Amendment No. 4

On page 1, line 22, of the printed bill, as amended, after "beer", insert: ", wholesaler, or other person,".

Amendment No. 5

On page 2, line 2, of the printed bill, as amended, after "it", insert " or such wholesaler or other person,".

Amendments read.

Roll Call Demanded

Senators Wagy, DeLap and Gordon demanded a roll call.

The roll was called, and the above amendments refused adoption by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Gordon, Mayo, Slater, Swan, and Wagy—11.

NOES—Senators Brown, Collier, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swing, Tickle, and Ward—23.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swing, Tickle, and Ward—27.

NOES—Senators Biggar, Breed, Carter, Cunningham, Gordon, Slater, Swan, and Wagy—8.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1262—An act to amend Sections 7055, 7350, 7355, 7402, 7406, 7407, 7501 and repeal Sections 7408, 7409, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558 and 7559 of the Health and Safety Code, relating to dead human remains and permits concerning them.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Crittenden moved to reconsider the vote whereby Assembly Bill No. 1614 was passed.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1614 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1155—An act to add Section 10253.7 to the Health and Safety Code, relating to birth certificates of children born in California and adopted elsewhere.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCor-

mack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1263—An act to amend Sections 10008, 10112, 10118, 10200, 10325, 10326, 10327, 10328, 10330, 10375, 10427, 10451 and 10475 and repeal Sections 10004, 10005, 10006, 10007 and 10626 of the Health and Safety Code, relating to vital statistics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deane, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 23—Relative to memorializing the President and Congress to increase the import excise on foreign eggs and egg products.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 39—Relative to memorializing the President and the Secretary of State of the United States in regard to reciprocal border rights of American citizens and Mexican citizens.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deane, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 82—An act to amend Sections 1 and 2 of and to add Section 8 to an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 3 and 4 of and to add Section 9 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill as amended, between lines 33 and 34, insert "Any justice or judge whose term of office expires within 30 days before he shall have attained the age required for his retirement, shall be deemed to have attained such age within the meaning of this section at any time during the 30-day period immediately preceding his actual attainment of such age."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

INACTIVE FILE

Senate Bill No. 1306—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

Bill read.

Motion to Amend

Senator Deuel moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "-----", and insert "5".

Amendment No. 2

On page 1, line 16, of the printed bill, strike out "-----", and insert "3 per cent."

Amendment No. 3

On page 2, line 50, of the printed bill, strike out "-----", and insert "5".

Amendment No. 4

On page 3, line 2, of the printed bill, strike out "-----", and insert "3 per cent."

Amendment No. 5

On page 4, line 24, of the printed bill, strike out "-----", and insert "5".

Amendment No. 6

On page 4, line 37, of the printed bill, strike out "-----", and insert "3 per cent."

Amendment No. 7

On page 4, line 41, of the printed bill, strike out "-----", and insert "3 per cent."

Amendment No. 8

On page 4, line 44, of the printed bill, strike out "-----", and insert "5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

Senate Bill No. 606—An act to amend the title of an act entitled "An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for

the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency thereof and providing that this act shall go into immediate effect." approved February 1, 1935, relating to cooperation between irrigation districts and county water districts.

Bill read.

Motion to Amend

Senator Mixter moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike the first "and" and insert the title of an act entitled, "An act to"

Amendment No. 2

In line 5 of the title of the printed bill, after "shall", insert "before or after the execution of each contract or contracts."

Amendment No. 3

In the title of the printed bill, strike out lines 18 to 21, inclusive, and insert "executed, and repealing Chapter 17 of the Statutes of 1935."

Amendment No. 4

On page 1 of the printed bill, strike out lines 1 to 9, inclusive; and on page 2, strike out lines 1 to 12, inclusive, and insert:

"SECTION 1. Whenever any irrigation district or districts and any county water district or districts organized under the laws of this state shall enter into or after the execution of the contract or contracts between them for cooperation purposes, executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for the construction of works, whether for irrigation, drainage, flood control, or for the development of water or other power, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply, or for the assumption as principal or guarantee of indebtedness to the United States, or for any of said purposes, and such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works, then and in that event such irrigation district or districts and county water district or districts shall have the power to contract with each other for the purposes provided in this act, and shall have full power to carry out, perform and observe such contracts in accordance with the tenor and spirit thereof, and such contracts shall be liberally construed so as to effectuate the same according to their true intent and meaning.

SEC. 2. In any such contract or contracts between such districts, whether executed before or after the execution of the above mentioned contract or contracts with the United States, such irrigation district or districts and county water district or districts are hereby authorized to contract among other things for the following purposes:

(a) Compromising and settling as between themselves any controversy or controversies existing between them as to the extent or priority of their respective rights and claims to the use of water, and agreeing between themselves upon the limitation and definition of the areas within such districts respectively upon which such waters shall be beneficially used.

(b) Providing that applications theretofore filed by such districts respectively with the Division of Water Resources of this State shall be amended to conform to the provisions of such contract, and that permits and licenses be issued to them respectively in accordance therewith.

(c) Compromising and settling any controversy or controversies existing between such districts as to power possibilities, power rights, power positions and power privileges hereinafter collectively styled power rights, upon any such canal or other water system, and for such purposes any of such districts may desire to another such district or districts all of such power rights which such district may then have or thereafter obtain. Such lease may be made for any term not exceeding 99 years and may vest in the lessee district or districts the operation, management, development and control of such power rights and the use, sale and control of power produced therefrom and may provide for the payment of rentals and such other matters relevant to the leasing of such power rights as such districts may in their discretion deem advisable, not in conflict with the Constitution of this State nor contrary to the express terms of the statutes under which such districts are respectively organized and exist, nor acts amendatory thereof or supplementary thereto.

(d) Providing that when any such lease has been executed, the lessor district or districts may be required upon such terms as may be agreed to procure for the lessee district or districts contracts or applications for electrical energy signed by

certain consumers in the lessor district or districts; and that the lessee district or districts shall serve electrical energy in the lessor district or districts upon such rates and under such terms and conditions as may be prescribed in such contract.

(e) Providing that the parties to such contract shall cooperate to obtain permits and licenses to appropriate water for power purposes and to construct power facilities from the Division of Water Resources of this State and/or Federal Power Commission or other Federal agency in such manner as may be prescribed in such contract.

(f) Providing for such other matters as may be authorized by law.

SEC. 3. The execution of any such contract may be authorized by resolution of the respective boards of directors of the contracting districts.

SEC. 4. Any and all such contracts as have heretofore been executed by and between any such districts and all acts of boards of directors and other officers of such districts leading up to and including the execution of such contract or contracts, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such districts to execute, carry out, perform and observe such contracts and every provision thereof is hereby ratified, confirmed and declared valid and such contracts are hereby declared to be in all respects the legal and binding obligations of, against and in favor of each of such contracting districts.

SEC. 5. Chapter 17 of the Statutes of California of 1935 is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 386—An act to add Section 19661.5 to the Business and Professions Code, or Section 14.5 to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the sale of pari-mutuel tickets and giving change therefor.

Bill read second time.

Motion to Amend

Senator Metzger moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 19661.5 to", and insert "amend Section 19597 of".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "or Section 14.5 to", and insert "and to amend Section 14 of".

Amendment No. 3

In the title of the printed bill, strike out lines 11 and 12, and insert "relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately."

Amendment No. 4

On page 1 of the printed bill, strike out line 1, and insert "SECTION 1. Section 19597 of the Business and Professions Code is hereby amended to read as follows:

19597. The commission deducted by any licensee from pari-mutuel pools shall not exceed 8 per cent of the gross amount of money handled, and the odd cents [of all redistributions made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 10.] by which the amount payable on each dollar wagered

exceeds a multiple of ten cents (\$0.10). The amount deducted by the licensee shall be in addition to the license fee required by this chapter.

SEC. 2. Section 14 of the act cited in the title hereof is hereby amended to read as follows:

SEC. 14. Any licensee conducting a horse race meeting shall provide a place or places in the race meeting grounds or inclosure at which such licensee may conduct, operate and supervise the pari mutual or mutual method of wagering upon the results of said races so conducted and within its inclosure; and said system of wagering shall be operated only by the installation and use of the totalisator or such mechanical equipment as may be approved by the board, but such board shall not require any particular make of mechanical equipment; provided, that such wagering shall not be held or construed to be unlawful, any other statute of the State of California to the contrary notwithstanding. No other method of betting, pool making or wagering shall be permitted or used by such licensee, and said mutual method of wagering shall be carried on and conducted in the manner aforesaid and not outside of the track or inclosure of a licensee.

The commission deducted by any licensee from pari mutual pools shall not exceed 8 per cent of the gross amount of money handled, and the odd cents (et al) redistributions to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of 10, *by which the amount payable on each dollar won or exceeded a multiple of ten cents (\$0.10).* The said amount so deducted shall be in addition to the license fee of 4 per cent of the gross amount of said money handled, as provided in Section 12 herein.

SEC. 3. Section 1 of this act shall become operative at the same time that Chapter 4 of Division 8 of the Business and Professions Code takes effect; at which time Section 14 of Chapter 769 of the Statutes of 1933, as amended by this act, is hereby repealed.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

Recent rulings indicate the adoption of a new construction of the law relating to the disposition of the odd cents resulting from pari mutual redistributions. Based on the previous construction of the law, racing has grown to be a great industry of this State, employing hundreds of people and furnishing entertainment to thousands. The license fees received by the State have become an important source of support to State educational institutions.

The new interpretation threatens not only the industry but the vital activities of our educational institutions. It may cause a reduction in purses, a decline in the quality of horses raced, a decrease in public interest in the sport and a diminution of license fees received by the State. In order to avoid the consequent damage to racing in California and permanent injury to the sources of support of State educational institutions it is necessary that this corrective act take effect immediately."

Amendment No. 5

On page 1 of the printed bill, strike out lines 2 to 19, inclusive; and strike out all of page 2.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 76—An act to amend Section 492 of the Agricultural Code, relating to inspection of dairies, milk and milk products and the fees to be paid therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 492 of", and insert "add Section 500.5 to, and to amend Section 501 of,".

Amendment No. 2

On page 1 of the printed bill, strike out all of line 1 following the period; and strike out all of line 2, and insert "A new section to be numbered 500.5 is hereby added to the Agricultural Code, to read as follows:

500.5. Every person, engaged in the business of producing, processing, selling or distributing any grade of market milk, shall obtain a permit from the director or from the approved milk inspection service in whose jurisdiction the market milk is sold for each separate dairy, milk plant or place of business. Upon receipt of application for such permit, the director or approved milk inspection service shall cause an investigation to be made of the dairy, milk plant or place of business where milk is produced, sold or distributed and, in the case of a dairy, of the herd producing the milk.

Minimum construction standards for new dairies and extensive repairs to existing dairies shall not be less than the requirements established by the director in accordance with Section 498, subdivision (b) of this division.

If the provisions of this division and the standards established by or adopted pursuant to the authority granted in this division are complied with a permit shall be issued by the director or the approved milk inspection service, if the applicant's milk is to be sold or distributed within a city or county or combination thereof maintaining an approved milk inspection service, to such dairy, milk plant or place of business. Such permit shall expire at the end of the calendar year in which it is issued.

Sec. 2. Section 501 of the Agricultural Code is hereby amended to read as follows:

501. Every person engaged in the production, sale or distribu".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 3 to 26, inclusive.

Amendment No. 4

On page 2, line 2, of the printed bill, strike out "3", and insert "three (3)".

Amendment No. 5

On page 2, line 7, of the printed bill, strike out "(2) mills", and insert "mills (\$0.002)".

Amendment No. 6

On page 2, line 13, of the printed bill, strike out ", two (2) mills", and insert "or who distribute their own graded market milk, two mills (\$0.002)".

Amendment No. 7

On page 2 of the printed bill, strike out all of lines 17 to 20, inclusive.

Amendment No. 8

On page 2, line 21, of the printed bill, strike out "(d)", and insert "(c)".

Amendment No. 9

On page 2, line 22, of the printed bill, strike out "(1) mill", and insert "mill (\$0.001)".

Amendment No. 10

On page 2, line 26, of the printed bill, strike out "(e)", and insert "(d)".

Amendment No. 11

On page 2, line 27, of the printed bill, strike out ", one (1)", and insert "or who distribute their own market milk, one mill (\$0.001)".

Amendment No. 12

On page 2, line 28, of the printed bill, strike out "mill".

Amendment No. 13

On page 2, line 30, of the printed bill, strike out the semicolon, and insert a period.

Amendment No. 14

On page 2 of the printed bill, strike out all of lines 31 to 37, inclusive.

Amendment No. 15

On page 2, line 39, of the printed bill, strike out "51", and insert "fifty-one".

Amendment No. 16

On page 2, line 45, of the printed bill, strike out "490", and insert "485".

Amendment No. 17

On page 2, line 50, of the printed bill, immediately following "producers", insert "and distributors".

Amendment No. 18

On page 2 of the printed bill, strike out all of line 52, and insert "(c) and (d) of this section."

Amendment No. 19

On page 3, line 3, of the printed bill, strike out ", (d), (e) and", and insert "and (d)".

Amendment No. 20

On page 3, line 4, of the printed bill, strike out "(f)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 480—An act to add a new section to the Agricultural Code, to be numbered 736.5-1, relative to sales of milk for cash.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In the title of the printed bill, strike out "736.5-1" and insert "737.6-1".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 8, inclusive, and insert:

"SECTION 1. Section 737.6-1 is hereby added to the Agricultural Code, to read as follows:

737.6-1. Any distributor who purchases less than a total of 200 gallons of fluid milk or 20 gallons of fluid cream per calendar month from the total number of fluid milk producers from whom he is purchasing fluid milk or fluid cream shall not be required to post or furnish the bond as provided in this chapter; provided, however, that any such distributor shall notify the director of his intention to make such purchases, stating from whom, and in what amounts such purchases are intended to be made. Such distributor shall also keep a record of such purchases, showing dates of purchases, amounts of purchases, the name or names of buyer or sellers, and the daily balance due to said seller or sellers from the purchaser, and shall make such other and further reports to the director as he may from time to time require."

No bond shall be required of any distributor who restricts his purchases of fluid milk or fluid cream to purchases of fluid milk or fluid cream from a producer who is also licensed as a distributor; provided, that the buyer upon and at the time of each delivery pays for the same the full agreed price of the delivery in lawful money of the United States; and provided that said fluid milk or fluid cream is packaged in package form ready for human consumption, and not in bulk form. Any distributor purchasing fluid milk or fluid cream on the above terms shall notify the director of his intention to make such purchases, stating from whom, and in what amounts such purchases are intended to be made. Such distributor shall also keep a record of such purchases, showing dates of purchases, amounts of purchases, and the name or names of seller or sellers, and shall make such other and further reports to the director as he may from time to time require."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 409—An act to add a new section to the Agricultural Code, to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "be construed as pro", and all of lines 4 to 10, inclusive, and insert "prevent a cooperative association organized under the provisions of Chapter 4, Division 6 of the Agricultural Code, the membership of which consists entirely of producers as such term is defined in Section 735.3 (c) of this section, from blending the net proceeds of fluid milk, fluid cream, or dairy products used in all classifications and making distribution to its members of the net proceeds derived from the sale of such products; and provided further, that such cooperative association may withhold sums from payments due to producer-members if written authorization to do so has been obtained from such members for the sole purposes of:

(a) Providing a reserve fund for working capital;

- (b) Providing for necessary operating expenses;
- (c) Making authorized adjustments for variation in quality of the products received from such members;
- (d) Providing for contingencies;
- (e) Providing for operating deficiencies sustained from the sale or distribution of fluid milk, fluid cream, or dairy products derived from fluid milk produced by said producer-members and distributed through plants owned or operated exclusively under the jurisdiction of the producer-members of said association.

Deductions from payments due producer-members shall be clearly shown and accounted for by the association on a written statement to be rendered monthly to each producer-member.

The aggregate amount of said deductions to be duly apportioned and accurately recorded on the books of said association for inspection by the director, his agents, and the producer-members of said association.

The findings of the director, after investigation and hearing, shall be prima facie evidence of the qualifications of a cooperative association of producers."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 58—An act to add Sections 622.5 and 692.6 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

Strike out lines 5 to 8, inclusive, of the printed bill, and insert "ice cream mix, purchased from the licensed manufacturers of such mix, is frozen in lots of not more than three quarts each for sale at retail for consumption on the premises and until so consumed are kept in the freezing device".

Amendment No. 2

On page 1 of the printed bill, strike out lines 11 to 15, inclusive, and insert "622.6. No retail store shall operate any freezing device as defined in Section 622.5 without first having obtained a permit from the Director of Agriculture. Such permits may be issued for the calendar year or any portion thereof, and the fee for which shall be two dollars (\$2). Applications for renewal of said permits shall be made 30 days before the end of each year.

Location and operation of any freezing device defined in Section 622.5 shall be approved by the director."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 729—An act to amend Sections 794, 828.2 and 829.1 of the Agricultural Code, relating to cherries and containers thereof, declaring the urgency thereof and that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of lines 21 to 23, inclusive; and on page 2, strike out all of lines 1 and 2, and insert "but not to exceed one-half of this tolerance shall be allowed for any one cause. In addition 5 per cent of the cherries in any".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 18, and insert "two sizes smaller, except that 5 per cent, by count, of the cherries in any one container may be below this minimum size requirement."

Amendment No. 3

On page 2, line 32, of the printed bill, as amended, after "letters", insert "at least".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out all of lines 47 to 52, inclusive; and on page 3, strike out all of lines 1 to 4, inclusive, and insert "ries shall be marked in numbers and letters at least three-eighths of an inch in height with (a) the row size of the cherries in the container followed by the term "row size" or (b) the "minimum diameter" of the cherries in the container expressed in inches or fractions thereof, followed by the term "inch minimum diameter" or "inches minimum diameter" or a proper abbreviation or variation of such designation.

(a) When containers of loose cherries are marked with a row size designation at least 50 per cent of the cherries in the container shall be of a size no smaller than the row size number marked, however, none of the cherries in such container shall be more than two row sizes smaller than that marked on the container, except that 5 per cent, by count, of the cherries in any one container may be below this minimum size requirement. The row size".

Amendment No. 5

On page 3 of the printed bill, as amended, between lines 6 and 7, insert

"(b) When containers of loose cherries are marked with the minimum diameter of the cherries in the container none of the cherries in such container shall be smaller in diameter than the size marked on the container, except that 5 per cent, by count, of the cherries in any one container may be below the size marked. In addition the cherries in any container so marked with the minimum diameter shall not vary in diameter between the fruits in the container, more than one-fourth of an inch. The "diameter" shall mean the diameter measured through the widest portion of the cross section of the cherry at a right angle to a straight line drawn from the stem end to the distal end thereof.

Compliance with the requirements of this section may be determined by the examination of a representative sample of the cherries in any container or bulk lot."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 8—An act to add Section 603 to the Penal Code, relating to unlawful entry.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "officer", insert "engaged in the performance of his duties as such".

Amendment No. 2

On page 1, line 7, of the printed bill, as amended, strike out "or lessee", and insert ", representative of the owner, lessee or representative of the lessee".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 982—An act to amend Sections 1576, 2049 and 2523 of the Penal Code, relating to State prisons and the powers and duties of the State Board of Prison Directors in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "section Sections 1576, 2049 and 2523", and insert "Sections 1576 and 2049 of, to add Section 2059 to, and to repeal Section 2523".

Amendment No. 2

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "other than those of the", and insert "including".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 24 to 37, inclusive, and insert

"SEC. 3. Section 2059 is hereby added to said code, to read as follows:

2059. The board shall fix the compensation of its officers and employees, including wardens and clerks at a gross rate which shall include a cash allowance for board and lodging, but in no case shall the money compensation, exclusive of the cash allowance for board and lodging, be less than one hundred ten dollars (\$110) per month. There shall be deducted from the gross salaries of the officers and employees of the prison the value of any board, lodging, services or supplies rendered or sold to each such officer or employee. The deduction for board and lodging shall not exceed the cash allowance therefor.

SEC. 4. Section 2523 of said code is hereby repealed."

Amendment No. 4

On page 2, line 38, of the printed bill, as amended, strike out "and 3", and insert "3 and 4".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1157—An act to add Section 1381.5 to the Penal Code, relating to prisoners in the State prisons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1381.5", and insert "1203.2a".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "1381.5", and insert "1203.2a".

Amendment No. 3

On page 1, line 3, of the printed bill, strike out "1381.5", and insert "1203.2a".

Amendment No. 4

On page 1 of the printed bill, strike out lines 6 to 19, inclusive, and insert "from which he was released on probation to report the commitment to the court within 30 days after being advised in writing of the commitment. Within 30 days thereafter the court shall revoke probation and impose sentence. The sentence of the court may be imposed in the absence of the defendant in such cases. In the event the probation officer fails to report such commitment to the court or the court fails to impose sentence as herein provided, such person may not thereafter be sentenced under any authority retained in the granting of the probation."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 293—An act to add Section 1192.5 to the Code of Civil Procedure, relating to liens.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 12, inclusive, and insert

"1192.5. Whenever materials are furnished for the alteration or repair of any building at the instance and request of any tenant therein and if the owner or any person having or claiming any estate in the land upon which the building is situated has not posted a notice and filed a copy thereof for record pursuant to Section 1192,

such owner or person having or claiming any estate therein shall not be deemed to have knowledge thereof unless the person furnishing such materials shall, within 10 days from the date of delivery thereof and before recording any lien on such premises, give written notice to such owner or person having or claiming any estate in the premises. The notice shall be deemed to have been received if it is delivered, by registered mail or in person, to the person or persons who appear of record to be the owner or owners of the premises or who appear to have any interest or estate therein."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 226—An act to amend Sections 92 and 146 of, and to add Section 108 to, the Civil Code, relating to divorce actions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 12, of the printed bill, before "the", insert "Article 2 of Chapter 2 of Title 1 of Part 3 of Division 1 of".

Amendment No. 2

On page 1 of the printed bill, strike out lines 14 to 22, inclusive, and insert:
"108. A divorce may be granted on the grounds of incurable insanity only upon proof that the insane spouse has been confined to an institution under the provisions of Chapter 1, Part 1, Division 6 of the Welfare and Institutions Code or under the provisions of Section 1026 of the Penal Code or Chapter 6, Title 10, Part 2 of the Penal Code, for a period of at least three years, and upon the testimony of a physician and surgeon, licensed under the chapter on medicine of the Business and Professions Code, that such spouse is incurably insane."

Amendment No. 3

On page 2 of the printed bill, strike out lines 46 and 47, and insert "insanity. It shall be assigned to the former owner of such property, subject to the power of the court to assign it to the party against whom the divorce is granted for a term of years not to exceed the life of such party."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 549—An act to amend Sections 819, 828.65 and 829.45 of, to add Section 828.76 to, the Agricultural Code, relating to containers for sweet potatoes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 21, of the printed bill, strike out "Unitized", and insert "Special".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1805—An act relating to the relief of debtors and guarantors; permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust, or contracts of purchase of real

property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 6, line 17, of the printed bill, strike out "1941", and insert "1943".

Amendment No. 2

On page 6, line 29, of the printed bill, strike out "1941", and insert "1943".

Amendment No. 3

On page 9, line 12, of the printed bill, strike out "July 7", and insert "July 1".

Amendment No. 4

On page 10 of the printed bill, strike out lines 14 and 15; and in line 16, strike out "ization of", and insert "property. This will impose severe hardship upon".

Amendment No. 5

On page 8, line 24, of the printed bill, after "thereof", insert "and any judgment entered in favor of, or any sheriff's or commissioner's certificate of sale issued to the United States Government or any agency thereof in an action to foreclose any such mortgage or deed of trust".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 88—An act to amend Section 470 of the Civil Code by clarifying the language thereof with respect to certain restrictions on the power of railroad corporations.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 63—An act to add Section 6141.1 to the Business and Professions Code, relating to waiver of fees of members of the State Bar of California, declaring the urgency thereof, to take effect immediately;

Senate Bill No. 69—An act to amend Section 611 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, to take effect immediately;

Senate Bill No. 73—An act to amend Sections 447 and 1060 of the Revenue and Taxation Code, relating to property taxation and the assessment of property, including matters shown on the property statement and on supplemental statements thereto, to take effect immediately;

Senate Bill No. 75—An act to amend Section 114 of the Revenue and Taxation Code, relating to property taxation and the definition of "debts" as appertaining thereto, to take effect immediately;

Senate Bill No. 97—An act to amend an act entitled "An act creating the Colorado River Board of California and the office of Colorado River Commissioner of California, prescribing the powers and the duties of said board and commissioner," approved July 1, 1937, as amended, by repealing Section 8, relating to refund of contributions, declaring the urgency of this act and providing that it shall take effect immediately.

Senate Bill No. 320—An act authorizing the appointment and prescribing the powers and duties of special policemen for the protection and preservation of public property, to take effect immediately;
And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1941, at 4 p.m.

RICHL, Chairman

ADJOURNMENT

At 4.50 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., April 11, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY
NINETY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 11, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dond, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Mayo, McBride, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward- 27.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Swing, on motion of Senator Rich.
Senator McCormack, on motion of Senator Slater.
Senator Dillinger, on motion of Senator Mayo.
Senator DeLap, on motion of Senator Mayo.
Senator Kuehel, on motion of Senator Breed.
Senator Tickle, on motion of Senator Brown.
Senator Jespersen, on motion of Senator Gordon.
Senator Swan, on motion of Senator Rich.
Senator Shelley, on motion of Senator Carter.
Senator Kenny, on motion of Senator Carter.
Senator Luckey, on motion of Senator Powers.
Senator Parkman, on motion of Senator Myhand.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. R. Miles of Merced.

On request of Senators Wagy and Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Dan Miller and Marcia Miller of San Francisco.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 14—Amending Joint Rule No. 13, relative to distribution of legislative publications;

Senate Concurrent Resolution No. 20—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization, and the members of the Senate and Assembly;

Senate Concurrent Resolution No. 21—Relative to reports of the Department Encampment of the Grand Army of the Republic;

Senate Bill No. 46—An act to amend Sections 43 and 44 of the Alcoholic Beverage Control Act, relating to hearings on complaints against licensees;

Senate Bill No. 287—An act to amend Section 43 of the California Irrigation District Act, relating to irrigation district assessments;

Senate Bill No. 289—An act to amend Sections 7055, 7057 and 7058 and the article heading of Article 2, Chapter 2, Part 6 of the Water Code, and Section 4 of the Central Valley Project Act of 1933, relating to the changing of the name of Kennett Dam to Shasta Dam;

Senate Bill No. 297—An act to amend Section 1 of an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931, relating to boats;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 288—An act to amend Section 39e of the California Irrigation District Act, relating to irrigation district assessments;

Senate Bill No. 91—An act to amend Section 1530 of the Water Code or Section 23b of the Water Commission Act, relating to fees for applications or permits to appropriate water;

Senate Bill No. 1158—An act to add Sections 3480g and 3480h to the Political Code, relating to reclamation districts;

Senate Bill No. 339—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to corporations exempt from tax;

Senate Bill No. 338—An act to amend Section 4, of The Corporation Income Tax Act of 1937, relating to corporations exempt from tax;

Senate Bill No. 449—An act to amend Section 57 of an act entitled "An act relating to the State civil service, including the adaptation thereof to Article XXIV of the State Constitution," approved July 1, 1937, relating to employees of the Attorney General's office;

Senate Bill No. 541—An act to add Section 1.5 to the California Irrigation District Act, relating to publication of notices pursuant to laws relating to irrigation districts;

Senate Bill No. 549—An act to repeal Sections 62 and 63 of the California Irrigation District Act, relating to apportionment of water by water commissioners and flow of water through irrigation district ditches in times of high water; And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 693—An act to add Section 72.5 to the California Irrigation District Act, relating to court proceedings brought by and against irrigation districts;

Senate Bill No. 551—An act to repeal Section 24 of an act entitled "An act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, relating to the dissolution of irrigation districts having no indebtedness not barred by the statute of limitations;

Senate Bill No. 86—An act to amend Section 295 of the Revenue and Taxation Code, relating to exemption of property of veterans from taxation;

Senate Bill No. 589—An act to amend Sections 345, 466 and 612 of the Streets and Highways Code, relating to descriptions of certain State highways;

Senate Bill No. 590—An act to amend Section 465 of the Vehicle Code, relating to signs, signals and traffic control devices;

Senate Bill No. 626—An act to amend Section 14c of the California Irrigation District Act, relating to the selection of the officers of irrigation districts;

Senate Bill No. 629—An act to amend Section 1 of "An act granting to irrigation districts of the State of California the right to construct, operate and maintain electric light and power lines along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume," approved May 25, 1923, relating to right of ways for electric power lines;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 688—An act to add Section 46 to the California Irrigation District Act, relating to property sold for delinquent irrigation district assessments;

Senate Bill No. 907—An act relating to the payment of interest on and principal of bonds, and the holding of funds for such payment;

Senate Bill No. 310—An act to add Section 369h to the Penal Code, relating to the erection and maintenance of lights and signs which interfere with the operation of railroad trains and declaring such lights and signs a public nuisance;

Senate Bill No. 1140—An act to add Section 8733.5 to the Health and Safety Code, relating to perpetual care funds of cemeteries;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 25—Relative to a site for statue of Andrew Furuseth;

And reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of April, 1941, at 12 m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 480

Senate Bill No. 982

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 76

Senate Bill No. 1157

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 606

Senate Bill No. 1292

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 831

Assembly Bill No. 141

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 8, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 113

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 184

Assembly Bill No. 850

Assembly Bill No. 1283

Assembly Bill No. 1284

Assembly Bill No. 1287

Assembly Bill No. 1899

Assembly Bill No. 1969

Assembly Bill No. 2081

Assembly Bill No. 2182

Assembly Bill No. 2349

Assembly Bill No. 2582

Assembly Bill No. 2570

Assembly Bill No. 680

Assembly Bill No. 2150

Assembly Bill No. 1151

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 184—An act to amend Section 7643, and to add Sections 7651 and 7708 to, the Business and Professions Code, relating to funeral directors and embalmers.

Referred to Committee on Business and Professions.

Assembly Bill No. 680—An act to add Section 3.103 to the School Code, relating to the observance of Bill of Rights Week in public schools.

Referred to Committee on Education.

Assembly Bill No. 850—An act to repeal Section 3616 of, to add Sections 3602.5, 3614.5 and 3616 to, and to amend Sections 3606 and

3615 of the Revenue and Taxation Code, relating to property taxation including redemption of tax delinquent property and the termination of the right of redemption thereto, suits to quiet title to tax-delinquent property; declaring the urgency thereof, to take effect immediately.

Referred to committee on Revenue and Taxation.

Assembly Bill No. 1151—An act to repeal Sections 124, 127, 3511.5, 3521, 3543, 3550, 3552, 3571, 3572, 3574, 3651, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend Section 3355 of, and to add Sections 124, 127, 133, 3511.3, 3511.5, 3521, 3543, 3546.5, 3550, 3550.5, 3552, 3571, 3571.3, 3571.5, 3572, 3574, 3651, 3661, 3691, 3707.5, 3807, 4101, 4108.5, 4111, 4112, 4113 and 4147 to the Revenue and Taxation Code, and to repeal Sections 3773.1, 3785.4, 3785.5, 3785.6, 3833.3, 3857.2, 3859.20, 3860.05, 3860.07, 3860.08, 3860.09, 3860.10, 3860.11, 3860.12, 3860.13, 3860.14, 3860.15, 3860.16, 3860.17, 3860.18, 3860.19, 3860.20, 3860.21, 3860.22, 3860.24, 3860.25, 3860.26, 3860.27, 3860.28, 3860.29, 3860.30, 3860.31 and 3860.32 of, and to repeal Chapter 9c, consisting of Sections 3861.1 to 3861.8, inclusive, of Title 9 of Part 3 of the Political Code, relating to property taxation and tax delinquent property, including redemption of tax delinquent property and the termination of the right of redemption thereto, distressed assessment districts and the right of redemption of property therein, the classification and control of tax delinquent property, contracts for the purchase thereof, and making an appropriation, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1283—An act to amend Sections 525, 543 and 553 of, to repeal Section 604 of, and to add Section 525.5 to the Vehicle Code, relating to the regulation of traffic.

Referred to Committee on Transportation.

Assembly Bill No. 1284—An act to amend Section 596.5 of the Vehicle Code, relating to the operation and loading of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1287—An act to amend Sections 554, 616 and 675 of the Vehicle Code, relating to equipment on vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1899—An act to add Chapter 5.7, consisting of Sections 3618 to 3637, inclusive, to Part 6, of Division 1 of the Revenue and Taxation Code, relating to property taxation, including actions to contest the validity of tax deeds to the State and quieting title against tax deeds and the interests of taxing agencies and revenue districts, providing a procedure therefor, and the effect thereof, terminating the right of redemption, and declaring the urgency hereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1969—An act to amend Sections 3803 and 3804 of, and to add Sections 3793.5, 3793.6, 3807.5 and 3807.8 to, the Revenue and Taxation Code, relating to property taxation, including purchases from the State by taxing agencies and the division of the proceeds of

the sales of such property; the shortening of deductions prior to division; termination of the right of redemption; and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2081—An act to amend Section 44 of the Vehicle Code relating to authorized emergency vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2150—An act to add Section 5064 to the School Code, relating to the attendance of teachers upon institutes and educational meetings.

Referred to Committee on Education.

Assembly Bill No. 2182—An act to repeal Section 1863 of the Elections Code relating to signatures in nomination papers.

Referred to Committee on Elections.

Assembly Bill No. 2349—An act to add Section 5752 to the School Code, relating to the use of school buildings by members of the Communist Party or any organization advocating the overthrow of the Government by force and violence.

Referred to Committee on Education.

Assembly Bill No. 2570—An act to amend Sections 2, 3, 11, 17, 18, 20, 21, 22, 23 and 25 of, to repeal Section 15 of, and to add Section 52 to the Retail Sales Tax Act of 1939; to amend Sections 2, 4, 7, 9, 10, 12, 14, 15, 17, 20 and 22 and to repeal Section 23 of the Use Tax Act of 1937; to declare the legislative intent with respect to the construction of said acts; to repeal Section 6 of Chapter 111, Statutes of 1937; to amend Sections 6006, 6006, 6453, 6451, 6457, 6511, 6514, 6561, 6701, 6702, 6738, 6757, 6776, 6777, 6811, 6812, 6901, 6902 and 7056 of, to repeal Section 6402 of and to add Section 6402 to the Revenue and Taxation Code, all relating to the levy, assessment and collection of retail sales and use taxes and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2582—An act to grant the consent of the State of California to the United States to use certain territorial waters of the State in connection with target practice operations on United States land adjacent thereto; and providing that the act shall take effect immediately.

Referred to Committee on Constitutional Efficiency.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1296—An act to amend Section 490 of the Fish and Game Code, relating to mutilation of fish.

Bill read second time, referred—unopposed, and to third reading.

Senate Bill No. 1304—An act to amend Section 724.5 of the Fish and Game Code, relating to catfish in District 24.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 554—An act to amend Section 78 of the Fish and Game Code, relating to Fish and Game Districts 12 and 12B.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 796—An act to amend Sections 970 and 971 and to add Sections 970.1 and 971.1 to the Fish and Game Code, relating to crab and lobster traps.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill, strike out lines 21 to 23, inclusive, and insert "971.1 Traps for the purpose of taking fish for lobster or crab that may be used in Districts 18, 19 and 19A between October 1 and March 15, and shall conform to the following specifications: Fish traps may not exceed 40 inches in length, breadth or height. Each trap may have fykes which may be on the sides of the trap. Adjacent to the floor, each side and each end of the trap shall have an opening which must be at least 24 inches high and 20 inches long. In addition the trap must be so constructed that any fish or crustacean may leave the trap through these openings if it is small enough to do so. The trap shall be illegal if it contains any device which shall reduce the effective size of these openings below 24 inches by 20 inches, or if it contains any device which may tend to keep fish or crustaceans from going through these openings."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 345—An act to amend Section 949 of the Fish and Game Code, relating to fish nets.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 3, of the printed bill, following "nets", insert a comma and "the meshes of which are at least two and one-half inches in length; provided, however, a half inch tolerance of mesh size be allowed in used nets."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 346—An act to amend Section 723 of the Fish and Game Code, relating to the taking of catfish.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "No catfish less".

Amendment No. 2

On page 1 of the printed bill, strike out all of line 6.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1123—An act to add Section 427.5 to the Fish and Game Code, relating to the refusal or revocation of hunting licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 427.5", and insert "Division 7, consisting of Sections 1450 to 1455, inclusive,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "the refusal or revocation of hunting licenses", and insert "the killing or injuring of a human being through the improper use of firearms while hunting and punishment and penalties therefor".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 11, inclusive, and insert "SECTION 1. Division 7, consisting of Sections 1450 to 1455, inclusive, is hereby added to the Fish and Game Code, to read as follows:

DIVISION 7. CRIMES AND LIABILITIES**CHAPTER 1. CONDUCT OF HUNTERS**

1450. Every person while hunting with firearms shall use and handle his weapon so that it will not discharge at any human being. No such hunter shall shoot at any animal, bird, or other object, nor at the source of any sound, unless the target is in plain view and the path of the bullet or shot, whether the target is hit or not, is clear of any human being.

1451. Every person who, while, or as a result of, violating Section 1450 of this code, causes the death of another is guilty of manslaughter.

1452. Every person who, while, or as a result of, violating Section 1450 of this code, causes bodily injury to another is guilty of an assault with a deadly weapon and his intent to commit said crime shall be conclusively presumed at all times.

1453. In cases under Section 1451 or Section 1452 the court may grant probation and may impose as one of the conditions of probation the payment by the defendant of such sums as the court may fix (a) in the case of manslaughter, for the support of the widow and minor children of the deceased, or (b) in the case of assault with a deadly weapon, for the hospital and medical services to the injured person and for the support of such injured person and his family. The making and acceptance of payments under this section shall not affect any civil action or the right to commence and maintain any civil action arising out of the death or injury involved, but payments so made may be alleged and proved in mitigation of damages in such civil action.

1454. In any civil action arising out of a death or injury resulting from a violation of Section 1450 of this code the negligence of the defendant shall be presumed from the fact of such death or injury.

1455. Any person who hunts with firearms while any civil judgment arising out of or connected with a violation by him of Section 1450 of this code remains unsatisfied is guilty of a misdemeanor."

Amendments read and adopted.

Bill ordered printed, engrossed, and re-referred to Committee on Fish and Game.

Senate Bill No. 283—An act to add Section 2160.7 to the Welfare and Institutions Code, relating to the aged confined in county institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 4, of the printed bill, as amended, strike out "otherwise eligible for", and insert "receiving"

Amendment No. 2

On page 1, line 5, of the printed bill, strike out "but who is confined in", and insert "on the date he enters".

Amendment No. 3

On page 1, line 7, of the printed bill, as amended, strike out "of such confinement".

Amendment No. 4

On page 1, line 8, of the printed bill, as amended, strike out "thereof", and insert "of such confinement".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1151—An act to amend the title and Sections 1 and 7 of an act entitled "An act to establish the southern California prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct, management thereof; and to make an appropriation therefor," approved July 9, 1935, relating to renaming the southern California prison.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "the", insert "Article heading of Article 1 of Chapter 1 of Title 1, and Sections 2000, 2001, 2003, 2004, 2008, 2009, 2711, 2712, 2870 and 2875, of the Penal Code or to amend the".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert "SECTION 1. The article heading of Article 1 of Chapter 1 of Title 1 of Part 3 of the Penal Code is hereby amended to read as follows:

Article 1. [Southern California Prison] *California State Prison at Chino*.

Sec. 2. Section 2000 of said code is hereby amended to read as follows: 2000. There is and shall continue to be a State prison to be known as the [Southern California Prison] *California State Prison at Chino*.

Sec. 3. Section 2001 of said code is hereby amended to read as follows:

2001. The [Southern California Prison] *California State Prison at Chino* shall be located at Chino, San Bernardino County, California.

Sec. 4. Section 2003 of said code is hereby amended to read as follows:

2003. The board shall erect and construct, the first unit of the [Southern California Prison] *California State Prison at Chino* upon such lands as have heretofore been acquired or as shall hereafter be acquired for such purpose, in accordance with this article.

Sec. 5. Section 2004 of said code is hereby amended to read as follows:

2004. The sum of two million dollars (\$2,000,000), appropriated by Chapter 378 of the Statutes of 1937, shall be expended in accordance with law by the board in

the erection and construction of the first unit of the [Southern California Prison,] *California State Prison at Chino*, including the purchase of land therefor.

SEC. 6. Section 2008 of said code is hereby amended to read as follows:

2008. The primary purpose of the [Southern California Prison] *California State Prison at Chino* shall be for the imprisonment of male offenders who, in the opinion of the board, seem capable of moral rehabilitation and restoration to good citizenship.

SEC. 7. Section 2009 of said code is hereby amended to read as follows:

2009. The board may remove any prisoner imprisoned in the [Southern California Prison] *California State Prison at Chino* to any other State prison for males for further imprisonment.

SEC. 8. Section 2711 of said code is hereby amended to read as follows:

2711. The board shall cause to be included in the original plans and specifications of the [Southern California Prison] *California State Prison at Chino* adequate provision for the employment and useful occupation of the maximum number of men capable of being confined in the institution, as planned. Such employment shall be designed to reduce the cost of maintaining the institution to the lowest figure consistent with good management and with the beneficial training, education and discipline of the prisoners confined therein.

SEC. 9. Section 2712 of said code is hereby amended to read as follows:

2712. The board may allow to prisoners at the [Southern California Prison] *California State Prison at Chino* such proportion of their earnings above the cost of their maintenance as the board may deem proper.

SEC. 10. Section 2870 of said code is hereby amended to read as follows:

2870. Each and every article manufactured under the provisions of Section 2701 and Section 2702 of this code shall have plainly marked or stamped thereon either the words "San Quentin Prison" or the words "Folsom Prison," or " [Southern California] *Chino Prison*," according as such article may be manufactured at one or the other of said prisons.

SEC. 11. Section 2875 of said code is hereby amended to read as follows:

2875. Products of the [Southern California Prison] *California State Prison at Chino* shall so far as possible be supplied for State, county, municipal, school or other public use, and the prison shall collect or be credited with the fair market price therefor. No manufactured product shall be supplied, sold, exchanged or given away for private use or profit."

Amendment No. 3

On page 1, line 2, of the printed bill, before "is hereby", insert "SEC. 11. The title of the act cited in the title hereof".

Amendment No. 4

On page 1, lines 3 and 4, of the printed bill, strike out "Chino State Prison", and insert "California State Prison at Chino".

Amendment No. 5

On page 1, line 12, of the printed bill, strike out "2", and insert "12".

Amendment No. 6

On page 1, line 17, of the printed bill, strike out "Chino State Prison", and insert "California State Prison at Chino".

Amendment No. 7

On page 2, line 1, of the printed bill, strike out "3", and insert "13".

Amendment No. 8

On page 2, lines 4 and 5, of the printed bill, strike out "Chino State Prison", and insert "California State Prison at Chino".

Amendment No. 9

On page 2 of the printed bill, after line 7, insert

"SEC. 14. Sections 1 to 10, inclusive, of this act shall take effect only if and when that certain act entitled "An act to repeal Part 3, except Section 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 667, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods," is enacted at the regular session of the Fifty-fourth Legislature and takes effect."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1270—An act to amend Sections 2181 and 2224 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "need", and insert "ability to contribute".

Amendment No. 2

On page 1, line 15, of the printed bill, strike out "and ability".

Amendment No. 3

On page 3, line 40, of the printed bill, after "relative", insert "is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

The granting of or continued receipt of aid shall not be contingent upon such recovery."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 613—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 424—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "May", and insert "July".

Amendment No. 2

On page 1, line 23, of the printed bill, after "year", insert ", or if such estimate is not presented before the first day of July, such statement should show the increases in expenditures over the last completed fiscal year".

Amendment No. 3

On page 2, line 14, of the printed bill, strike out "May", and insert "July".

Amendment No. 4

On page 2, line 45, of the printed bill, after "year", insert ", if such estimate is presented before July 1st, or the actual unencumbered surplus at the close of the last completed fiscal year, if such estimate is presented after July 1st, and the amount proposed to be raised by taxation".

Amendment No. 5

On page 3, line 3, of the printed bill, after "year," insert "if such estimate is presented before July 1st,".

Amendment No. 6

On page 3, line 45, of the printed bill, strike out "May", and insert "July".

Amendment No. 7

On page 3, line 49, of the printed bill, strike out "June", and insert "August".

Amendment No. 8

On page 5, line 5, of the printed bill, strike out "June", and insert "August".

Amendment No. 9

On page 5, line 27, of the printed bill, strike out "June", and insert "August".

Amendment No. 10

On page 5, line 52, of the printed bill, strike out "June", and insert "August".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 72—An act to add Sections 408 and 467 to the Revenue and Taxation Code, relating to property taxation, including inspection of information and records in the county assessor's office, and the filing of statements pertaining to specified property subject to taxation, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 779—An act to add Chapter 8 to Part 1 of Division 3 of the School Code, which chapter shall consist of Section 3.107, relating to insurance premium deductions from salaries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "governed by school trustees", and insert "not governed by a city board of education".

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "of", and insert "the governing board of each".

Amendment No. 3

On page 1, line 10, of the printed bill, after "for", insert "the".

Amendment No. 4

On page 1, line 10, of the printed bill, strike out "payments", and insert "payment".

Amendment No. 5

On page 1, line 10, of the printed bill, strike out ", from time to time,".

Amendment No. 6

On page 1, line 10, of the printed bill, strike out "the", appearing as the last word in said line.

Amendment No. 7

On page 1, line 11, of the printed bill, strike out "respective".

Amendment No. 8

On page 1, line 11, of the printed bill, strike out "board", and insert "district".

Amendment No. 9

On page 1, line 12, of the printed bill, strike out the comma.

Amendment No. 10

On page 1 of the printed bill, strike out all of line 19, except "missioner,"; and strike out all of lines 20, 21, 22, 23; and in line 24, strike out "districts", and insert "The governing board of the district shall each month draw its order upon the funds of the district".

Amendment No. 11

On page 1, line 9, of the printed bill, strike out "Union High School districts", and insert "union high school district".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1047—An act to amend Section 5.546 of the School Code, relating to teachers reports.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, following line 23, insert

"Where one teacher is in charge of a class and keeps the records thereof, assistant teachers who keep no records shall not be required to render reports."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 138—An act relating to the revision of the School Code of California and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 2, of the printed bill, strike out "the sum of _____ dollars", and insert "in addition to other moneys available therefor, the sum of three thousand dollars (\$3,000)".

Amendment No. 2

On page 1, line 5, of the printed bill, strike out the period, and insert "including preparation of such revision, at the earliest possible date, with such explanatory notes, indexes and tables of cross reference as will facilitate the study and analysis of its provisions."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 221—An act to amend Section 4.770 of the School Code, relating to the allowance of teacher units to elementary school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 3 to 14, inclusive, and insert "4.770. One teacher unit shall be allowed to each elementary school district for each 35 or fraction of 35 units of average daily attendance of pupils therein during the preceding school year, exclusive of the average daily attendance of pupils in emergency schools maintained within the school district by the county superintendent of schools as provided elsewhere in this code; provided, that in elementary school districts having an average daily attendance of 70 pupils or less the teacher units shall be determined as follows: One teacher unit shall be allowed for the first 25 units of average daily attendance, one-fifth of a teacher unit shall be allowed for each unit of the next 5 units of average daily attendance; one-tenth of a teacher unit shall be allowed for each unit of the first 10 units of average daily attendance above 50.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 542—An act to add Section 3.693 to the School Code, relating to moral instruction.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, after "moral", insert "and religious".

Amendment No. 1a

On page 1, line 4, of the printed bill, after "moral", insert "and religious".

Amendment No. 2

On page 1, line 7, of the printed bill, strike out "shall", and insert "may, and upon the written request of 10 per cent of the parents of the pupils attending the public schools within such district shall".

Amendment No. 3

On page 1, line 9, of the printed bill, strike out "and", and insert "which survey".

Amendment No. 4

On page 1, lines 11 and 12, of the printed bill, strike out "instruction. On a day in each week," and insert "and religious instruction. At times".

Amendment No. 5

On page 1, line 14, of the printed bill, strike out "place", and insert "places".

Amendment No. 6

On page 1, line 15, of the printed bill, after "moral", insert "and religious".

Amendment No. 7

On page 1, line 21, of the printed bill, after "moral", insert "and religious".

Amendment No. 7a

On page 1, line 22, of the printed bill, after "moral", insert "and religious".

Amendment No. 8

On page 1, line 23, of the printed bill, strike out "specified and for the period", and insert "or times, and for the period, or periods".

Amendment No. 9

On page 1, line 26, of the printed bill, after "moral", insert "and religious".

Amendment No. 10

On page 1, line 27, of the printed bill, after "period", insert "or periods".

Amendment No. 11

On page 2, line 1, of the printed bill, after "moral", insert "and religious".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 1301—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 74—An act to amend Section 110 of the Revenue and Taxation Code, relating to property taxation and the determination of the actual value of intangibles, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "intangibles", and insert "intangible personal property".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 606—An act to amend the title of an act entitled "An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency hereof and providing that this act shall go into immediate effect," approved February 1, 1935, relating to cooperation between irrigation districts and county water districts.

Bill read second time, and ordered to third reading.

Senate Bill No. 1306—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

Bill read second time, and ordered to third reading.

Senator Seawell Presiding

At 11.15 a.m., Hon. Jerrold L. Seawell, of the Seventh District, presiding.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 243—An act to repeal Sections 10, 11 and 12 of, and to add Sections 10, 11, 12 and 13 to, the Fish and Game Code, relating to the transfer to the Fish and Game Commission created by the Constitution of this State of the powers, duties, and jurisdiction of the Fish and Game Commission heretofore existing, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 192—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Bill read second time, and ordered to third reading.

Assembly Bill No. 265—An act to amend Sections 103.5 and 103.6 of the Fish and Game Code, relating to Fish and Game Districts 103.5 and 103.6.

Bill read second time, and ordered to third reading.

Assembly Bill No. 349—An act to amend Section 643 of the Welfare and Institutions Code, relating to annual report of the probation officer.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1316—An act to amend Section 669 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools in detention homes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 149—An act to add Section 20 to the California Unemployment Relief Act of 1935, relating to the support of persons in need of unemployment relief.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "Attorney General", and insert "district attorney of the county in which the relatives reside".

Amendment No. 2

On page 1, line 13, of the printed bill, strike out "Attorney General", and insert "district attorney".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2085—An act authorizing any county in the State of California, to aid any city operating under a freeholder's charter, or otherwise, in the State of California, in the acquisition of real or personal property for the purpose of constructing and completing improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of same, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1632—An act to amend Section 4095 of the Political Code, relating to the issuance and cancellation of county warrants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 411—An act to add Sections 11b and 11c to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 885—An act to amend Section 4041.1 of the Political Code, relating to the powers of supervisors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1224—An act to add Section 17 to an act entitled "An act to establish courts in cities of the second class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to extra sessions of such police courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1227—An act to add Section 103m to the Code of Civil Procedure, relating to extra sessions of justices' courts in cities of the second class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1225—An act to amend Section 6 of "An act to establish police courts in cities of the second class, to fix their jurisdiction, to provide for officers of said court, to fix compensation of certain officers," approved March 23, 1901, relating to police courts in cities of the second class, the term of office of clerk, providing for assistant clerks, and relating to payment of fines, forfeitures, penalties and moneys deposited as bail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1226—An act to amend Section 103k of the Code of Civil Procedure, relating to justice's clerks, assistant clerks and payment of fines, forfeitures, penalties or moneys deposited as bail in justices' courts in cities of the second class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2547—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations and the applicability thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 22, of the printed bill, strike out "6,000", and insert "8,000".

Amendment No. 2

On page 1, line 24, of the printed bill, strike out "6,000", and insert "8,000".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 3 of the printed bill, strike out all of line 5, and in line 6, strike out "ties of the peace, and in", and insert "(f) In".

Amendment No. 2

On page 3 of the printed bill, strike out all of lines 33 to 38, inclusive, and insert "county."

Amendment No. 3

On page 3, line 42, of the printed bill, strike out "and the", and insert "class shall receive a salary of four thousand six hundred dollars (\$4,600) per annum, and in any city of the".

Amendment No. 4

On page 3, line 43, of the printed bill, strike out "four", and insert "six".

Amendment No. 5

On page 3, line 44, of the printed bill, strike out "six hundred", and strike out "(\$4,600)", and insert "(\$6,000)".

Amendment No. 6

On page 4 of the printed bill, strike out lines 26 to 35, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Call of the Senate

Senator Metzger moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.20 a.m.

The Presiding Senator directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**President of the Senate Presiding**

At 11.25 a.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 191

Senator Seawell moved that Senate Bill No. 191 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 191—An act to add Article 18, comprising Section 1120, to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to insurance.

Bill read second time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "or personal".

Amendment No. 2

On page 1 of the printed bill, strike out lines 23 to 25, inclusive, and insert "insurers are not satisfactory to the lender."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Crittenden moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1614 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 150—An act to amend Sections 500, 502, 503 and 505 of, to add Sections 502.1, 502.2 and 516.1 to the Military and Veterans Code, all relating to high school cadets.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 150?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "and", and insert a comma.

Amendment No. 2

In line 1 of the title of the printed bill, as amended, after "505", insert "and 513."

Amendment No. 3

On page 1, line 14, of the printed bill, as amended, strike out "commandants", and insert "Commandants, Assistant Commandants, and Assistant Commandants (Junior Grade)".

Amendment No. 4

On page 1, lines 16 to 18, of the printed bill, as amended, strike out "Commandants of Cadets shall be of three grades; namely, Assistant Commandant, (Junior Grade); Assistant Commandant and Commandant," and insert "Commandant corresponds to the rank of Major of the National Guard; Assistant Commandant corresponds to the rank of Captain of the National Guard; and Assistant Commandant (Junior Grade) corresponds to the rank of First Lieutenant of the National Guard."

Amendment No. 5

On page 1, line 18, of the printed bill, as amended, strike out "commandants", and insert "officers".

Amendment No. 6

On page 1, lines 20 and 21, of the printed bill, as amended, strike out "and shall rank respectively with and after Second Lieutenant, First Lieutenant, and Captain."

Amendment No. 7

On page 1, line 22, of the printed bill, as amended, strike out "Commandant", and insert "officer".

Amendment No. 8

On page 2, lines 1 and 2, of the printed bill, as amended, strike out "commandants", and insert "officers".

Amendment No. 9

On page 2, line 3, of the printed bill, as amended, after "officers", insert "of corresponding rank, as above stated".

Amendment No. 10

On page 2, line 16, of the printed bill, as amended, strike out "Commandant of Cadets herein provided for", and insert "ranking officer at the school, Commandant, Assistant Commandant, or Assistant Commandant (Junior Grade)".

Amendment No. 11

On page 2, line 18, of the printed bill, as amended, strike out "Commandant of Cadets", and insert "ranking officer at the school, Commandant, Assistant Commandant, or Assistant Commandant (Junior Grade)".

Amendment No. 12

On page 2, line 32, of the printed bill, as amended, after "of", insert "and honorably discharged from".

Amendment No. 13

On page 2, lines 33 and 34, of the printed bill, as amended, strike out "grade of First Lieutenant", and insert "rank of Captain".

Amendment No. 14

On page 2, line 35, of the printed bill, as amended, strike out "grade of Captain", and insert "rank of Major".

Amendment No. 15

On page 2, line 39, of the printed bill, as amended, strike out "in the lower grade", and insert "as Assistant Commandant (Junior Grade)".

Amendment No. 16

On page 2, line 41, of the printed bill, as amended, strike out "in the lower grade.", and insert "as Assistant Commandant. Every officer having served as Commandant for one year or more immediately prior to the effective date of this act shall continue to hold the rank of Commandant regardless of any other provision of this section."

Amendment No. 17

On page 2 of the printed bill, as amended, strike out lines 44 to 51, inclusive, and on page 3, strike out lines 1 to 6, inclusive, and insert

"502.2. An Assistant Commandant (Junior Grade) shall wear the same uniform and shoulder straps as a First Lieutenant of Infantry in the National Guard; an Assistant Commandant shall wear the same uniform and shoulder straps as a Captain of Infantry in the National Guard; and a Commandant shall wear the same uniform and shoulder straps as a Major of Infantry in the National Guard. All such officers shall wear cap and collar ornaments designating the California High School Cadets."

Amendment No. 18

On page 3, line 7, of the printed bill, as amended, after "Sec. 7.", insert "Section 513 of the Military and Veterans Code is hereby amended to read as follows:

513. The Adjutant General may detail from the organizations of the National Guard or Naval Militia some competent member thereof having the rank of Major in the National Guard, or corresponding rank in the Naval Militia, or higher, who shall act as drill and rifle practice instructor for High School Cadets. The Adjutant General may provide for compensating the persons detailed by him to instruct the Cadets in drill and target practice.

Sec. 8."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 150 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Mayo, McBride, Metzger, Mixter, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—24.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill No. 1157—An act to add Section 1381.5 to the Penal Code, relating to prisoners in the State prisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Fletcher, Foley, Gordon, Judah, Keating, Mayo, McBride, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 10, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 485—An act to add Sections 4026, 4026 1, 4026 2 and 4026 3 to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Assembly be not concurred in, and that the bill, as amended on March 7, 1941, be further amended as follows:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "office", insert "prior to April 1, 1943, and".

Amendment No. 2

On page 1, line 20, of the printed bill, as amended, after "position", insert "prior to April 1, 1943, and".

MYHAND

QUINN

Senate Committee on Conference

ROBERTSON

BASHORE

TURNER

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Judah, Keating, Mayo, McBride, Metzger, Mixer, Myhand, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—24.

NOES—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1292—An act making an appropriation for the mileage of members and officers of the Senate, the act to take effect immediately.

Bill read third time

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Mayo, McBride, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—27.

NOES—None.

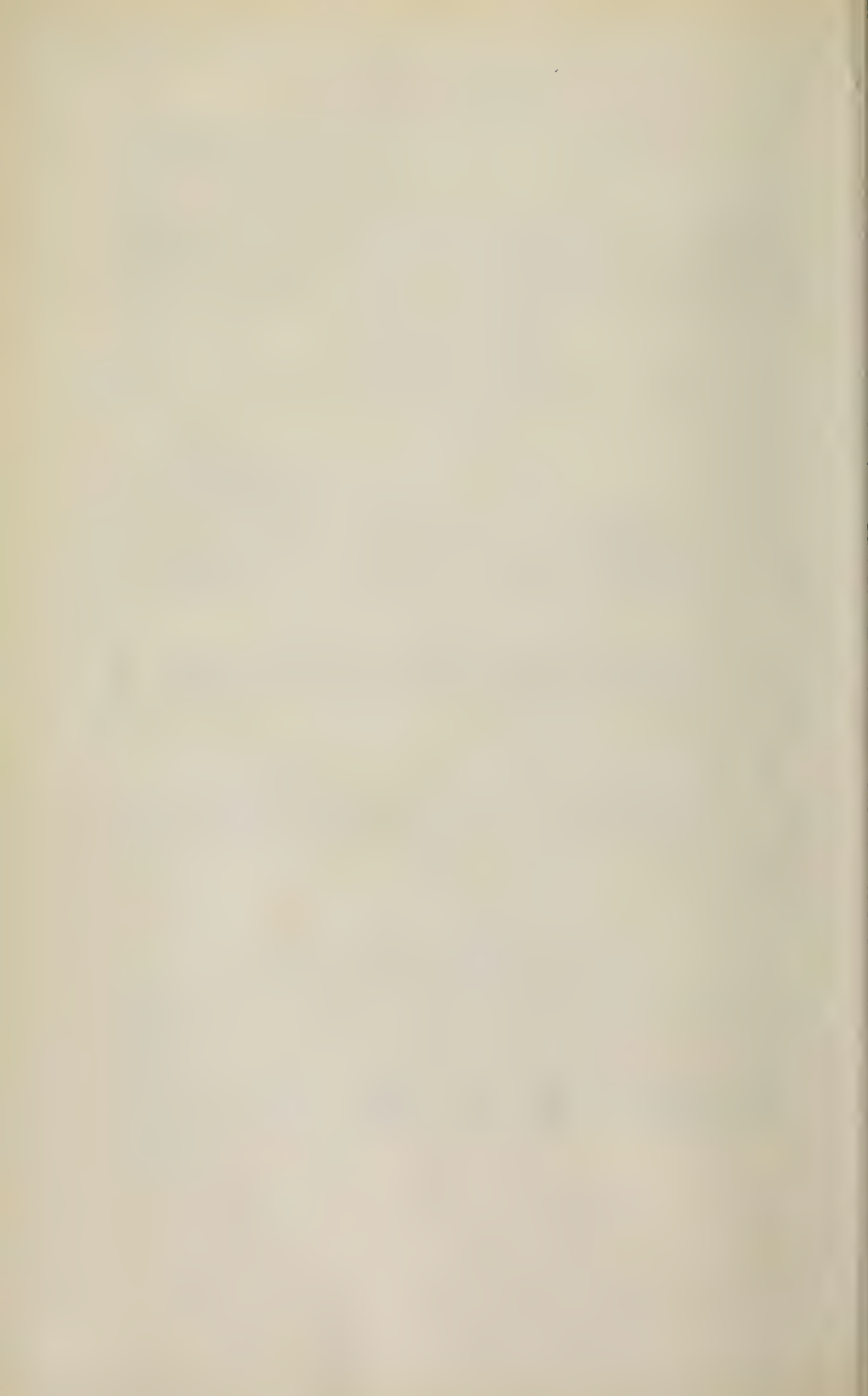
Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11:40 a.m., on motion of Senator Metzger, further proceedings under the call of the Senate were dispensed with.

ADJOURNMENT

At 11:42 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 14, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-SEVENTH LEGISLATIVE DAY

NINETY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 14, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Myhand, on motion of Senator Parkman.

Senator Keating, on motion of Senator Powers.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William L. Carter of Oceanside and Miss Janet Hettman of San Francisco.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edward B. Stanwood, principal; Miss Bryre, Mrs. George Ashley, chaperones, and the following students of the Miss Sarah Dix Hamlin School, San Francisco: Sophomores—Doris Bryant, Constance Roberts, Lolira Coblentz, Patsy Ehrman, La Verne Hecker, Barbara L'angevin, Dickie Shainwald, Page Heelscher, Georgia Korbel, Jane Penson,

Donna Claire Sullivan, Helen Ayerigg, Leonora Byrne, Dorothy Ann Hughes, Geraldine Stowell, Jean Murray, Patricia Van Hoosear, and Dorothy Manners; 8th grade—Patsy Brown, Carol Blood, Barbara McClintock and Gail St. Aubyn; 7th grade—Coralie Cafer, Beverly Huff, Margarita Harrison, Janice Hecker, Nancy Sloss, Patricia Kenyon and Margaret Morrison.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 679

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 54

Assembly Bill No. 271

Assembly Joint Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 577

Assembly Bill No. 929

Assembly Bill No. 960

Assembly Bill No. 1440

Assembly Bill No. 1442

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 577—An act to amend Sections 5510, 5514, 5515, 5518, 5519, 5520, 5521, 5522, 5523, 5524, 5525, 5540, 5550, 5551, 5552, 5553, 5556, 5570, 5571, 5573, 5574, 5575, 5577, 5600, 5601 and 5602, to repeal Sections 5511, 5512, 5513 and 5603 of, and to add Section 5603 to, the Business and Professions Code, relating to the practice of architecture.

Referred to Committee on Business and Professions.

Assembly Bill No. 929—An act to add Article 2a, comprising Sections 5.785 and 5.786 to Chapter 9, Part 3, Division 5 of the School Code, relating to institutes of noncertificated employees.

Referred to Committee on Education.

Assembly Bill No. 960—An act to amend the heading of Division 4 and Sections 452, 455, 456, 466, 467, 470, 471, 476, 478, 481, 482, 483, 484, 485, 486, 498, 500, 501, 511, 513, 523, 526, 542, 543, 545, 546, 551, 616, 618, 619, 620, 621, 631, 635, 636, 641, 642, 643, 644, 645, 661, 662, 666, 676, 681, 722 and 723 of, to add Sections 472, 590, 640 and 640.5 to, and to repeal Section 559 of, the Agricultural Code, relating to the dairy industry and milk, milk products, and imitation milk products, processing plants and factories, and retail establishments, milk prod-

ucts, and imitations of milk products, and providing for the taking effect hereof.

Referred to Committee on Agriculture.

Assembly Bill No. 1440—An act to amend Sections 1, 2, 5, 6, 6a, 6e, 6d, 6e, 7, 11, 12, 15, 15a, 18 and 19 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," relating to the organization of and annexation to municipal utility districts; control of publicly owned utilities within utility districts; contest of annexation proceedings; powers and duties of a board of directors; powers of the district; special districts within municipal utility districts; incurring, refunding and retirement of indebtedness of special districts; levy and collection of taxes for special district operations and obligations; investment of funds; sale of by-products; loans, contributions and cooperative agreements; limitation of indebtedness; payment of interest from bond funds; fixing and collecting rates, tolls and charges, and the levy and collection of taxes; contracts for the use of commodities or services, and to add Sections 1a, 6f to 6i, inclusive, 7a, 15d to 15q inclusive, 29a and 29b, defining the term "public agency"; providing for annexation to special districts; oaths of office; creation of special districts for sewage disposal purposes, the contesting of the validity of their creation and any bonds issued by a special district; the issuance of bonds by the electors therein for said purposes, the use of said bonds for investment and security for public deposits; the levy and collection of taxes to pay the principal and interest of said bonds, and the expenses of formation and operation of said special districts, contracts and agreements for the use of sewage disposal facilities, and the dissolution of special districts, and relating to special districts generally; issuance of revenue bonds under general law; disposition of records; and the severability of the act, all relating to municipal utility districts.

Referred to Committee on Local Government.

Assembly Bill No. 1442—An act to provide for the organization, incorporation and government of joint municipal sewage disposal districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of sewage disposal systems and to levy and collect taxes to pay the principal and interest thereon, and authorizing such districts to issue revenue bonds for the acquisition and construction of sewerage disposal systems, and for the fixing, collecting and application of rates and charges for the use of sewage disposal systems.

Referred to Committee on Local Government.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 138

Senate Bill No. 779

Senate Bill No. 283

Senate Bill No. 796

Senate Bill No. 345

Senate Bill No. 1047

Senate Bill No. 346

Senate Bill No. 1270

Senate Bill No. 554

Senate Bill No. 729

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 226

Senate Bill No. 1304

Senate Bill No. 613

Senate Bill No. 1306

Senate Bill No. 1296

Senate Bill No. 1151

Senate Bill No. 1301

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 8

Senate Bill No. 72

Senate Bill No. 82

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 74

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Senate Bill No. 1220

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and to inactive file.

Committee membership 9; committee vote: Ayes 9.

CARTER, Vice Chairman

Above reported bill ordered to inactive file.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 831—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 113—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 283, inclusive, to Chapter 2, Title 1, Part 3 to the Political Code, relating to offices for the Senate and the members thereof, and to make an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 10 and 11, and insert "Said".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 141—An act to amend Sections 6526, 6585, 6586, 6604 and 6618 of the Business and Professions Code, relating to the practice of barbering.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution by adding Section 29 to Article IV of the Constitution, relating to State money.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Rich, Seawell, Slater, and Wagy—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 817—An act to amend Section 1182 of the Penal Code, relating to new trials.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, Crittenden, Foley, Garrison, Kenny, Quinn, Shelley, and Swing—8.

NOES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Rich, Seawell, Slater, Tickle, Wagy, and Ward—25.

Senate Bill No. 82—An act to amend Sections 1 and 2 of, and to add Section 8 to, an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 3 and 4 of, and to add Section 9 to, an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman,

Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1088—An act to amend Section 376b of the Political Code, Section 11100 of the Health and Safety Code, and Section 4808 of the Penal Code, relating to the Division of Criminal Identification and Investigation and the Division of Narcotic Enforcement in the Department of Penology.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—Senators Foley and Garrison—2.

MOTION TO RECONSIDER

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 1088 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1088 was passed, was continued until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 76—An act to amend Section 492 of the Agricultural Code, relating to inspection of dairies, milk and milk products and the fees to be paid therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 729—An act to amend Sections 794, 828.2 and 829.1 of the Agricultural Code, relating to cherries and containers thereof, declaring the urgency thereof and that this act take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, McBride,

McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1296—An act to amend Section 492 of the Fish and Game Code, relating to mutilation of fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, McBride, Mixer, Parkman, Powers, Quinn, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—Senator Metzger—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1304—An act to amend Section 724.5 of the Fish and Game Code, relating to catfish in District 2½.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 554—An act to amend Section 78 of the Fish and Game Code, relating to Fish and Game Districts 12 and 12b.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 283—An act to add Section 2160.7 to the Welfare and Institutions Code, relating to the aged confined in county institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1270—An act to amend Sections 2181 and 2224 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, after "The" and before "degree", insert "maximum".

Amendment No. 2

On page 1, line 13, of the printed bill, as amended, strike out "to", and insert "shall".

Amendment No. 3

On page 1, line 16, of the printed bill, as amended, strike out "such variances from said", and insert ", in unusual cases, contributions at less than the amount fixed by".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 72—An act to add Sections 408 and 467 to the Revenue and Taxation Code, relating to property taxation, including inspection of information and records in the county assessor's office, and the filing of statements pertaining to specified property subject to taxation, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1301—An act to amend Section 4 of "An act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to the apportionment of moneys received by counties from the United States Forest Reserve Fund, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74—An act to amend Section 110 of the Revenue and Taxation Code, relating to property taxation and the determination of the actual value of intangibles, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1306—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1003—An act to amend Sections 195 and 203 of, and to add Sections 205 and 206 to, the Streets and Highways Code, relating to the expenditure of moneys from the State Highway Fund within cities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 7, 1941; Tuesday, April 8, 1941; Wednesday, April 9, 1941; Thursday, April 10, 1941; Friday, April 11, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Slater:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 19485 of the Business and Professions Code, relating to the licensing and regulation of horse racing.

Respectfully submitted.

SENATOR SLATER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
DEUEL
MYHAND
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Myhand:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 579 and 611 of the Agricultural Code, relating to substitutes for butter and cheese which are colored in imitation thereof.

Respectfully submitted.

SENATOR MYHAND

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
DEUEL
MYHAND

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixter, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Gordon:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 1012, 1018, 1019, 1023, 1025, 1028, 1030, 1034, 1035, 1042 and 1043 of, and to add Section 1046 to, the Military and Veterans Code, relating to veterans, including the administration of estates of incompetent and deceased veterans and the conduct of the veterans home and the powers and duties of the officers thereof.

Respectfully submitted,

SENATOR GORDON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 11, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1314: By Senator Slater—An act to amend Section 19485 of the Business and Professions Code, relating to the licensing and regulation of horse racing.

Referred to Committee on Governmental Efficiency.

Senate Bill No. 1315: By Senator Myhand—An act to amend Sections 579 and 611 of the Agricultural Code, relating to substitutes for butter and cheese which are colored in imitation thereof.

Referred to Committee on Agriculture.

Senate Bill No. 1316: By Senator Gordon—An act to amend Sections 1012, 1018, 1019, 1023, 1025, 1028, 1030, 1034, 1035, 1042 and 1043 of, and to add Section 1046 to, the Military and Veterans Code, relating to veterans, including the administration of estates of incompetent and deceased veterans and the conduct of the Veterans Home and the powers and duties of the officers thereof.

Referred to Committee on Military and Veterans Affairs.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 89

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 14, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Rose E. Akers, Stenographer-----	\$5 00
Mayme Riddle Poe, Stenographer-----	5 00
George M. Payne, Page-----	2 50

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

Not s—None.

INACTIVE FILE

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

Resolution read.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, as amended, strike out line 14, and insert "depends or power to provide that".

Amendment No. 2

On page 2, lines 4 and 5, of the printed measure, as amended, strike out "Sections 6, 8 and 8½ of Article XI of".

Amendment No. 3

On page 2, lines 8 and 9, of the printed measure, as amended, strike out "with connection with", and insert "in respect to".

Amendment No. 4

On page 2, line 28, of the printed measure, as amended, strike out "Provided, that no", and insert "No".

Amendment No. 5

On page 2, line 30, of the printed measure, as amended, strike out "provided, that".

Amendment No. 6

On page 2 of the printed measure, as amended, strike out lines 33 to 37, inclusive.

Amendments read and adopted.

Resolution ordered printed, engrossed, and to second reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 850—An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods and things in

action and on accounts after demand over three hundred dollars (\$300) made by licensed personal property brokers and on all loans or forbearances of money, goods and things in action and on accounts after demand, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

The title of the printed bill is hereby amended to read as follows:

"An act regulating interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand, made by licensed personal property brokers, corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, and the nonexempt classes of persons under Section 22 of Article XX of the Constitution of the State of California, adopted November 6, 1934."

Amendment No. 2

On page 1, lines 4 and 5, of the printed bill, strike out "over three hundred dollars (\$300)".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 8 and 9; and in line 10, strike out "made by or on behalf of any", and insert ", corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, and".

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 23 to Article XX thereof, relating to usury and the rate of interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand over three hundred dollars (\$300) made by licensed personal property brokers and on all loans or forbearances of money, goods and things in action and on accounts after demand, made by the nonexempt lenders under Section 22 of Article XX of the Constitution of the State of California.

Resolution read.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

The title of the printed measure is hereby amended to read as follows:

"Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 23 to Article XX thereof, relating to usury and the rate of interest, brokerage and all other charges on loans or forbearances of money, goods and things in action and on accounts after demand, made by licensed personal property brokers, corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, corpora-

tions incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, and non-exempted classes of persons under Section 22 of Article XX of the Constitution of the State of California, adopted November 6, 1934."

Amendment No. 2

On page 2, lines 9 and 10, of the printed measure, strike out "over three hundred dollars (\$300)".

Amendment No. 3

On page 2 of the printed measure, strike out all of lines 12 and 13; and in line 14, strike out "made by or on behalf of any", and insert "corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining industrial loan companies, providing for their incorporation, powers and supervision," approved May 18, 1917, as amended, corporations incorporated in the manner prescribed in and operating under that certain act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, and".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to inactive file.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1161—An act to add Section 14450.5 to the Health and Safety Code, relating to county fire protection districts and civil service rates applying thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Motion to Amend

Senator Kenny moved the adoption of the following amendment to the title of Assembly Bill No. 1161:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "rates".

Amendment read and adopted.

Bill ordered printed, and to the Assembly.

Assembly Bill No. 701—An act to add Section 335a to the Penal Code, relating to the seizure and destruction of machines or devices prohibited by the lottery and gambling laws.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Kenny, Kuchel, Luckey, Mayo, Mixter, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 21—Relating to conversion of fruit surpluses into alcohol.

Resolution read.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 2, of the printed bill, following "fruit", insert "and vegetable"; and in the same line, following "fruits", insert "and vegetables".

Amendment No. 2

On page 1, line 4, of the printed bill, following "Valley", insert "and throughout California".

Amendment No. 3

On page 1, line 5, of the printed bill, following "fruit", insert "and vegetables".

Amendment No. 4

On page 1, line 7, of the printed bill, following "fruit", insert "and vegetables".

Amendment No. 5

On page 1, line 14, of the printed bill, following "fruit", insert "and vegetables".

Amendments read and adopted.

Resolution ordered printed, and to third reading.

Assembly Joint Resolution No. 28—Relative to encouragement of sugar beet production in the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 549—An act to amend Sections 819, 828.65 and 829.45 of, to add Section 828.76 to, the Agricultural Code, relating to containers for sweet potatoes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 265—An act to amend Sections 103.5 and 103.6 of the Fish and Game Code, relating to Fish and Game Districts 103.5 and 103.6.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Kenny, Kuebel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1316—An act to amend Section 669 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools in detention homes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—26.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 149—An act to add Section 20 to the California Unemployment Relief Act of 1935, relating to the support of persons in need of unemployment relief.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—28.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1632—An act to amend Section 4095 of the Political Code, relating to the issuance and cancellation of county warrants.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 4095", and insert "Sections 4095 and 4101".

Amendment No. 2

In line 2 of the title of the printed bill, after "issuance", insert "payment".

Amendment No. 3

On page 2 of the printed bill, after line 16, insert

"SEC. 2. Section 4101 of the Political Code is hereby amended to read as follows: 4101. The treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the warrant number, the amount, time when, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys and all other money placed in his custody by official authority only on county warrants issued by the county auditor, except on settlement with the State.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law, and in the payment of such warrants he may issue his order, check or draft drawn upon the proper funds that are on deposit in any bank."

Amendments read and adopted.

Bill ordered printed, and to third reading.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Phillips, ordered printed in the Journal:

Partial Report of the Joint Legislative Fact-Finding Committee on Employment—Accepting the Report of the Legislative Advisory Committee on Defense and Employment, "On Natural Resources of California and the Tributary Pacific Slope Region"

The Joint Legislative Fact Finding Committee on Employment (consisting of 17 members, nine from the Assembly and eight from the Senate) was created by Senate Concurrent Resolution No. 10, February 24, 1940, for the purpose of securing factual data relating to gainful employment.

The Fact Finding Committee was supplemented by the creation of an Advisory Committee of "15 nonlegislator members," to be appointed by it, under the authority of Assembly Concurrent Resolution No. 26, May 23, 1940, to secure data and information on "all phases of the industrial, manufacturing and transportation processes and facilities."

Later, an "Industrial Committee" was created through Senate Concurrent Resolution No. 23, September 21, 1940, to determine the availability of the results of a complete industrial survey and report on California and the tributary area.

Both the Legislative Advisory Committee and the Industrial Committee recommended to the Fact Finding Committee that copies of the industrial report being prepared by the Industrial West, Inc., a nonprofit fact finding and research organization, be purchased and made available for an industrial program in the interest of employment.

The Joint Legislative Fact Finding Committee, created under Senate Concurrent Resolution No. 10, February 24, 1940, at a special meeting in Sacramento, March 14, 1941, concurs in and approves the report of the Advisory Committee hereto attached.

Report on Natural Resources—California and the Tributary Pacific Slope Region (11 Western States)

A new approach to the relief and unemployment problems through new industrial development

The Subcommittee of the Joint Legislative Advisory Committee, appointed to investigate and report on the *Industrial Survey of Natural Resources on the Pacific Slope (11 Western States)*, made by Industrial West, Inc., has the following report to submit:

At a special session of the State Legislature, September 21 last, there was created by Joint Resolution No. 23, an "Industrial Committee," consisting of three members.

Messrs. Paul C. Smith, Editor and General Manager, the *Chronicle*, H. C. McGinn, Calaveras Cement Co., and Geo. W. Malone, Consulting Engineer Manager, The Industrial West, Inc. The Industrial Committee has expressed a desire to work with and through this Legislative Advisory Committee. In making this report, The Industrial Committee was fully consulted.

Objective

To so develop and utilize the natural resources—raw materials—of California and the Pacific Slope Tributary Region or to make this Nation independent of foreign countries as a source of their raw materials. This objective should have in mind *not alone* the providing of "strategic" materials for war purposes in times of emergency—but as a long range plan to carry on during the period following, when a natural depression, or let down in production is an aftermath of wartime expansion. It is a new approach, through sound industrial development, to the relief and unemployment problems.

Obtaining Objective

It is obvious that in order to obtain the desired objective a great amount of research is necessary. This would take time—from two to three years—and money. Also, as the *time element* is an important factor, the information making up a coordinated industrial survey must be had as early as is possible. Fortunately, this is available through the "factual inventory" which has been made during the past three years by The Industrial West, Inc., directed by Mr. Geo. W. Malone, a consulting engineer. This report is contained in what is termed "The Industrial Survey Encyclopedia of Western Resources" and includes the entire Pacific Slope Tributary Region (11 Western States). This survey took two and one-half years to complete at a cost of \$150,000.

It may be asked why should we be interested particularly in the entire Pacific Slope Region, other than just the State of California. The answer is fourfold:

1. Raw materials are found in, and will be drawn from the other States for some of the most important new industries. It is necessary to know their location and extent.
2. To stabilize labor, as migrants and relievers would otherwise be drawn to California from this tributary area.
3. The cooperation of the other States is necessary in bringing about the adjustments affecting the feasibility of industry.
4. Ninety-five per cent of the economic problems of the Pacific Slope Area (11 Western States) are common, and can be adjusted through such cooperation.

The Subcommittee has reviewed in a general way the industrial survey—"Encyclopedia of Resources" and finds it very complete. It is, of course, not entirely cross indexed, and much more work will have to be done to make it readily accessible and convenient, and to furnish sufficient copies for the use of the Legislature and committees. However, the material has all been collected, catalogued and coordinated into the necessary manuscript, maps, charts, et cetera, it only remains to complete the work. For the benefit of the committee there follows herewith a general outline of what this industrial survey and report contains.

Scope

The industrial survey is a *factual inventory* of the available raw materials in the 11 Western States, including the mineral, agricultural and forestry fields, together with their location, extent and availability.

A section of the industrial report is also devoted to each of the major "plant factors", in addition to the raw materials, affecting the feasibility of industry, including *transportation*: Railroads, highways, intercoastal shipping, inland waterways and airlines; *power*: Where generated, location of transmission systems and cost; *trade balance*: In the major groups and 157 commodities—amount shipped into and out of each State; *population trends*; *labor and taxes*. Sections are also devoted to some specific products having the earmarks of feasibility, such as the new method of electrolytic reduction of low-grade manganese, increased rayon production, et cetera.

The Industrial Survey and Report—Encyclopedia of Western Resources

This basic industrial report consists of 12 well-indexed sections, approximately 2000 pages, including 200 graphs, charts and maps. This work will be up-to-date and sufficient copies furnished for the "Advisory" and "Fact-finding" Committees, and for the Legislature.

Advisors and Consultants

The *Mining Bureaus, Schools of Mines, State Engineers, Railroad Commissions, Planning Boards and Directors of Agricultural Extension Service* of the 11 Western States acted as advisors and consultants in their respective fields in the preparation of the work, together with the United States Geological Survey, The Federal Bureau of Mines and the Federal Power Commission.

Object of Survey

The objective is a new approach to the *retard-employment* and *National defense* problems, through the creation of new permanent industries, based on the *rare materials of the region*. There will be furnished full time, top wage jobs, and many of the products in which this Nation's markets are now deficient, including many of the so-called "strategic" minerals, will be produced.

New opportunities for private investment will be made available. This will in turn create much additional taxable property needed by the Pacific Slope States to assist in carrying the load.

Raw Materials

- Minerals, including fuels—their specific location and extent.
- Agricultural products—location, extent and trends.
- Forestry products—location, extent and trends.

Plant Factors

- | | |
|-------------------------|-------------------|
| Transportation | Population trends |
| Power | Labor |
| Trade balance (markets) | Taxes |
| Manufactures | Water supply |
| | Financial |

New and Expanded Industries**

(**Some examples of possibilities)

Minerals. The seven leading strategic minerals of chrome, manganese, mercury (quicksilver), tungsten, antimony, nickel and tin, together with many minerals of lesser importance.

Electro-chemical and electro-metallurgical industries, including the steel alloys.

Agriculture. Vegetable oils, fibre flax, linseed oil, sugar (sugar beets), meats and other products.

Forestry. Rayon, newsprint and plastics, in addition to the regular lumber and other miscellaneous products.

It is stated by the Industrial Committee that the cost of completing and furnishing the required number of copies of the *basic industrial report* (12 indexed sections) and the brief specific recommendations for new industries, together with an outline of the necessary adjustments in the basic work, will amount to \$25,000. As stated previously already \$150,000 has been expended in making the *survey and report*.

If the required funds are made available early in January, a preliminary report can be submitted at the beginning of the last half of the session, and the *completed basic report* and brief report of specific recommendations as outlined, presented prior to the adjourning of the session. Approximately four months time will be required.

The brief report pointing out the specific industries and products that are, or can be made feasible of production in California and the tributary area, together with the necessary adjustments, will be prepared and submitted to the "Fact Finding Committee"—cross indexed with the *basic industrial report* of 12 sections for reference to supporting data and information.

General Assumptions

In general the future profitable increased production of the Pacific Slope must be based on the products in which this Nation's markets are deficient. In such production the Western States are entitled to an adjustment in the cost of production differentials, based on our *domestic* standards of living, as compared to foreign standards. But, naturally, this increment of adjustment must not unduly affect the cost to the consumer, other considerations, including relief and unemployment costs must more than offset such effect.

Some of the necessary adjustments include tariffs, subsidies, and quotas, which have been built up during the past 50 years by Congressional and executive action. Increased production in other lines may be brought about through publicity and emphasis by official bodies on the changing economic factors making such increase economically feasible.

The survey discloses that the Pacific Slope is peculiarly fitted, with its available raw materials, transportation systems, power, etc., to produce many products in which this Nation's markets are deficient, and points out the specific adjustments necessary to such production.

A specific example of the possibilities of a *new industry* is given in the case of chromite on attached sheet.

Recommendations

In view of the far reaching possibilities disclosed by this industrial survey, the subcommittee is of the opinion that it should be carried to completion. It then could be made readily available to the State Legislature. As far as can be determined there has never been as complete and composite an industrial survey of raw materials, with the attending "plant factors," made for the region. Every advantage should be taken of it. It forms the foundation for a specific industrial program as a new approach to the relief and unemployment problems.

We therefore recommend to the full committee:

1. That a sum, not exceeding twenty-five thousand dollars (\$25,000) be appropriated for the purchase of the *basic work*, and the brief specific report, as already outlined.

2. That the Legislatures and proper authorities of the other 10 States in the Pacific Slope Tributary Region be informed of any action taken.

NOTE: Arguments supporting recommendations will be given at the meeting of the full committee in San Francisco on January 4, 1941.

H. W. OSTERHAUS, for Subcommittee

Report Adopted by Full Advisory Committee

At a meeting of the entire legislative Advisory Committee held in San Francisco, in December, 1940, this subcommittee report was unanimously accepted and approved and recommended for adoption by the Legislative Fact-Finding Committee.

Specific Examples of a New Industry

Chromite

Chromite is one of the seven principal "strategic" minerals, and is used in the manufacture of stainless steel, steel alloys, refractories, and in the chemical field. This mineral is extensively used in airplane and battleship armor steel, on account of its strength, light weight, and rustless qualities.

Over a period of 25 years its use has increased from 65,000 tons in 1915, to an estimated 400,000 tons for 1940.

The United States is the largest consumer of this material in the world, and the smallest producer. We produce less than 1 per cent of our domestic consumption. The price per ton for that period has averaged approximately \$19 per ton, except for the war years of 1916 and 1917 to 1918, when imports were threatened. The price averaged \$44 per ton during the year 1918, and the domestic production jumped to 45 per cent of the Nation's consumption.

The latest price quoted in the Mining & Engineering Journal was \$34 to \$36 per ton f.o.b. Atlantic ports. If the "Buy American" clause (foreign price plus 25 per cent) could be invoked, and "stockpiled" on the Pacific Coast and the specifications properly written, there is little doubt that the United States could be made self-sufficient in this "strategic" mineral.

The industrial survey discloses that there are 265 deposits of this "strategic" mineral in five Western States—most of them in California.

When full production is reached, an estimated minimum of 5,000 men would be directly employed in the mining and milling operations in this one raw material producing operation alone. As raw material producing industries form the base of the pyramid of employment—for every man directly employed in such an industry on a full time, top-wage job, the record shows that at least 10 persons are directly or indirectly supported in the processing and service industries. In this one industry, production of chromite, only one of the "strategic" minerals in the mineral field, an estimated 50,000 persons would ultimately gain their support.

This is cited as an example of the possibilities of the new approach to the relief-unemployment-and-National defense problems through new industries. The Nation gets security through domestic production of a necessary mineral. The Pacific Slope gets a new industry, thereby creating employment, new private investments, and additional taxable property.

Joint Legislative Fact-Finding Committee on Employment

Created by Senate Concurrent Resolution No. 10, First Extra Session of 1940

Senators

- Charles Brown, Shoshone.
- Charles H. Deuel, Chico.
- Jesse M. Mayo, Angels Camp.
- Frank W. Mixter, Exeter.
- *Roy J. Nielsen, Sacramento.
- *Terrold L. Seawell, Roseville.
- J. I. Wagy, Bakersfield.
- *John Phillips, Chairman, Banning.

Assemblymen

- *Jeanette E. Daley, San Diego.
- *C. Don Field, Glendale.
- *Gordon H. Garland, Woodlake.
- *Frederick F. Houser, Alhambra.
- Elmer E. Lore, North Hollywood.
- Edward F. O'Day, San Francisco.
- Norris Poulson, Los Angeles.
- Clyde A. Watson, Orange.
- *Albert C. Wollenberg, San Francisco.

Citizens Advisory Committee Appointed by Joint Legislative Fact-Finding Committee on Employment

Pursuant to Assembly Concurrent Resolution No. 26, First Extra Session of 1940

1. John C. Austin, Los Angeles, Past President, Southern California Economic Council, architect.
2. Byrnn Belyea, Los Angeles, Chairman, Council of Motor Truck Association, truck operator.
3. Richard F. Connor, Manhattan Beach, radio coordinator.
4. Col. Arthur S. Crites, Bakersfield, former Colonel of California National Guard, finance and oil.
5. Donald Douglas, Santa Monica, President, Douglas Aircraft, Inc.

* Members of Special Subcommittee on Home Defense.

6. Captain Allen Griffin, Monterey, Publisher, Monterey Herald.
7. Walter A. Haas, San Francisco, President, San Francisco Chamber of Commerce, industrialist.
8. C. J. Haggerty, Los Angeles, President, California State Federation of Labor.
9. Hon. William Gibbs McAdoo, Santa Barbara, President, United States President Lines.
10. Col. E. W. Mason, San Francisco, Vice President and General Manager of Western Pacific Railroad.
11. Dr. Robert A. Millikan, San Marino, President, California Institute of Technology, Pasadena.
12. Admiral Hugo W. Osterhaus, San Francisco, Rear Admiral U.S.N., retired.
13. Col. John H. Pirie, Riverside, U.S.A., retired, former Commanding Officer of Army Air Field.
14. Mrs. Mildred Prince, San Francisco, member San Francisco County Welfare Commission, attorney.
15. Alexander Watchman, San Francisco, President, Building Trades Council.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 686

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 599

Has had the same under consideration, and reports the same back without recommendation: And be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 846

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 663

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 155

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 16

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 6; noes 1; absent 4.

SWING, Chairman

Above reported resolution ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 11, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 733

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and place on inactive file without recommendation as to further disposition of the bill.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 444

Senate Bill No. 745

Assembly Bill No. 416

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Joint Resolution No. 15

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 417

Assembly Bill No. 721

Assembly Bill No. 1461

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 808

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 150—An act to amend Sections 500, 502, 503, 505 and 513 of, to add Sections 502.1, 502.2 and 516.1 to the Military and Veterans Code, all relating to high school cadets;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of April, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 679—An act to amend Sections 820, 822 and 823 of, and to add Section 820.5 to, the Streets and Highways Code, relating to cooperation with the United States, declaring the urgency thereof, and providing that this act shall take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourteenth day of April, 1941, at 4 p.m.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning

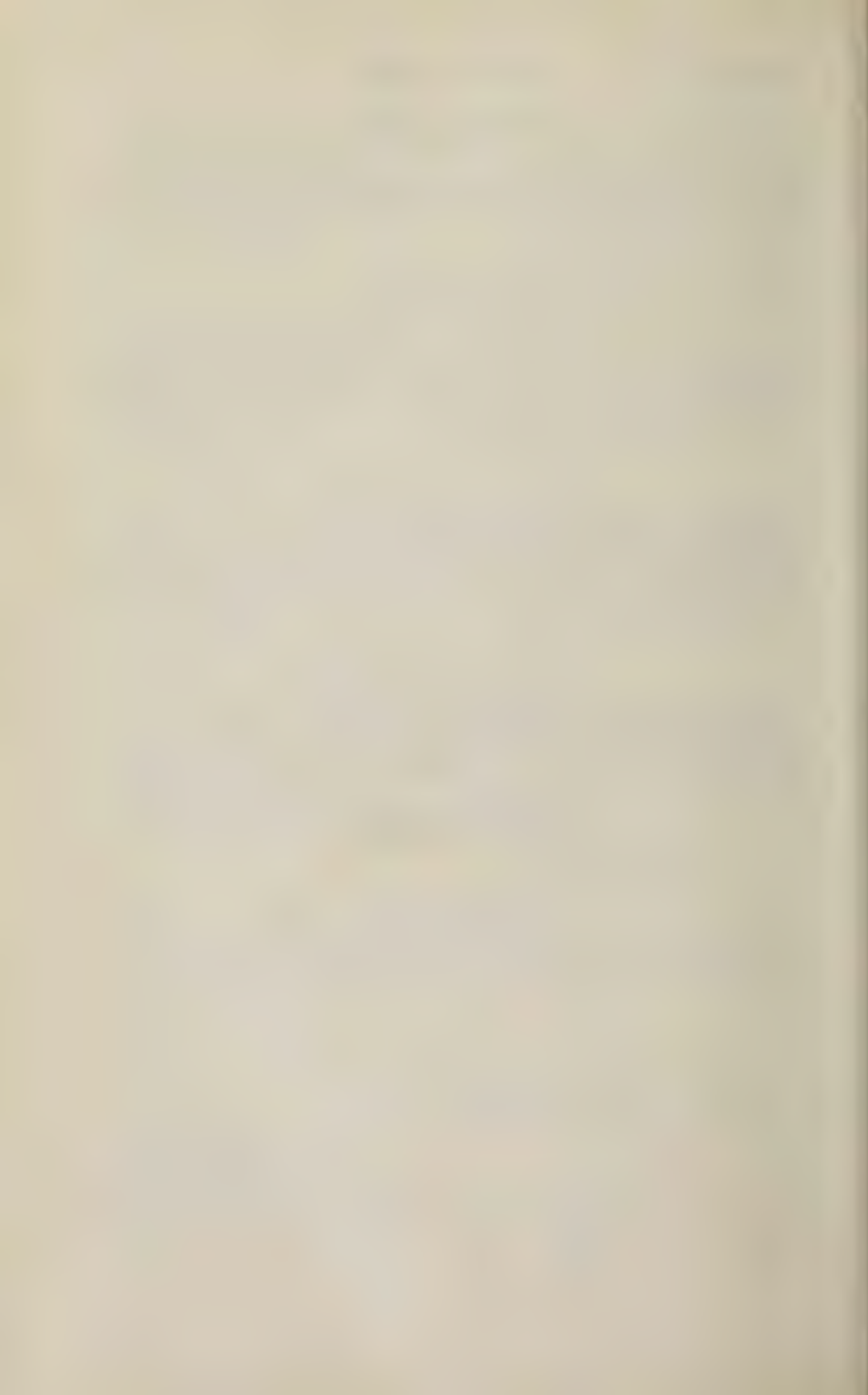
Senate Bill No. 485—An act to add Sections 4026, 4026.1, 4026.2 and 4026.3 to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ADJOURNMENT

At 4.58 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 15, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

ONE HUNDREDTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 15, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Kenny, Kuehl, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Keating, on motion of Senator Powers.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack McClain of Sacramento.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. E. Pogue of Lemon Cove.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Harold R. Beck of Ventura.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Thaler of Oakland.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wm. P. Jorgensen, wife of a member of the board of trustees, Mrs. Maxine O. Parrish and Everett C. Parrish, teachers, and the following students of Gustine Union Elementary School, Gustine: Geraldine Aguiar, Gloria Beffa, Virgil Calonico, John Carvalho, Evelyn Coelho, Manuel Coelho, Nancy Conner, Alfred Cosentino, Leonard De Grendele, Le Roy De Grendele, John Di Giorno, Laura Fontes, Jerome Gomes, Jerry Gomes, Wilmar Jensen, Jim La Cave, Nancy Lee, Kenneth Lindgren, Marvin Matton, Beau McBride, Mary Medeiros, Marietta Mendonca, Joe Nunes, Louis Paslay, Petty Pettit, John Pugliese, Marjorie Reese, Patrick Ribeiro, Clarence Rodriques, Mary Alice Rocha, Richard Ryder, Adeline Silva, Joe Borges Silva, Manuel Silveira, Lorraine Souza, Tony Mattos, Tony Tosta, Frank Souza, Donna Sterling, Emily Timmerman, Virginia Travis, Flora Tucci, Barbara Wickham, Robert Williams, Joyce Pugh, and Ambrose Simas.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dalton Devine of Lodi.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Rev. and Mrs. Heber S. Mahood of Santa Cruz.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth W. Fuller, Assistant Engrossing and Enrolling Clerk in 1923 and 1927, of Fort Bragg.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Charles V. Melville of Fort Bragg.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. E. Winterstein, principal, and the following seventh and eighth grade students of Arden School, Sacramento County: John Linn, Henry Hoshida, Fred Crockett, Gene Aiken, Vera Moore, Janice Olmstead, Roselia Smith, Philip Kellen, Lawrence Hemmert, Trudy Kanner, Mary Sheean, Beverly Bristow, Bill Waggershauser, Forrest Berton, Adele Baker, Dorothy Flick, Phyllis Philips, Tsugie Nakashima, Peggy Monson, Lawson Adams, Mike Pellegrini, Evelyn Flick, Boyd Cole, Lorraine Cox, Gwen DeMerritt, M. J. Stumph, Edwin Owens, Alice Duncan, Roy Farmer, Barbara Pardee and Gordon Munford.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 543

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1306

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 1306—An act to amend Section 602 of the Penal Code, relating to trespass.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 180

And respectfully requests your honorable body to concur in said amendments

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 180—An act to protect property by making criminal certain unlawful entries on, injuries to and interference with property, authorizing the closing of streets, and to provide penalties for the violation thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 180?

Amendment No. 1

On page 1, line 9, of the printed bill, after the comma following "water", strike out "oil".

Amendment No. 2

On page 1, line 4, of the printed bill, strike out "individual".

Amendment No. 3

On page 1, line 12, of the printed bill, after "intentionally", insert "and maliciously".

Amendment No. 4

On page 2, line 1, of the printed bill, after "intentionally", insert "and maliciously".

Amendment No. 5

On page 2, line 2, of the printed bill, between "or", and "omits", insert "intentionally and maliciously".

Amendment No. 6

On page 4 of the printed bill, strike out lines 2 to 5, inclusive, and insert "any city, town or county to close to public use and travel or to restrict the use of and travel upon such parts of said abutting highway or highways as lie within a distance of 150 feet or less of said property. Upon receipt of such petition, the highway".

Amendment No. 7

On page 4, line 14, of the printed bill, strike out "one or more of said highways or parts thereof"; and insert "such parts of said abutting highway or highways as lie within a distance of 150 feet or less of said property and as they deem necessary for the public safety and the safety of the property;"

Amendment No. 8

On page 4 of the printed bill, strike out lines 41 and 42, and insert "SEC. 14. If conduct prohibited by this act is also made unlawful by another law or other laws, the offender may be convicted for the violation of this act or of such other law or laws."

Amendment No. 9

On page 4, line 32, of the printed bill, after the period, insert "Nor shall anything in this act be construed to impair, curtail or destroy the rights of employees, former employees and their representatives to strike."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 180 by the following vote:

AYES—Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Judah, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 831

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 113

Senate Bill No. 850

Senate Constitutional Amendment No. 8

Senate Constitutional Amendment No. 14

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 15

Senate Constitutional Amendment No. 16

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1270

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 56

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2049

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1313

Assembly Bill No. 1981

Assembly Bill No. 1927

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 464

Senate Bill No. 463

Assembly Bill No. 1753

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

METZGER, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 846—An act to amend Sections 92 and 95 of and to add Sections 94.5 and 118.5 to the State Civil Service Act, relating to transfers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "92 and".

Amendment No. 2

In line 1 of the title of the printed bill, after "95", insert ", 124 and 145".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "92", and insert "124".

Amendment No. 4

On page 1 of the printed bill, strike out lines 3 to 12, inclusive, and insert

"Sec. 124. A permanent employee who has vacated a position to accept another position in a higher class under temporary appointment or appointment to an exempt position shall, if he so desires at the termination of such appointment, be reinstated in his former position. A permanent employee who has vacated a position to accept another position in a higher class or who has been certified from a transfer list, and who is rejected during the probationary period shall be reinstated in the former position."

Amendment No. 5

On page 2, line 1, of the printed bill, strike out "appear on", and insert "be certified from".

Amendment No. 6

On page 2, lines 2 and 3, of the printed bill, strike out "the order in which requests for placement thereon are received. No", and insert "the relative combined scores for efficiency and seniority computed according to the method contemplated by Section 172, the employee having the highest resulting score at the time of transfer to be certified. Having been certified from a transfer list, no".

Amendment No. 7

On page 2, after line 10, of the printed bill, insert

"SEC. 5. Section 145 of the State Civil Service Act is hereby amended to read as follows:

Sec. 145. An employee transferred by the appointing power under the provisions of Section 144 shall be reimbursed for the reasonable and necessary expenses of moving his household effects and of his own travel from his former location to the location to which he is transferred, such expenses to be computed and paid according to the rules prescribed by the Board of Control."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 663—An act to add Section 358a to the Political Code, relating to the scope and validity of rules, regulations, and orders adopted by State administrative agencies.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 733—An act to repeal Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal Section 48.2", and insert "amend Section 45".

Amendment No. 2

In line 3 of the title of the printed bill, after "assessments", insert "and the recording of certificates of sale of the property, and validating certificates of sale of property sold to irrigation districts for delinquent assessments, collectors' deeds issued pursuant to the certificates, and other acts, the validity of which depends upon the validity of the certificates or deeds".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "48.2", and insert "45".

Amendment No. 4

On page 1, line 2, of the printed bill, strike out "repealed.", and insert "amended to read as follows:

Sec. 45. After the sale the collector shall make out in duplicate a certificate of sale for each lot, piece or tract of land separately assessed and sold, giving a description of the property sold and the amount paid therefor, and stating that it was sold for a delinquent assessment and when the purchaser will be entitled to a deed. The certificate must be signed by the collector, and one copy shall be retained by him and the other filed in the office of the county recorder of the county in which the property is situated. The district as such purchaser may sell, assign and transfer such certificate of sale for a consideration of not less than the amount of the assessment, penalties and costs, and thereupon the secretary of the board of directors

shall notify the collector of such assignment. On receiving the certificate of sale the county recorder must file it [in book form,] and prepare an index thereto in which in separate columns he must enter the name of the person to whom the land was assessed as recited in the certificate, the name of the assessing district and the date of sale. The certificate of sale may be in substantially the following form, with the blanks properly filled in accordance with the facts in each case:

Certificate of Sale

-----Irrigation District No.-----

I, the undersigned collector of _____ Irrigation District, hereby certify that on the _____ day of _____, 19____, I did, after notice given as provided by law, sell to _____ Irrigation District, hereinafter called the purchaser, for the sum of _____ dollars (\$_____) that certain real property within said district and in the County of _____, State of California, bounded or described as follows, to wit:

(Insert description)

Said land was assessed to _____.

Said land was sold for a delinquent assessment levied thereon by the board of directors of said district, and the amount aforesaid was the sum due and unpaid under said assessment and the penalties and costs accruing thereon. The purchaser will be entitled to a deed to said property at any time after three years from the date of said sale unless in the meantime said property is redeemed as provided by law.

WITNESS my hand and the seal of said district this _____ day of _____, 19____
(District seal)

Collector of _____ Irrigation District

SEC. 2. To the extent that certificates of sale of property heretofore sold to irrigation districts for delinquent assessments, collectors' deeds issued pursuant to the certificates, and other acts, the validity of which depends upon the validity of the certificates or deeds, are invalid for failure of any county recorder to file the certificates in book form, the certificates, deeds, and acts, are hereby validated."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 444—An act to amend Section 576 of the Vehicle Code, relating to special stops required of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 23, of the printed bill, strike out "side track" and "auxiliary track", and after "track" and before "industrial", insert "or".

Amendment No. 2

On page 1, line 24, of the printed bill, strike out "crossing or railroad track crossing".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 745—An act to add Section 465.7 to the Vehicle Code, relating to signs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 3, of the printed bill, after "signs", insert "and lights".

Amendment No. 2

On page 1, line 6, of the printed bill, after "sign", insert "or lights".

Amendment No. 3

On page 1, line 10, of the printed bill, after "signs", insert "or lights".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 808—An act to amend Section 3070 of the Labor Code, relating to compensation of members of the Apprenticeship Council.

Bill read second time, ordered engrossed, and to third reading.

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

Resolution read, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 155—An act to add Article 3, comprising Section 1980, to Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to the employment of persons who are members of the Communist Party or of any organization or group which advocates the overthrow of the government by force and violence.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 7, of the printed bill, after "be", insert "knowingly".

Amendment No. 2

On page 1 of the printed bill, between lines 13 and 14, insert

"Any person employed by any State department, office, board, commission or bureau and known by his appointing power to be a member of such party, group, or organization shall upon the effective date of this act be discharged from his employment, whether or not he resigns his membership before his discharge.

"Member" includes a person who is shown on the books of the party, group, or organization as a member, either under his own or another name or designation, or a person who is considered to be and is regarded as a member by the party, group or organization but who is not shown to be a member by its records."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 416—An act to amend Section 739 of the Vehicle Code, relating to the filing of notices to appear in court, the fixing of bail and the indorsement thereof upon such notices, the deposit of bail and the forfeiture thereof for failure to appear.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 23, of the printed bill, as amended, after the period, insert "Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the city or county treasury, as the case may be."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 417—An act to add Section 739.1 to the Vehicle Code, relating to notices to appear in court and to the filing of complaints and amended complaints charging offenses under said code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 721—An act to add Section 104.8 to the Streets and Highways Code, relating to the custody of evidences of title to property acquired for State highway purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1461—An act to add Section 8.8 to the California Toll Bridge Authority Act, relating to the collection of tolls on toll bridges or other toll highway crossings constructed or acquired under the provisions of said act.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 8—An act to add Section 603 to the Penal Code, relating to unlawful entry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Quinn, Rich, Slater, Swan, and Swing—23.

NOES—Senators Collier, McBride, and Ward—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 982—An act to amend Sections 1576, 2049 and 2523 of the Penal Code, relating to State prisons and the powers and duties of the State Board of Prison Directors in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Powers, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 226—An act to amend Sections 92 and 146 of, and to add Section 108 to, the Civil Code, relating to divorce actions.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Carter moved a call of the Senate.

Motion carried. Time, 2.45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 613—An act to amend Section 737jj of the Political Code, relating to salaries of superior court judges of San Bernardino County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wag, and Ward—24.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 779—An act to add Chapter 8 to Part 1 of Division 3 of the School Code, which chapter shall consist of Section 3.107, relating to insurance premium deductions from salaries.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 19, of the printed bill, as amended in Senate April 11, 1941, strike out "a domestic", and insert "an".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1047—An act to amend Section 5.546 of the School Code, relating to teachers reports.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, Wag, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 606—An act to amend the title of an act entitled "An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United

States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, declaring the urgency hereof and providing that this act shall go into immediate effect," approved February 1, 1935, relating to cooperation between irrigation districts and county water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Constitutional Amendment No. 16 be placed on the inactive file.

Motion carried.

Senate Joint Resolution No. 15—Relative to the improvement of the harbor at Crescent City, California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 480—An act to add a new section to the Agricultural Code, to be numbered 736.5-1, relative to sales of milk for cash.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1489—An act to amend Section 201 and to add Section 211 to the Health and Safety Code, relating to special investigations by, and the reporting of cases of epilepsy to, the State Department of Health, and the State Department of Motor Vehicles, as a means of reducing motor vehicle traffic hazards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 21—Relating to conversion of fruit surpluses into alcohol.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—35.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.18 p.m., on motion of Senator Carter, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Garrison, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Rich, Seawell, Swan, Swing, Waggy, and Ward—22.

NOES—Senators Biggar, Brown, Crittenden, Fletcher, Foley, Gordon, Jespersen, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Shelley, Slater, and Tickle—16.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 243—An act to repeal Sections 10, 11 and 12 of, and to add Sections 10, 11, 12 and 13 to, the Fish and Game Code, relating to the transfer to the Fish and Game Commission created by the Constitution of this State of the powers, duties, and jurisdiction of the Fish and Game Commission heretofore existing, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly

Assembly Bill No. 885—An act to amend Section 4041.1 of the Political Code, relating to the powers of supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Judah, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1224—An act to add Section 17 to an act entitled "An act to establish courts in cities of the second class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 23, 1901, relating to extra sessions of such police courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Dillinger, Foley, Judah, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1227—An act to add Section 103m to the Code of Civil Procedure, relating to extra sessions of justices courts in cities of the second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Dillinger, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Quinn, Slater, Swan, Swing, Tickle, Wagy, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1225—An act to amend Section 6 of "An act to establish police courts in cities of the second class, to fix their jurisdiction, to provide for officers of said court, to fix compensation of certain officers," approved March 23, 1901, relating to police courts in cities of the second class, the term of office of clerk, providing for assistant clerks, and relating to payment of fines, forfeitures, penalties and moneys deposited as bail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Judah, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1226—An act to amend Section 103k of the Code of Civil Procedure, relating to justice's clerks, assistant clerks and payment of fines, forfeitures, penalties or moneys deposited as bail in justice courts in cities of the second class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Judah, Kuehel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, and Ward—23.
NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "of", insert ", and to add Section 103n to,".

Amendment No. 2

On page 5 of the printed bill, as amended, after line 45, insert

"Sec. 5. Section 103n is hereby added to the Code of Civil Procedure, to read as follows:

103n. Justices of the peace of cities of the second class shall have the same jurisdiction, civil and criminal, as justices of the peace of townships and township justice's courts. Said justices of the peace and justice's courts of cities of the second class shall also have jurisdiction of all proceedings for the violation of any ordinance of any city in which courts are established, both civil and criminal, and of all actions for the collection of any license required by any ordinance of any such city, and generally exercise all powers, duties and jurisdiction, civil and criminal, of police judges, judges of police courts, recorder's courts or mayor's courts, within such city."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 141—An act to amend Sections 6526, 6585, 6586, 6604 and 6618 of the Business and Professions Code, relating to the practice of barbering.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Gordon, Judah, Kuehel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Waggy, and Ward—25.
NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 88—An act to amend Section 470 of the Civil Code by clarifying the language thereof with respect to certain restrictions on the power of railroad corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Dillinger, Foley, Gordon, Judah, Kuchel, Mayo, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Tickle, Wagy, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 411—An act to add Sections 11b and 11c to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read third time.

Motion to Amend

Senator Swan moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, between lines 19 and 20, insert "One deputy clerk, who shall receive one hundred forty five dollars (\$145) per month;"

Amendment read and adopted.

Bill ordered printed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 26: By Senators Rich, Breed, Tickle, Myhand and Denel—Relative to opinions of the Legislative Counsel Bureau concerning legislation.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 26, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 26

Senate Concurrent Resolution No. 26—Relative to opinions of the Legislative Counsel Bureau concerning legislation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Gordon, Judah, Kuchel, Mayo, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Tickle, Wagy, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Concurrent Resolution No. 27: By Senator McCormack—Approving a certain amendment to the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the first day of April, 1941.

Request for Unanimous Consent

Senator McCormack asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 27, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 27

Senate Concurrent Resolution No. 27—Approving a certain amendment to the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the first day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Dillinger, Foley, Gordon, Judah, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Tickle, Wag, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1293

Senator Myhand moved that Senate Bill No. 1293 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1293—An act to add Section 19624.5 to the Business and Professions Code, and to amend Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys in the Fair and Exposition Fund, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Myhand moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "to add Section 19624.5 to the Business and Professions"; and strike out all of lines 2 to 12, inclusive, and insert "making an appropriation to the Department of Finance for State participation in the Los Baños May Day Festival and Live Stock Show, declaring the urgency hereof,".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Out of any money in the Fair and Exposition Fund otherwise appropriated for permanent improvements by the last sentence of Section 13 of Chapter 769 of the Statutes of 1933, as amended by Chapter 810 of the Statute of 1937, there is hereby appropriated to the Department of Finance the sum of ten thousand dollars (\$10,000), to be expended for State participation in the Los Baños May Day Festival and Live Stock Show."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 17, inclusive, and strike out all of page 2; and on page 3, strike out lines 1 to 9, inclusive.

Amendment No. 4

On page 3, line 10, of the printed bill, strike out "4", and insert "2".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 7, 1941

*To the Honorable Members of the Senate
Sacramento, California*

SUBJECT: ASSEMBLY BILL NO. 2582

GREETINGS: Your preferred consideration is requested, and prompt passage as well, of Mr. Green's Assembly Bill No. 2582 which grants to the United States certain gunnery target practice rights in California's territorial waters.

For your information:

(1) I attach a copy of Secretary of War Stimson's request for this legislation.

(2) The gunnery practice contemplated has been engaged in for many years but on a very limited scale. It is now necessary to greatly expand.

(3) Numerous representatives of commercial shipping interests have already been consulted. It is learned that, in many cases, ships habitually keep close in to shore and that such habits will have to be altered to compensate for the new emergency conditions. It appears that the shipping interests readily concede the necessities of the situation and are fully prepared to cooperate.

(4) To the limit permitted by time and personnel, conversations have been had with representatives of commercial fishing interests and unions. They, in some few instances, may be seriously inconvenienced; perhaps caused actual loss. But it appears that they too foresee no serious obstacles of operation which can not be accommodated by conferences of army officials to insure receipt of warnings and cooperation with safety patrols in danger areas during target practice periods.

I, therefore, recommend prompt passage because of the National emergency.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

(COPY)

WAR DEPARTMENT, WASHINGTON, March 14, 1941

*Honorable Culbert L. Olson
Governor of California
Sacramento, California*

DEAR GOVERNOR OLSON: In order to provide for the proper training of men in the Military Service it is necessary from time to time to establish firing ranges of various types on land owned by or under the control of the United States. It has recently been proposed that a range for use in connection with anti-aircraft firing be established at Fort Ord, California, and it appears that the plans therefor will involve the use of the adjacent waters of Monterey Bay since shots will fall in the sea at distances up to 14,000 yards from the shore.

When this matter was considered it was determined that the use of the sea area adjacent to Fort Ord should not be approved unless and until the consent of the Legislature of the State of California was granted as to that portion of the waters within the territorial limits of the State. Upon further consideration it seems probable that future needs will require establishment of similar ranges on other lands on the Coast of California owned by or under the control of the United States. For this reason it is desirable that the Legislature of the State of California give its general consent to the use of such water areas for the purpose in question. It is contemplated that if such consent is given every precaution will be taken by the United States in its use of these areas.

It will be appreciated if you will present this matter to the Legislature at the earliest practicable date as the matter is one of urgency in connection with the National defense. For your convenience there is inclosed a draft of bill designed to accomplish the desired grant of consent.

Sincerely yours,

HENRY L. STIMSON, Secretary of War

A BILL.

An act to grant the consent of the State of California to the United States to use certain territorial waters of the State in connection with target practice operations on United States land adjacent thereto.

The people of the State of California do enact as follows:

SECTION 1. That the consent of the State of California be, and the same is hereby granted to the United States to use the territorial waters of the State of California, adjacent to any land on the coast thereof now or hereafter owned by or under the control of the United States, and occupied for Military purposes, in connection with conducting on such lands target practice operations of any type; provided, that before any of the herein described waters shall be used in connection with conducting target practice operations of any type the United States shall take all appropriate measures and shall make and publish necessary regulations for the protection of the person and property of all persons using such waters, and that the use herein consented to shall not be so exercised as to interfere unreasonably with the public use of said waters.

SEC. 2. The provisions of this act shall not be construed to impose any liability whatsoever upon the State of California in connection with the use of the waters as herein set forth.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1088 was passed, was continued until the next legislative day.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Kenny:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2. of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to repeal Section 400.5 and to amend Section 404 of the Civil Code, relating to dissolution of corporations.

Respectfully submitted.

SENATOR KENNY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 15, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE

The roll was called.

Call of the Senate

Senator Kenny moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 4 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 90

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work April 14, 1941:

George M. Payne, Page.....	<i>Per day</i> \$2 50
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Resolution read and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred

Senate Bill No. 900

Senate Bill No. 1240

Senate Bill No. 1241

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3

DE LAP, Acting Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 531

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MCCORMACK, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 14, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 4.02 p.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The roll was called, and permission to introduce a bill granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time :

Senate Bill No. 1317: By Senator Kenny—An act to repeal Section 400.5 and to amend Section 404 of the Civil Code, relating to dissolution of corporations.

Referred to Committee on Judiciary.

ADJOURNMENT

At 4.05 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 16, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY
ONE HUNDRED FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, April 16, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator McCormack, on motion of Senator Slater.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. E. Rogers, principal, and the following students of the Byron Grammar School, Byron: Nellie Root, Daniel Cabral and Roy Hiratsuka.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. L. Johnston, teacher, and the following students of the Excelsior School, Byron: Norman Pereira, Robert Hudson, Dorothy Gonsalves, and Imogene Keith.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Myer Pransky of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. J. Guidotti, chairman of the Board of Supervisors, Sonoma County, of Santa Rosa.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ethel B. Bernier, principal; Anna Marchi, vice principal; Davida Wright, president of Vine Hill Improvement Club, and the following students of Vine Hill School, Martinez: Eighth grade—Fred Dilbeck, Wanda Dilbeck, Virginia Marchi and Ralph Marcus; seventh grade—Laurie Bartolomei, George Chippino, Florence Kimmel, Richard MacDougal, Anna Belle Wright and Donald Wright.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. Weinflash of Keyes.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jane Hanson and Norma Ghiozzi of Liberty School, Brentwood.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Gladys Ricioli and Patrick Hanifin of Hot Springs School, Byron.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. E. Paul Geminani, Mrs. K. F. Bradley, teachers, and the following students of Port Costa School: James Foster, William Ligon, Joe Padilla, Jack Stevens, Robert Urbick, Joe Bradley, Corrine Dye, Francine Enea, Robert Crow, and Sharlot Rusler.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. D. P. Anderson and Ellsworth Barnett of Santa Rosa.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. M. Gilliam of San Anselmo.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant Ralph E. Whitney, Police Department, of San Diego.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. J. Spindt, principal, and the following students of West Side Union High School, Los Banos: Jack Antone, Guido Balatti, Dorothy Bambauer, Robert Becker, Rose Bellizio, Brian Bird, Ralph Bove, Phyllis Blomgren, John Brandi, Jeanette Buffuna, Katherine Caput, Cecelia Carano, Ethel Carter, Lolita Castro, Dorothy Celano, Alta Cook, Tony Costa, Frank Correia, Louie Cuiffo, Joel Criswell, Josephine Cunha, Tony Cunha, Robert Falasco, Anthony Ferro, William Ferro, Carl Freeman, Matilda Freitas, Norma Fulwider, Mary Galatro, Mary Gill, Robert Hickey, John Impeartrice, Leroy Jordan, Marie Janis, Sybil Kaljian, Dominic La Rossa, Dominic Latronica, John Martin, Elizabeth Mattias, Mary Mazzeo, Tony Mellillo, Irene Paradiso, Marie Passarelli, Milton Persson, Rita Piccinini, Alice Pierini, Florine Puccinelli, Rose Pugliese, John Roselli, Marvin Scott, Grace Setaro, Frank Toscano, and Charlotte Weedmark.

On request of Senator Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Parker, principal of the San Benito County Adult Center, and the following members of the Americanization Class: Americanization Class—Oleta M. Brewington, instructor; Mary Avalli, Amerlia Vuklovich, Paul Matulieh, Steve Bealesio, Marie Azevedo, Manuel Meneze, Vencenza Rovero, Isabelle Mendoza, Nina Falconi, Eulofia Sanchez, Mary Martin, Mary Faria, Mary Marcus, Susie Debont, Marie Goringier, Mrs. C. Podesta, and Mrs. A. Lucchelli; High School Class (History)—Gile Tiffany, Leonard Sperber, Bob Nyland, Bruce Dunning, Betty Hill, Jean Hill, and Lee Hull; Junior College Class (American Government)—Ed. Martin, Tony Mornazzo, Frances Palmtag, Don Bryan, and Bill Lynn.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

SACRAMENTO, CALIFORNIA, April 16, 1941

To the President and the State Senate of California

GENTLEMEN: In reading the Senate Journal of April 15, 1941 regarding the vote on Senate Bill No. 226, I wish to correct an error. I voted "aye" and am recorded "no". Please have this letter printed in the Journal of this date, and oblige.

Very sincerely yours,

ED FLETCHER

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 444

Senate Bill No. 745

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 733

Senate Bill No. 779

And reports the same correctly re engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 663

Senate Bill No. 808

And reports the same correctly engrossed.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 521

Senate Bill No. 1311

Senate Resolution No. 25

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle.

Senate Resolution No. 91

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning April 16, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

Arthur R. Hughes, Assistant Engrossing and Enrolling Clerk— *Six days per week* \$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—26.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 19: By Senator Slater—Relative to memorializing the President and Congress to provide for the dredging of Bodega Bay and to reestablish harbor facilities thereat.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 19, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 19

Senate Joint Resolution No. 19—Relative to memorializing the President and Congress to provide for the dredging of Bodega Bay and to reestablish harbor facilities thereat.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Biggar moved that Senate Bill No. 154 be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Biggar moved that Senate Bill No. 132 be taken from the inactive file and placed on the second reading file.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 132—An act relating to the protection of the public service from persons engaged in activities subversive of Constitutional Government in this State and the United States or inimical to the rights, privileges, or immunities guaranteed to the people, and providing that such persons are ineligible to accept or to hold public office or employment, and for their removal therefrom, and for oaths of office of persons in the public service.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "The protection of the public service from persons engaged in".

Amendment No. 2

In line 5 of the title of the printed bill, strike out "; and providing that such persons", and insert "by the Constitution of this State and of the United States, and providing that persons violating the provisions of this act".

Amendment No. 3

In line 6 of the title of the printed bill, strike out "and for their"; and strike out lines 7 and 8, and insert "and requiring persons in public office or employment to take and subscribe to an oath of office."

Amendment No. 4

On page 1, line 1, of the printed bill, strike out "by spoken or"; and strike out all of line 2.

Amendment No. 5

On page 1 of the printed bill, between lines 9 and 10, insert "Sec. 2.5. Any person who violates any of the provisions of Section 1 or 2 of this act is guilty of a misdemeanor."

Amendment No. 6

On page 1, line 10, of the printed bill, strike out "violating", and insert "convicted of any violation of".

Amendment No. 7

On page 1, line 15, of the printed bill, strike out "violating this act may hold", and insert "convicted of any violation of this act, shall be ineligible to appointment or election to".

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 1313—An act to amend Sections 11166.12, 11200 and 11712 of the Health and Safety Code, relating to narcotics.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 464—An act to add Chapter 12, comprising Sections 9201 to 9225, inclusive, to Part 4, Division 8 of the Health and Safety Code, relating to abandonment of cemeteries by public cemetery districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "method," insert "abandoned".

Amendment No. 2

On page 1, line 11, of the printed bill, as amended, after "Any", insert "nonperpetual care".

Amendment No. 3

On page 1, line 22, of the printed bill, as amended, strike out "or, for the deposit"; and strike out line 23.

Amendment No. 4

On page 3 of the printed bill, as amended, strike out lines 2 and 3, and insert "trict where burials are permitted, with-".

Amendment No. 5

On page 3, lines 13 and 14, of the printed bill, as amended, strike out "or deposited in a mausoleum or columbarium".

Amendment No. 6

On page 3, line 29, of the printed bill, as amended, strike out "or deposited".

Amendment No. 7

On page 4, line 42, of the printed bill, as amended, strike out "or deposited in a mausoleum or columbarium".

Amendment No. 8

On page 4, line 47, of the printed bill, as amended, strike out "If the"; and strike out lines 48 to 52, inclusive; and on page 5, strike out lines 1 to 3, inclusive.

Amendment No. 9

On page 5 of the printed bill, as amended, strike out line 46, and insert "ment in any other cemetery".

Amendment No. 10

On page 5, line 47, of the printed bill, as amended, strike out "mausoleum, or columbarium".

Amendment No. 11

On page 5, line 49, of the printed bill, as amended, strike out ", or the"; and strike out line 50, and insert a semicolon.

Amendment No. 12

On page 6, line 7, of the printed bill, as amended, strike out "or depositing".

Amendment No. 13

On page 6, line 15, of the printed bill, as amended, strike out "or deposit or redeposit".

Amendment No. 14

On page 6 of the printed bill, as amended, strike out lines 17 and 18; and in line 19, strike out "ments or receptacles", and insert "; and thereafter the lots or plots".

Amendment No. 15

On page 6, line 20, of the printed bill, as amended, strike out "or deposited".

Amendment No. 16

On page 6, lines 41 and 42, of the printed bill, as amended, strike out "or deposit in a mausoleum or columbarium".

Amendment No. 17

On page 6, line 49, of the printed bill, as amended, strike out "and deposited".

Amendment No. 18

On page 6 of the printed bill, as amended, strike out lines 50 and 51; and in line 52, strike out "deposited", and insert "or plot in the cemetery where the body is reinterred".

Amendment No. 19

On page 7, lines 1 and 2, of the printed bill, as amended, strike out "or depositing bodies in a mausoleum or columbarium".

Amendment No. 20

On page 7, line 4, of the printed bill, as amended, strike out "or deposited".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 463 An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 26, of the printed bill, after "in", insert "is poultry or a poultry product or products containing poultry meat".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 56 An act to amend Sections 19433, 19437, 19438, 19485, 19562, 19597 and 19621 of, to add Sections 19437.5, 19437.7, 19484.5, 19490, 19564, 19565, 19566, 19567, 19598, 19662.5, and Article 8.5, consisting of Section 19610, to, the Business and Professions Code, relating to the regulation and licensing of horse racing and wagering on the results thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 12 of the title of the printed bill, as amended, after "of," insert "and".

Amendment No. 2

In line 13 of the title of the printed bill, as amended, strike out "and"; and strike out all of line 14, and insert "to".

Amendment No. 3

On page 2, lines 32 and 33, of the printed bill, as amended, strike out "bred in this State", and insert "foaled from a mare present in this State at the time of foaling".

Amendment No. 4

On page 2, line 35, of the printed bill, as amended, strike out "two races", and insert "one race".

Amendment No. 5

On page 2, line 36, of the printed bill, as amended, strike out "foaled in California", and insert "foaled from a mare present in this State at the time of foaling".

Amendment No. 6

On page 2 of the printed bill, as amended, strike out lines 39 to 45, inclusive, and insert

"19597. The total amount deducted by any Class A licensee from the pari-mutuel pool shall not exceed 10 per cent of the gross amount of money handled, and the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents (\$0.10)."

The total amount deducted by any Class B licensee from the pari-mutuel pool shall not exceed 12 per cent of the gross amount of money handled, and the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents (\$0.10)."

Amendment No. 7

On page 2, line 49, of the printed bill, as amended, strike out "Three hundred thousand dollars (\$300,000)", and insert "Seventy-five thousand dollars (\$75,000)".

Amendment No. 8

On page 2, line 51, and page 3, line 1, of the printed bill, as amended, strike out "ten thousand dollars (\$10,000)", and insert "twenty-four thousand dollars (\$24,000)".

Amendment No. 8.5

On page 3, line 2, of the printed bill, as amended, after "auditing of", insert "county fairs".

Amendment No. 9

On page 3, line 6, of the printed bill, as amended, strike out "track censors", and insert "a track censor, at a salary of twenty-five dollars (\$25) a day,".

Amendment No. 10

On page 3 of the printed bill, as amended, between lines 9 and 10, insert "The first person appointed as track censor shall have held a similar position in private employment in this State for at least one year immediately preceding the effective date of this section, and shall also be a qualified telegrapher with at least five years experience as such."

Amendment No. 11

On page 3, line 44, of the printed bill, as amended, strike out "censorship", and insert "inspection".

Amendment No. 12

On page 4 of the printed bill, as amended, strike out lines 29 and 30; and in line 31, strike out "of five.", and insert "19598."

Amendment No. 13

On page 4 of the printed bill, as amended, strike out lines 47 to 52, inclusive; and on page 5, strike out lines 1 to 9, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 1—An act creating a Labor Relations Department for the mediation, arbitration, and conciliation of labor controversies and contentions, defining the jurisdiction, powers, and duties of the department and the rights, remedies, powers and duties of employers and employees, and prescribing penalties for the violation of its provisions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 14, line 22, of the printed bill, as amended, strike out "four", and insert "five".

Amendment No. 2

On page 14 of the printed bill, as amended, between lines 38 and 39, insert "(5) The Building and Construction Labor Relations Commission shall exercise authority over such labor disputes arising in or involving the building and construction industry as are referred to it by the conciliator."

Amendment No. 3

On page 15 of the printed bill, as amended, between lines 18 and 19, insert "(5) The labor unions or organizations of employees engaged in the building and construction industry shall recommend to the Governor the names of six persons for appointment to the Building and Construction Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate."

Amendment No. 4

On page 15, line 19, of the printed bill, as amended, strike out "5", and insert "6".

Amendment No. 5

On page 15, line 25, of the printed bill, as amended, strike out "6", and insert "7".

Amendment No. 6

On page 15, line 31, of the printed bill, as amended, strike out "7", and insert "8".

Amendment No. 7

On page 15, line 37, of the printed bill, as amended, strike out "8", and insert "9".

Amendment No. 8

On page 15 of the printed bill, as amended, between lines 41 and 42, insert

"(10) The organizations of employers engaged in the building and construction industry shall recommend to the Governor the names of six persons for appointment to the Building and Construction Labor Relations Commission; two of such persons shall be appointed to the commission by the Governor with the consent of the Senate."

Amendment No. 9

On page 16, line 8, of the printed bill, as amended, strike out "and each", and insert ", except that the four persons originally appointed shall classify themselves by lot so that one shall hold office for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Each commissioner"

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 531—An act to repeal Section 511 of the Vehicle Code, and to add a new Section 511 thereto, relating to speed limits and speed controlled areas.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

PRINTER'S NOTE. There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal Section 511 of the Vehicle Code, and to add"; and strike out lines 2 and 3, and insert "amend Section 511 of the Vehicle Code, relating to speed limits."

Amendment No. 2

On page 1 of the printed bill, strike out lines 2 to 27, inclusive; and on page 2, strike out lines 1 to 9, inclusive, and insert "amended to read as follows:

511. [Prima Facie] Speed Limits. The speed of any vehicle upon a highway not in excess of the following [limits specified in this section] is lawful unless clearly approved to be in violation of the basic rule declared in Section 510 hereof.

[The speed of any vehicle upon a highway in excess of any of the limits specified in this section is prima facie unlawful unless the defendant establishes by competent evidence that any said speed in excess of said limits did not constitute a violation of the basic rule declared in Section 510 hereof at the time, place and under the conditions then existing.]

[The prima facie limits referred to above are as follows:]

(a) Fifteen miles per hour:

(1) When passing a school building, or the grounds thereof, contiguous to the highway during school recess or while children are going to or leaving such school during opening or closing hours or while the playgrounds of any such school are in use by school children.

(2) When traversing a grade crossing of a steam, electric or street railway if during the last 100 feet of the approach to such crossing the driver does not have a clear and unobstructed view of such crossing and of any traffic on such railway for a distance of 400 feet in both directions along such railway.

(3) When approaching or upon a curve or any other part of a highway in the

event the driver's view is obstructed within a distance of 100 feet along the highway in the direction in which such driver is proceeding.

(4) When traversing any intersection of highways if during the last 100 feet of his approach to such intersection the driver does not have a clear and unobstructed view of such intersection and of any traffic upon all of the highways entering such intersection for a distance of 100 feet along all such highways, except as follows: When traversing any such intersection where the view is obstructed upon the approach thereto as above described upon a through highway or at a traffic-controlled intersection in a business or residence district the district speed shall apply.

(b) Twenty-five miles per hour:

(1) In any business or residence district.

(2) When upon the grounds of any public school, State university, State college, State, county, or municipal institution or building, veterans' home, or United States Veterans' Administration facility.

(3) Upon a highway bordering upon the grounds of any State hospital or veterans' home when signs giving notice of the speed limit have been erected. The authority having jurisdiction over the highway may erect such signs whenever considered necessary for the protection of life or property.

(4) Upon that portion of any highway within or bordering upon any public park which passes through or borders upon any public playground or passes any building or other place of public assemblage when signs giving notice of the speed limit have been erected. The authority having jurisdiction over the highway may erect such signs whenever considered necessary for the protection of life or property.

(c) [Forty-five miles per hour under all other conditions] *Under any other condition:*

(1) *Such speed limit as the State Department of Public Works may, upon the basis of an engineering and traffic accident investigation, determine a motor vehicle may be driven with safety. Upon making such determination the Department of Public Works shall erect and maintain at the entrance to and at the exit from the portion of highway affected appropriate signs, conforming to the dimensions for signs mentioned in Section 468, specifying the speed determined. When such signs have been erected, no person shall drive a motor vehicle between the entrance to and the exit from the portion of highway affected in excess of the speed specified.*

(2) *In the absence of a determination by the Department of Public Works in accordance with (1), such speed limit as is consistent with the basic rule declared in Section 510.*

(3) *Under no circumstances shall any vehicle be driven at a speed in excess of 60 miles per hour at any time from a half hour after sunset to a half hour before sunrise.*

SEC. 2. This act shall become operative on January 1, 1942."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Senate Bill No. 900—An act to add Section 599 to the Penal Code, relating to the failure to care for dogs or other domestic animals injured on public highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended March 7, 1941, after "who", insert "knowingly".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1240—An act to amend Section 1134 of the Code of Civil Procedure, relating to judgment by confession in courts other than justices' courts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 7 and 8, and insert "seven dollars and fifty cents (\$7.50) costs. The statement and affidavit, with the judgment indorsed, thereupon becomes the judgment roll."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1241—An act to amend Section 1135 of the Code of Civil Procedure, relating to judgment by confession in justices' courts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 9, inclusive, and insert "thereupon enter in the docket a judgment of the court for the amount confessed with four dollars and fifty cents (\$4.50) costs, if the statement is filed in justices' courts of Class B, or five dollars and fifty cents (\$5.50) costs, if the statement is filed in justices' courts of Class A."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1981—An act to amend Article 6 of Chapter 3 of Part 2 of Division 12 of the Health and Safety Code of the State of California by adding a new section thereto, to be numbered 13780, and to provide for certain exemptions relating to the spotting and pressing of clothing on certain passenger trains therein defined.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1927—An act to amend Section 6830 of the Health and Safety Code, relating to the annexation of territory to a sanitary district.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1753—An act to add Section 10253.5 to the Health and Safety Code, relating to birth certificates of adopted children.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out the period; and strike out "If it is impracticable", and insert "if it is practical".

Amendment No. 2

On page 1, line 10, of the printed bill, strike out "forward the copy to the State Registrar.", and strike out lines 11, 12 and 13, and insert "do so. If it is impractical for the local registrar or county recorder to forward the copy to the State Registrar, the local registrar or county recorder shall effectually seal a cover over such copy in such a manner as not to deface or destroy such copy and forward

a verified statement of his action to the State Registrar. Thereafter the information contained in such copy shall be only available to any person as provided in Section 10254."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2049—An act to add Section 6.5 to the Alcoholic Beverage Control Act, relating to the age of whisky sold at retail.

Bill read second time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended, after "whiskies", insert "or prohibit the sale at retail of Scotch whiskies".

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 345—An act to amend Section 949 of the Fish and Game Code, relating to fish nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Tickle, and Ward—29.

NOES—Senator Kuchel—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 346—An act to amend Section 723 of the Fish and Game Code, relating to the taking of catfish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1151—An act to amend the article heading of Article 1 of Chapter 1 of Title 1, and Sections 2000, 2001, 2003, 2004, 2008, 2009, 2711, 2712, 2870 and 2875, of the Penal Code or to amend the title and Sections 1 and 7 of an act entitled "An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or acquirement of farm lands by unconditional gift or use of lands owned by the State therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct, management thereof; and to make an appropriation

therefor," approved July 9, 1935, relating to renaming the Southern California Prison.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Phillips, Quinn, Seawell, Slater, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 745 An act to add Section 465.7 to the Vehicle Code, relating to signs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Crittenden moved that Senate Bill No. 663 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Quinn moved that Assembly Bill No. 192 be placed on the inactive file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1088 was passed, was continued until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to retain Senate Bill No. 796 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2547 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1805—An act relating to the relief of debtors and guarantors; permitting postponement of sales under certain chattel mortgages, mortgages, deeds of trust, or contracts of purchase of real

property, or chattels attached to real property, or postponement of forfeitures and terminations under such contracts of purchase, or extensions of periods for redemption, or reduction of moneys to be paid on redemption; regulating the appointment of receivers in certain cases; declaring the urgency hereof, and providing that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 349—An act to amend Section 643 of the Welfare and Institutions Code, relating to annual report of the probation officer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1632—An act to amend Section 4095 of the Political Code, relating to the issuance and cancellation of county warrants.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Seawell, Slater, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 416—An act to amend Section 739 of the Vehicle Code, relating to the filing of notices to appear in court, the fixing of bail and the indorsement thereof upon such notices, the deposit of bail and the forfeiture thereof for failure to appear.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Slater, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 417—An act to add Section 739.1 to the Vehicle Code, relating to notices to appear in court and to the filing of complaints and amended complaints charging offenses under said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 721—An act to add Section 104.8 to the Streets and Highways Code, relating to the custody of evidences of title to property acquired for State highway purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 424—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, Tickle, Wagy, and Ward—28.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 180—An act to protect property by making criminal certain unlawful entries on, injuries to and interferences with property, authorizing the

closing of streets, and to provide penalties for the violation thereof, to take effect immediately;

Senate Bill No. 485—An act to add Sections 4026, 4026.1, 4026.2 and 4026.3 to Article 4, Chapter 3, Title 2, Part 4 of the Political Code, relating to county officers, deputies, assistants and employees, and their return to county service, declaring the urgency hereof, to take effect immediately;

Senate Concurrent Resolution No. 24—Expressing appreciation to members of Committee on State Organization, also known as the Interim Committee of Twenty-five of the California Conference on Government and Taxation;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of April, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 424

And reports the same correctly engrossed.

RICH, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 191

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 829

Assembly Bill No. 1412

Assembly Bill No. 1920

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 9; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Quinn:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation from the unexpended moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, for flood control works in or along the Eel River, declaring the urgency of this act, to take effect immediately.

Respectfully submitted.

SENATOR QUINN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 15, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BRIED
TICKLE
DEUEL
MYHAND

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Quinn moved a call of the Senate.

Motion carried. Time, 3.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.30 p.m., on motion of Senator Quinn, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission to introduce a bill granted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLarp, Deuel, Fletcher, Foley, Gattison, Gordon, Jepsen, Judah, Keating, Kucher, Lacey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—32

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1318: By Senator Quinn—An act making an appropriation from the unexpended moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, for flood control works in or along the Eel River, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide a unified and centralized program of constructing, improving and repairing State buildings and other property, and making an appropriation therefor.

Respectfully submitted.

SENATOR CRITTENDEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 16, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYHAND
DEUEL
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1319: By Senator Crittenden—An act to provide a unified and centralized program of constructing, improving and repairing State buildings and other property, and making an appropriation therefor.

Referred to Committee on Finance.

RESOLUTIONS

The following resolution was offered:

By Senators Swing, McCormack, Myhand, Gordon, Phillips, Wagy, Powers and Slater:

Senate Resolution No. 92

WHEREAS, Upon Easter, the thirteenth day of April, 1941, A. B. Miller, former President of the Board of Directors of the California State Fair and Exposition, President of the State Board of Agriculture, and member of The Board of Regents of the University of California, was called from this life; and

WHEREAS, A. B. Miller came to California from North Carolina with his mother in 1896, settled in Lakeview, went to the Imperial Valley in 1904 and built a part of the canal system, graded much of the Brawley Townsite, founded the community of Fontana in 1913 and built it into a notable citrus and chicken growing center, and played a foremost part in the development of agriculture in Southern California; and

WHEREAS, A. B. Miller was well known throughout the State and leaves a host of friends who mourn his passing; now, therefore, be it

Resolved, That the Senate hereby expresses its grief at the passing of this former public servant and that when it adjourns this day it do so out of respect to his memory; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the family of A. B. Miller.

Resolution read, and unanimously adopted by a rising vote.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Robert M. Dulin as a Member of the

State Board of Education, has had the same under consideration and respectfully recommends that the said appointment be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Robert M. Dulin of Beverly Hills as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Robert M. Dulin?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jepsen, Judah, Keating, Kuebel, Lacey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Robert M. Dulin.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Edward Cummings as a member of the State Board of Education, has had the same under consideration and respectfully recommends that the said appointment be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Edward Cummings of Bakerfield as a member of the State Board of Education.

The President put the question, "Will the Senate confirm and consent to the appointment of Edward Cummings?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jepsen, Judah, Keating, Kuebel, Lacey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edward Cummings.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 402

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2575

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 2575—An act to add Section 90 to Article 2 of Chapter 2 of Title 1 of Part 2, and Section 110 to Chapter 3 of Title 1 of Part 2 of, and to repeal Section 117 of, the Political Code, providing for the division of this State into districts for the election of legislative representatives, including districts for the election of Assemblymen and Representatives in Congress.

Referred to Committee on Elections.

ADJOURNMENT

At 3.55 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 17, 1941, out of respect to the memory of the late A. B. Miller.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTIETH LEGISLATIVE DAY

ONE HUNDRED SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday April 17, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Mohand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tackle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day :

Senator Kenny, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to T. D. Johnson of San Diego.

On request of Senators Myhand and Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl D. Jacobsen, Grand Master of the I. O. O. F. of California, of San Francisco.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Bessie Keller and Miss Mitchell, both of Oakland.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, April 16, 1941

*Mr. Joseph Beck, Secretary of the Senate
State Capitol, Sacramento, California*

DEAR MR. BECK: I am happy to advise you that in accordance with the provisions of Senate Concurrent Resolution No. 19, naming a bridge on U. S. 101 in Del Norte County, I have issued instructions to the Division of Highways to order and erect signs at Bridge No. 1-20 over the Smith River to read:

DR. ERNEST M. FINE
MEMORIAL BRIDGE
BRIDGE 1-20

Very sincerely yours,

FRANK W. CLARK, Director of Public Works

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 19
Senate Concurrent Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FLINTE, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 30—Relative to the approval of amendments to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 8, 1941.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 30, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 30

Assembly Concurrent Resolution No. 30—Relative to the approval of amendments to the charter of the City of Glendale, State of California, voted for and ratified by the electors of such city at a special municipal election held therein on April 8, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Slater, Swan, and Waggy—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 464

Senate Bill No. 1241

Senate Bill No. 900

Senate Bill No. 1

Senate Bill No. 1240

Senate Bill No. 1313

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 132

Senate Bill No. 463

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 535

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 221

Senate Bill No. 269

Senate Bill No. 788

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 603

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 794

Senate Bill No. 855

Senate Bill No. 880

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 190

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

DeLAP, Chairman

Above reported bill ordered to second reading.

REMARKS

Senator Foley announced that the Sunsweet prune juice and "Tenderized" prunes which were distributed to the members of the Senate were the gift of the California Prune and Apricot Growers Association of San Jose.

Senator Quinn called attention to the beautiful bouquet of tulips on the rostrum, which were grown by Senator Biggar on his ranch at Covelo.

INACTIVE FILE

Senate Bill No. 792—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons.

Bill read.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate, March 27, 1941, strike out lines 18 to 26, inclusive, and insert "The registrant of any economic poison sold or delivered to a consumer in this State shall furnish printed directions for use, and dilution if any, upon the label, or shall inclose such printed directions in each container or package thereof, except that such printed directions for use shall not be required when".

Amendment No. 2

On page 2, line 1, of the printed bill, as amended, strike out "(b) When".

Amendment No. 3

On page 2, line 24, of the printed bill, as amended, strike out "The registrant or seller shall be", and strike out all of lines 25 and 26, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, so as to define industrial loan companies, provide for their incorporation, powers and supervision; and regulate the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

Strike out the title of the printed bill, as amended, and insert

"An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies; to prohibit devices and subterfuges to evade this act; to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act."

Amendment No. 1a

On page 1, line 6, of the printed bill, as amended, strike out "on personal property security or without security".

Amendment No. 2

On page 1, line 11, of the printed bill, as amended, after "Chapter", strike out "1", and insert "2".

Amendment No. 3

On page 2, line 15, of the printed bill, as amended, after "cities," insert "The capital stock of any such corporation transacting business in more than one city, however, shall not be required to exceed in the aggregate one hundred thousand dollars (\$100,000). The establishment and operation of an office outside of an incorporated city area within five miles of such incorporated city limits shall require the same minimum capital for such outside office as would be required if said office were located within such incorporated city."

Amendment No. 4

On page 2, line 33, of the printed bill, as amended, after "certificates", insert ", or on real property security or loans over three hundred dollars (\$300) with or without the pledge of its installment investment certificates,".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out all of lines 34 and 35, and insert "and deduct interest therefor in advance at the rate of 6 per cent per annum, or less."

Amendment No. 6

On page 2, lines 36, 37 and 38, of the printed bill, as amended, strike out "requiring uniform weekly or monthly payments over the period of the loan, final payment not to be payable until the maturity date of the loan,".

Amendment No. 7

On page 2, line 39, of the printed bill, as amended, after "loan", insert ", except that the issue of installment investment certificates with real estate loans or loans over three hundred dollars (\$300) shall be optional with the industrial loan company. Such certificates of investment shall require uniform weekly, semi-monthly or monthly payments over the period of the loan, final payment not to be payable until the maturity date of the loan".

Amendment No. 8

On page 2, line 43, of the printed bill, as amended, strike out "All payments"; and strike out all of lines 44 to 51, inclusive.

Amendment No. 9

On page 3 of the printed bill, as amended, strike out all of lines 1 to 3, inclusive.

Amendment No. 10

On page 3, line 5, of the printed bill, as amended, after the second "certificates", strike out ", or in certificates", and insert "or".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out all of line 20, and insert "and deduct in advance for the making of any loan pursuant to this section, for fees, bonuses, commissions, brokerage, discounts, expenses, and other forms of costs charged, contracted for, or received by an industrial loan company and all other persons from the borrower, in connection with the investigating, arranging, negoti-

ating, procuring, guaranteeing, making, servicing and collecting of a loan or forbearance of money, credit, goods or things in action, or for any other service or services rendered in relation thereto, except as hereinafter provided.

However it is hereby provided that the interest, brokerage and all other charges by the industrial loan company, broker and all other persons in the aggregate on any loan, forbearance of money, credit, goods or things in action, under this act shall".

Amendment No. 12

On page 3, line 21, of the printed bill, as amended, strike out "which when added to the interest will".

Amendment No. 13

On page 3, line 30, of the printed bill, as amended, after "loan", insert "advanced to the borrower".

Amendment No. 14

On page 3, line 36, of the printed bill, as amended, after "(\$300)", insert "and 10 per cent per annum on the unpaid principal balance in excess of three hundred dollars (\$300)".

Amendment No. 15

On page 3, line 39, of the printed bill, as amended, after "provided", insert "in this paragraph".

Amendment No. 16

On page 3, line 40, of the printed bill, as amended, after "brokerage", insert "from the borrower by the industrial loan company, broker and all other persons".

Amendment No. 17

On page 3, line 44, of the printed bill, as amended, after the first "or", insert "for".

Amendment No. 18

On page 3, line 45, of the printed bill, as amended, after "person", insert ", in relation thereto, except attorneys' fees and court costs if allowed by the court in enforcing loans over three hundred dollars (\$300)".

Amendment No. 19

On page 3, line 47, of the printed bill, as amended, after "company", insert "in addition to interest, brokerage and all other charges herein provided".

Amendment No. 20

On page 3, line 51, of the printed bill, as amended, strike out "therein", and insert "in connection therewith".

Amendment No. 21

On page 4, line 2, of the printed bill, as amended, after "lecting", insert "in addition to the interest, brokerage and all other charges herein provided".

Amendment No. 22

On page 4, line 13, of the printed bill, as amended, after "made," insert "Whenever the interest and/or charges deducted in advance shall exceed the maximum provided by this section, by reason of subsequent repayment of the loan or any portion thereof prior to maturity or prepayment of installments on the investment certificates purchased with the loan, such excess shall be refunded to the borrower or credited on any balance owing by the borrower to the company."

Amendment No. 23

On page 4, line 17, of the printed bill, as amended, after "discount", insert "trust receipts, bona fide".

Amendment No. 24

On page 4, line 21, of the printed bill, as amended, strike out "construed to be a loan and".

Amendment No. 25

On page 4, line 23, of the printed bill, as amended, after "act", insert ", as between the seller of said chose in action, chattel mortgage, trust receipt or conditional sales contract and the industrial loan company, for which not more than three hundred dollars (\$300) is paid by the industrial loan company".

Amendment No. 26

On page 4, line 32, of the printed bill, as amended, strike out "for more"; and strike out all of lines 33 and 34, and insert ", in excess of 5 per cent of the amount of the capital stock of such industrial loan company actually paid in and unimpaired and 5 per cent of its unimpaired surplus fund; provided, however, that the limitation upon obligations secured by collateral of a market value at no time less than 115 per cent of the face amount of said obligations shall be not to exceed 20 per cent of such capital and surplus."

Amendment No. 27

On page 4, line 47, of the printed bill, as amended, strike out "investments", and insert "investment".

Amendment No. 28

On page 5, line 7, of the printed bill, as amended, after "foreclosures", insert "or foreclosures of trustees' sales under deeds of trust".

Amendment No. 29

On page 5, line 10, of the printed bill, as amended, before "Real", insert "Third—Such as shall be necessary as premises for the transaction of its business; but no company shall invest directly or indirectly an amount exceeding one-third of its paid-up capital and surplus in the lot and building in which the business of the company is carried on, furniture and fixtures, and vaults necessary and proper to carry on its business; and hereafter the authority of a three fourths vote of all the directors shall be necessary to authorize the purchase of such lot and building or the construction of such building."

Amendment No. 30

On page 5, line 13, of the printed bill, as amended, strike out "above" and insert "by subsections first and second hereof".

Amendment No. 31

On page 5, line 14, of the printed bill, as amended, strike out "Parcels of such real estate not sold within", and all of lines 15 to 18, inclusive.

Amendment No. 32

On page 8, line 10, of the printed bill, as amended, strike out "connection", and insert "connection".

Amendment No. 33

On page 10, line 46, of the printed bill, as amended, after "charge", insert "or discount".

Amendment No. 34

On page 11, line 1, of the printed bill, as amended, after "interest", insert "or discount".

Amendment No. 35

On page 11, line 37, of the printed bill, as amended, after "vehicle", insert "or the transfer of the ownership of securities,".

Amendment No. 36

On page 12 of the printed bill, as amended, strike out all of lines 1 to 21, inclusive.

Amendment No. 36a

On page 12, line 45, of the printed bill, as amended, after the first "payment", insert "in person in cash at any office of the industrial loan company".

Amendment No. 37

On page 12, line 48, of the printed bill, as amended, strike out "stating", and insert "showing".

Amendment No. 38

On page 12, line 50, of the printed bill, as amended, strike out "release all secur."; and strike out all of lines 51 and 52, inclusive.

Amendment No. 39

On page 13, line 1, of the printed bill, as amended, strike out "or person making final payment, any note", and insert "cancel or plainly mark "paid" and return to the borrower or person making final payment, the note evidencing such loan and if such borrower is not otherwise obligated to such industrial loan company, release all security for such loan, indorse and return any certificate of ownership, and return to the borrower any".

Amendment No. 40

On page 13, line 35, of the printed bill, as amended, after "sonal", insert "or real".

Amendment No. 41

On page 13, line 36, of the printed bill, as amended, strike out "The indus."; and strike out all of lines 37 to 39, inclusive.

Amendment No. 42

On page 13, line 50, of the printed bill, as amended, after "personal", insert "or real".

Amendment No. 43

On page 14, line 8, of the printed bill, as amended, after "shall", insert "willfully".

Amendment No. 44

On page 14, line 9, of the printed bill, as amended, before "participate", insert "wilfully".

Amendment No. 45

On page 14, line 13, of the printed bill, as amended, strike out "any violation of this act shall have been committed", and insert "an amount in excess of the charges permitted by this act, including interest, is charged, contracted for or received".

Amendment No. 46

On page 15, line 5, of the printed bill, as amended, after "thereunder", insert "provided it shall comply with the provisions of this act".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 521—An act to amend Section 798.6 of the Fish and Game Code, relating to abalone bag limits in District 2.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1311—An act to amend Section 1250 of, and to add Section 1346 to, the Fish and Game Code, relating to antelope.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 191—An act to add Article 18, comprising Section 1120, to Chapter 1, Part 2, Division 1 of the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 154—An act to amend Sections 26541 and 26542 of the Health and Safety Code, relating to food, and the standards prescribed by the State Board of Public Health in relation thereto.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 829—An act to amend Section 44 of the Bank Act, relating to the making of loans upon the security of the capital stock of another bank or of a corporation.

Bill read second time, ordered engrossed, and to third reading.

Assembly Bill No. 1412—An act to amend Section 61a of the Bank Act, relating to the investigation and certification of securities by the Superintendent of Banks.

Bill read second time, ordered engrossed, and to third reading.

Assembly Bill No. 1920—An act to amend Section 11860 of the Insurance Code, relating to workmen's compensation insurance and reports of the State Compensation Insurance Fund.

Bill read second time, ordered engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 796—An act to amend Sections 970 and 971 and to add Sections 970.1 and 971.1 to the Fish and Game Code, relating to crab and lobster traps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 779—An act to add Chapter 8 to Part 1 of Division 3 of the School Code, which chapter shall consist of Section 3.107, relating to insurance premium deductions from salaries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 831—An act to amend Section 5287 of the Business and Professions Code, relating to outdoor advertising.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Jespersen, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 444—An act to amend Section 576 of the Vehicle Code, relating to special stops required of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 808—An act to amend Section 3070 of the Labor Code, relating to compensation of members of the Apprenticeship Council.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1313—An act to amend Sections 11166.12, 11200 and 11712 of the Health and Safety Code, relating to narcotics.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 1

Senator DeLap moved that Senate Bill No. 1 be re-referred to Committee on Judiciary.

Roll Call Demanded

Senators Seawell, Fletcher and Biggar demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Dillinger, Foley, Keating, Kuchel, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Swan, Tickle, Wagy, and Ward—19.

NOES—Senators Biggar, Brown, Cunningham, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Mayo, Phillips, and Slater—12.

MOTION TO RE-REFER SENATE BILL NO. 900

Senator Swan moved that Senate Bill No. 900 be re-referred to Committee on Judiciary.

Roll Call Demanded

Senators Swan, Parkman, and Tickle demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Collier, Crittenden, Keating, Kuchel, Mayo, McCormack, Metzger, Myhand, Parkman, Rich, Seawell, Tickle, and Ward—14.

NOES—Biggar, Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Phillips, Quinn, Shelley, Slater, and Swan—16.

Motion to Table

Senator Breed moved that Senate Bill No. 900 be laid on the table.

Motion carried.

MOTION TO RE-REFER SENATE RESOLUTION NO. 25

Senator Rich moved that Senate Resolution No. 25 be re-referred to Committee on Finance.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 411—An act to add Sections 11b and 11c to the Municipal Court Act of 1925, relating to municipal courts in cities of the second and three-eighths class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagdy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2547 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1981—An act to amend Article 6 of Chapter 3 of Part 2 of Division 12 of the Health and Safety Code of the State of California by adding a new section thereto, to be numbered 13780, and to provide for certain exemptions relating to the spotting and pressing of clothing on certain passenger trains therein defined.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuebel, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagdy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1753—An act to add Section 10253.5 to the Health and Safety Code, relating to birth certificates of adopted children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kuebel, Mayo, McCormack, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagdy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2049—An act to add Section 6.5 to the Alcoholic Beverage Control Act, relating to the age of whiskey sold at retail.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, strike out "act", and insert "section".

Amendment No. 2

On page 1, line 18, of the printed bill, as amended, strike out "January", and insert "July".

Amendments read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL OF MOTION TO RECONSIDER BILL

Senator Shelley moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 1088 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend Sections 2 and 34, of Article IV of the Constitution of said State, relating to the Legislature.

Resolution read.

Motion to Amend

Senator Tickle moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, as amended, between lines 14 and 15, insert "The compensation of the members of the Legislature provided by Section 23 of this article shall be paid during each annual regular legislative session at such times as may be provided by law."

Amendment No. 2

On page 2, line 34, of the printed measure, as amended, strike out "and until", and insert ". Until".

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 463—An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 2, of the printed bill, as amended, following "meat", insert "which".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1461—An act to add Section 8.8 to the California Toll Bridge Authority Act, relating to the collection of tolls on toll bridges or other toll highway crossings constructed or acquired under the provisions of said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to retain Senate Bill No. 113 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to retain Senate Constitutional Amendment No. 8 on third reading file until the next legislative day.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 212

Senator Fletcher moved that Senate Bill No. 212 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Waggy:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 17, 1941.

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 3150, 3151, 3215, 3225, 3234, 3300, 3302, 3303, 3307, 3310, 3311, 3313, 3350, 3351, 3352, 3353, 3354, 3356, 3357 and 3359, and to repeal Sections 3156.5, 3304, 3305, 3306, 3355, 3500, 3501, 3502 and 3503 of the Public Resources Code, relating to the conservation of oil and gas.

Respectfully submitted.

SENATOR WAGGY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 17, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1320: By Senator Wagy—An act to amend Sections 3150, 3151, 3215, 3225, 3234, 3300, 3302, 3303, 3307, 3310, 3311, 3313, 3350, 3351, 3352, 3353, 3354, 3356, 3357 and 3359, and to repeal Sections 3156.5, 3304, 3305, 3306, 3355, 3500, 3501, 3502 and 3503 of the Public Resources Code, relating to the conservation of oil and gas.

Referred to Committee on Natural Resources.

Senate Concurrent Resolution No. 28: By Senator Wagy—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the eighth day of April, 1941.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 93

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of three hundred dollars (\$300) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman
DEUEL
MYHAND
BREED
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 402—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the State and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, relating to deposits of money belonging to or in the custody of the State, declaring the urgency hereof, to take effect immediately;

Senate Joint Resolution No. 15—Relative to the improvement of the harbor at Crescent City, California;

And reports that the same have been correctly enrolled, and presented to the Governor on the seventeenth day of April, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 191

Senate Bill No. 521

Senate Bill No. 1311

And reports the same correctly engrossed.

RICH, Chairman

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 728

Assembly Bill No. 333

Assembly Bill No. 100

Assembly Bill No. 1323

Assembly Bill No. 330

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 791

Assembly Bill No. 1250

Assembly Bill No. 1764

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 58

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 409

Assembly Bill No. 673

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 15, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 59

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 230

Assembly Bill No. 75

Assembly Bill No. 199

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 25

Assembly Bill No. 1767

Senate Bill No. 861

Assembly Bill No. 279

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 1440

Assembly Bill No. 1442

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to committee.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 4.47 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., April 18, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY
ONE HUNDRED THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 18, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator McCormack, on motion of Senator Slater.

Senator Powers, on motion of Senator Seawell.

Senator Kenny, on motion of Senator Foley.

Senator Deuel, on motion of Senator Mayo.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to S. M. Worden of Coronado.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor Lloyd Cullen and County Engineer Marshall Wallace, Sonoma County, of Santa Rosa.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Marie

Eucharista, principal, Sister Mary Justine, Sister Ann Loretto, teachers, and the following students from the Notre Dame High School, San Jose: Mary Louise Alvernaz, Patricia Armstrong, Marcella Aureocoechea, Annette Baldassar, Cecilia Bauman, Claire Bayless, Yvonne Bigley, Geraldine Boitano, Geraldine Bolton, Helena Bryson, Dolores Canelo, Helen Capraro, Rose Marie Ceredi, Nahum Cervantes, Louise Chabre, Helen Coyle, Ann D'Aloia, La Verne De Smet, Catherine Doane, June Enos, Constance Faltersack, Alma Fuchs, Marie Gamma, Estelle Gay, Dolores Gilson, Inez Greco, Ruth Hansen, Elaine Houser, Marjorie Kluge, Audrey Lannin, Mary Isobel Larmon, Lucille Lo Curto, Yvonne O'Connell, Gloria Pieracci, Mary Rumbos, Virginia Sanders, Audrey Slavich, Janet Slavich, Maxine Smrekar, Alice Louise Towne and Carol Winter.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sister Teresa Augustine, Sister Mary of St. Agnes, and the following students of Notre Dame High School, Alameda: Angela d'Artenay, Eleanor Davie, Louisa Durrer, Jeanne Greene, Marie Harris, Peggy Healy, Rita Horan, Betty Lombard, Jewel O'Connor, Josephine Parodi, Beverly Plotz, Carol Shepard, Mary Watty and Frances Weinberger.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Albert Beckett, Misses Vida Owens and Bernice Erskine, and the following eighth grade students of Auburn Grammar School: Vivien Barber, Arthur Bell, Eugene Bell, Anna Mae Eckard, Ann Edwards, Eugene Dahlberg, Betty Gietzen, Akira Hamasaki, Kazuyo Hamasaki, Betty Hedley, Phyllis Hedley, Betty Junker, Anna Lankford, Yvonne McGraw, Delbert Miller, Lois Nickerson, Nobuyo Nimura, Dorothy Nomura, Bob Radley, David Ray, Lowell Reed, Audrey Robinson, Jerry Rollins, Danny Salisbury, Hazel Sander, Eunice Sano, Fred Steinhauft, Shirley Sattler, Beverly Swesey, Ruth Tenma, Bill Tonkin, Yone Tsuda, Akira Tsujimoto, Raymond Wallace, Ann Williams, Gordon Winlow, Hazel Wing, Han Wong, Billy Ball, Wilda Barmore, Tommy Bryan, Bruce Durbin, Florence Elderkin, Richard Goodridge, Doris Goodiell, Ben Hanamoto, David Irving, Walter Hauser, Wilma Harries, Gene Harris, Ethel Harmon, Harold Ludwig, Lynette Lardner, Stanley McBride, Barbara Pendergast, Jack Parkhurst, LaRue Randall, Loretta Sharp, Jane Souza, Dorothy Thompson, Velma Taylor, Shirley Switzler, Alice Wallace, Mary Wells, Olive Wood, Juanita Wickstrom, Jesse Wong, Virginia Wolff, John Webber, Lily Hirota, Eugene Stewart, Oliver Shelton, Edward Ashar, Jack Stokes and Jim Waterman.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

SACRAMENTO, April 18, 1941

Mr. President and Members of the Senate:

The Senate Journal of April 17th states that I moved to re-refer my own bill, Senate Bill No. 900, to the Committee on Judiciary. I did not make such a motion, but on the contrary opposed such a reference. Senator Seawell made the motion.

SENATOR JOHN HAROLD SWAN

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 26

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 42

ARTHUR A. O'HINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Joint Resolution No. 42 Relative to memorializing the United States Department of Interior, Fish and Wild Life Service, to permit controlled feeding of migratory wild fowl on hunting clubs in the State of California, and to provide for the feeding of grain on migratory wild fowl refuges in this State, in order to relieve farmers from severe losses to grain crops caused annually by such wild fowl.

Referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 463

Senate Bill No. 792

Senate Constitutional Amendment No. 7

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 59

Senate Bill No. 221

Senate Bill No. 230

Senate Bill No. 269

Senate Bill No. 788

And reports the same correctly engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 1000

Assembly Bill No. 413

Assembly Bill No. 502

Assembly Bill No. 503

Assembly Bill No. 504

Assembly Bill No. 505

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 957

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 802

Senate Bill No. 719

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and be re-referred to the Committee on Finance.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 19

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

SWING, Chairman

Above reported measure ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1510

Assembly Bill No. 2098

Assembly Bill No. 1971

Assembly Bill No. 41

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1629

Assembly Bill No. 2021

Assembly Constitutional Amendment No. 6

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 348

Assembly Bill No. 1583

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 386

Has had the same under consideration, and reports the same back with the recommendation: Do pass. To be amended on the floor if necessary.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 253

Assembly Bill No. 1390

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Joint Resolution No. 10

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 310

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 142

Assembly Bill No. 2182

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 1078

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 211

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2050

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2348

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 876

Assembly Joint Resolution No. 11

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1081

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 221—An act to amend Section 4.770 of the School Code, relating to the allowance of teacher units to elementary school districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 269—An act to add Section 3.808 to the School Code, relating to high school courses of study.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 788—An act to amend Section 5.540 of the School Code, relating to physical examinations of teachers for active tuberculosis.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 603—An act to add Section 5.45 to the School Code, relating to the dismissal of employees of State colleges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "the dismissal of", and insert "leaves of absence for".

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 3 to 27, both inclusive; and on page 2, strike out all of lines 1 to 7, both inclusive, and insert

"5.45. The Director of Education, on the recommendation of the president of a State college, may grant a leave of absence, without compensation, for not to exceed one calendar year, to any employee of such State college not serving in the State Civil Service, after said person has been employed by the State college for not less than one calendar year.

A leave of absence granted hereunder to any person may be extended for not to exceed one calendar year by the Director of Education on the recommendation of the president of the State college in which the employee is employed.

Upon the expiration of any such leave of absence the person to whom such leave of absence was granted shall be entitled to reinstatement in the position he held at the time such leave of absence was granted him, if such position is still in existence, or to any other comparable existing vacant position for which the person is qualified."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 794—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance on the group plan.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 and 4, and insert

"11663. Under Article 2, Chapter 3, of this part, the commissioner may promulgate rules for the inclusion of additional employers in any policy of workmen's compensation insurance. Except in accordance with the rules so promulgated, a workmen's compensation insurer shall issue a separate policy to each insured employer and shall not in any manner treat several employers as one employer in connection with workmen's compensation insurance unless the commissioner finds that such employers constitute an "approved group".

"Approved group", as that term is used in this section, means a group of employers who are determined by the commissioner to be engaged in a common trade, business or industry, and who are members in good standing of a bona fide established association or corporation, which association or corporation meets all of the following requirements:

(a) It is not formed for the purpose of securing workmen's compensation insurance for its members.

(b) It is organized to promote the interests of its members in the common trade, business or industry.

(c) It guarantees in writing the payment of the premium of each of the several employers who constitute the group, which guarantee shall be filed with the insurance commissioner.

(d) It shall have been in existence for a period of at least two years."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 880—An act to add Article 8, comprising Section 1270, to Chapter 2, Part 2, Division 1, of the Insurance Code, relating to loans or advancements of credit by persons transacting insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "or", and insert "use or forbearance of property, and".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 13 to 15, inclusive, and insert "code. Such transactions as consist of the loan, use or forbearance of any money, goods or things in action or of the loan, use or sale of credit shall not exact a rate of interest or make any other charge in excess of the maximum rates of interest or maximum charges provided in the laws of this State regulating rates of interest which may be charged for any comparable loan subject to the provisions of such laws."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 190—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance policies and the writing of workmen's compensation insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, immediately after line 10, insert

"An insurer is not responsible for a violation of this section by an agent who is compensated by the insurer only by commissions unless the insurer had knowledge of the violation through any of its officers, agents or employees who are not compensated solely by commissions."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 212—An act to amend Section 1679 of and to add Section 1679.2 to the Insurance Code, relating to insurance and the renewal of licenses of agents, brokers, and solicitors.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 1679 of and to add Section 1679.2 to", and insert "Sections 1640 and 1671 of, and to add Section 1671.2 to,".

Amendment No. 2

In lines 2 and 3 of the title of the printed bill, strike out "the renewal of licenses of", and insert "insurance".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "1679", and insert "1640".

Amendment No. 4

On page 1 of the printed bill, strike out line 3, and insert "1640. This article shall not affect:

(a) Employees of title insurers or persons engaged in the business of examining, certifying, or abstracting titles when no commission is paid such employees or persons transacting insurance.

(b) Mortgage insurers or their solicitors or agents.

(c) Fraternal benefit societies or their solicitors or agents.

(d) Reciprocal or interinsurance exchanges, or their attorneys, solicitors, agents or employees, except as provided by Chapter 3 of this part.

(e) Any insurer admitted to transact life insurance, or life and disability insurance, or the agents, solicitors or employees of any such insurer, or agents licensed under the provisions of Article 2 of this chapter.

(f) Surplus line brokers.

(g) Persons whose employment does not include the solicitation, negotiation, or effecting of contracts of insurance and who do not sign policies or other evidences of insurance.

(h) Officers of insurers and salaried traveling employees of the type commonly known as special agents, while performing duties and exercising functions such as are commonly performed by special agents, if such persons:

(1) Do not effect insurance.

(2) Solicit or negotiate insurance only as a part of and in connection with the business of an insurance agent or broker licensed under this chapter.

(i) Persons directly employed by an insurer at its home or branch office, who do not solicit or negotiate insurance and who receive no commissions, and who may as part of their regular employment sign policies or other evidences of insurance.

(j) Bail agents and bail solicitors.

SEC. 2. Section 1671 of the Insurance Code is hereby amended to read as follows:

1671. The completion or delivery of a declaration or certificate of coverage under a running inland marine insurance contract evidencing coverage thereunder does not require licensing under this code, if

(a) The person completing or delivering such certificate or declaration does not receive any commission on such insurance, directly or indirectly, and

(b) The person completing or delivering such certificate or declaration or his employer has an insurable interest in the risk evidenced by the certificate or declaration.

SEC. 3. Section 1671.2 is hereby added to the Insurance Code, to read as follows:

1671.2. The following employees of a licensed insurance agent or broker shall not be considered as acting as insurance agents, brokers or solicitors:

(a) Those who are regularly salaried administrative or clerical employees and who devote substantially all of their services to activities other than the solicitation of insurance from the insuring public and who receive no commission on insurance, directly or indirectly.

(b) Those who are salesmen who devote substantially all of their activities to selling merchandise and whose solicitation of insurance is limited only to the quoting of a premium for insurance, to be included in the purchase price, covering the interest retained in such merchandise by the seller, and who receive no commission on insurance, directly or indirectly."

Amendment No. 5

On page 1 of the printed bill, strike out lines 4 to 28, inclusive; and on page 2, strike out lines 1 to 16, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 792—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 791—An act to amend the title of Article 1, Chapter 5, Division 5 and Sections 911, 912, 913, 914, 915, 916, 917, 919 and 920, and to add Sections 910, 911.5, 911.10, 911.14, 911.15, 911.17, 911.20, 911.21, 911.25, 911.30, 911.35, 911.40, 911.45, 911.50, 911.55, 911.60, 911.65, 911.70, 911.71, 911.72, 911.75, 911.80, 911.81, 911.85, 911.90, 911.95, 911.100, 911.105, 911.110, 911.115, 911.120, 912.5, 912.10, 912.30, 912.35, 912.40, 914.5, 914.7, 914.10, 916.5, 916.10, 916.15, 916.20, 916.25, 916.30, 917.5, 917.10, 919.1, 919.5 and 921 to the Agricultural Code, relating to seeds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 7 of the printed bill, strike out all of lines 3 and 4, and insert "911.10. "Weed seeds" means any and all noxious weed seeds and any and all seeds not included in the definitions of agricultural and vegetable seeds."

Amendment No. 2

On page 7, line 8, of the printed bill, strike out "and/or", and insert "and".

Amendment No. 3

On page 8 of the printed bill, strike out all of line 1, and insert "Russian knapweed (*Centaurea repens*)
Any other species".

Amendment No. 4

On page 8 of the printed bill, strike out all of line 46, and insert "Yellow star thistle (*Centaurea solstitialis*)
Any other".

Amendment No. 5

On page 9 of the printed bill, strike out all of line 29, and insert "Radish (*Raphanus sativus*)
Any other agricultural or".

Amendment No. 6

On page 9 of the printed bill, strike out line 39, and insert "and includes the invoice covering a bulk shipment."

Amendment No. 7

On page 9, line 44, of the printed bill, strike out "chapter", and insert "article".

Amendment No. 8

On page 11, line 23, of the printed bill, strike out "crossfertilization", and insert "cross-fertilization".

Amendment No. 9

On page 12, line 35, of the printed bill, strike out the colon.

Amendment No. 10

On page 12 of the printed bill, between lines 35 and 36, insert "in a bulletin of the Department of Agriculture:".

Amendment No. 11

On page 12 of the printed bill, strike out all of lines 39 to 42, inclusive, and insert

"(b) A list of the plants and crops which he finds are or may be grown in this State from agricultural or vegetable seeds which when occurring incidentally in other crops, are detrimental to agriculture and which therefore are classed by this article as weed seeds except when sold alone or as a specific constituent of a definite seed mixture."

Amendment No. 12

On page 13, line 7, of the printed bill, strike out "911.110", and insert "911.100".

Amendment No. 13

On page 13, line 48, of the printed bill, after "published", insert "in a bulletin of the Department of Agriculture".

Amendment No. 14

On page 14, line 3, of the printed bill, after the period following "hearings", insert "If at the hearing, it shall be developed by competent testimony that additional time will be required to produce further essential evidence, the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence."

Amendment No. 15

On page 15, line 1, of the printed bill, after "of", strike out "is hereby added to".

Amendment No. 16

On page 15, line 6, of the printed bill, after "seed", strike out "except as provided in Section 917.15".

Amendment No. 17

On page 15 of the printed bill, strike out all of line 18, and insert "(a) 25 grams for such seeds as blue grasses, bent".

Amendment No. 18

On page 15, line 37, of the printed bill, strike out ". except as", and insert a period.

Amendment No. 19

On page 15 of the printed bill, strike out all of line 38.

Amendment No. 20

On page 17, line 6, of the printed bill, strike out "re-packaged", and insert "repackaged".

Amendment No. 21

On page 17, line 27, of the printed bill, strike out the period, and insert a semi colon.

Amendment No. 22

On page 18, line 27, of the printed bill, after "seeds", strike out the comma.

Amendment No. 23

On page 18, line 45, of the printed bill, strike out "chapter", and insert "article".

Amendment No. 24

On page 19, line 31, of the printed bill, strike out "relating in any way", and insert "pertaining".

Amendment No. 25

On page 19, line 32, of the printed bill, strike out "pertaining", and insert "having reference".

Amendment No. 26

On page 19 of the printed bill, strike out all of lines 36 to 38, inclusive, and insert

"916.20. The person first testing and offering for sale any lot of agricultural or vegetable seed for seeding purposes within the State shall".

Amendment No. 27

On page 20 of the printed bill, strike out all of lines 3 and 4, inclusive, and insert

"916.30. Each lot of agricultural or vegetable seed received for seeding purposes from without the State or offered for sale for seeding purposes within the State"

Amendment No. 28

On page 20, line 28, of the printed bill, strike out the period, and insert "by the person who first tested and offered the lot for sale."

Amendment No. 29

On page 22 of the printed bill, strike out all of line 3, and insert "except for the purpose of relabeling, recleaning, or otherwise disposing of said lot under the specific direction of a proper enforcing offi-".

Amendment No. 30

On page 22, line 8, of the printed bill, strike out "requirements", and insert "provisions".

Amendment No. 31

On page 22 of the printed bill, strike out all of lines 11 to 16, inclusive, and insert "the director and the commissioner. The district attorney of the court in which any such nuisance is found, on the relation of the director or of any enforcing officer, shall maintain, in the name of the people of the State of California, an action to abate and prevent such nuisance; and upon the decree and by order of the court, such nuisance shall be condemned and destroyed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance shall be abated.

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to two thousand dollars (\$2,000) or less; justices' courts of Class A shall have original jurisdiction where the value amounts to one thousand dollars (\$1,000) or less; and justices' courts of Class B shall have jurisdiction where the value amounts to three hundred dollars (\$300) or less."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 59—An act to amend Section 305 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 409—An act to add a new section to the Agricultural Code to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, as amended April 10, 1941, strike out all of lines 10 to 25; and strike out all of page 2, and insert "prevent a cooperative association organized under the provisions of Chapter 4, Division 6 of the Agricultural Code, the membership of which consists entirely of producers as such term is defined in Section 735.3 (c) of this section, from blending the net proceeds of fluid milk, fluid cream, or dairy products used in all classifications and making distribution to its members of the net proceeds derived from the sale of such products; and provided further, that such cooperative association may withhold authorized sums from payments due to such producer-members for the sole purposes of: (a) providing a reserve fund for working capital; (b) providing for necessary operating expenses; (c) making authorized adjustments for variation in quality of the products received from such members; (d) providing for contingencies; (e) providing for operating deficiencies sustained from the sale or distribution of fluid milk, fluid cream, or dairy products derived from such fluid milk produced by said producer-members and distributed by a cooperative association, composed wholly of producers as said term is defined in Section 735.3 (c) of this code or distributed by another cooperative corporation or association composed wholly of, and controlled by, producers of milk of which said producers' cooperative association is a member.

For the purposes of this section, the terms "cooperative corporation" or "cooperative association" mean and include only a nonprofit cooperative marketing association of milk producers qualified and operating under the provisions of Chapter 4, Division 6 of this code.

Deductions from payments due producer-members shall be clearly shown and accounted for by the association on a written statement to be rendered monthly to each producer-member.

The aggregate amount of said deductions to be duly apportioned and accurately recorded on the books of said association for inspection by the director, his agents, and the producer-members of said association.

The findings of the director, after investigation and hearing, shall be prima facie evidence of the qualifications of a cooperative association of producers."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 58—An act to add Sections 622.5 and 692.6 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 24, of the printed bill, preceding the period, insert "for each place of business where such devices are installed".

Amendment No. 2

On page 1 of the printed bill, strike out lines 27 and 28.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 728—An act to amend Sections 1081, 1083, 1083.1, 1083.2, 1083.5, 1086, 1088 and 1089, and to repeal Section 1081.1, of the Agricultural Code, relating to commercial feeding stuffs.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 230—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 25—An act to amend Section 4153 of the Political Code, relating to the duties of the district attorney.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 18, of the printed bill, strike out "freeholders' charter creating the office of".

Amendment No. 2

On page 2 of the printed bill, between lines 29 and 30, insert:

"9. When requested by any judge of the superior or municipal court so to do, appear for and represent such court or judge if such court, or judge in his official capacity, is made a party defendant in any action; provided, that in counties having a freeholders' charter creating the office of county counsel, it shall be the duty of the county counsel, when requested by any judge of the superior or municipal court so to do, to appear for and represent such court or judge if such court, or judge in his official capacity, is made a party defendant in any action."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 861—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 46, of the printed bill, strike out "three thousand sixty dollars (\$3,060)", and insert "three thousand six hundred dollars (\$3,600)".

Amendment No. 2

On page 7, line 16, of the printed bill, after "\$1.50).", insert "For attending justice's court, for each juror sworn to try the cause, per day, in criminal cases, only, three dollars (\$3)."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1250—An act to amend Sections 806 and 828.4 of the Agricultural Code, relating to standard containers for fruits and the marking and use thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "and 828.4", and insert "828.4 and 829.2".

Amendment No. 2

On page 3, line 33, of the printed bill, as amended, after "22B," insert "23,".

Amendment No. 3

On page 3 of the printed bill, as amended, between lines 33 and 34, insert "Container No. 23 shall be standard for plums and fresh prunes only when such fruits are wrapped and packed throughout the container."

Amendment No. 4

On page 3 of the printed bill, as amended, strike out all of line 38, and insert "Container No. 25 may be used without a cleat or with any cleat other than those provided for in this section and other size containers than those provided in this section may be used if conspicuously marked".

Amendment No. 5

On page 3 of the printed bill, as amended, after line 41, insert

"SEC. 3. Section 829.2 of the Agricultural Code is hereby amended to read as follows:

829.2. 7. Fresh peaches, numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 15, 16, 17, 18, 18A, 26, 27 or 27A.

8. Fresh pears, numbers 1A, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 26, 27 or 29A. Container No. 19 shall be standard only when used with three pads or cushions.

9. Oriental persimmons, numbers 6, 7, 8, 13, 14, 15, 16, 17, 18, 27, or 32.

10. Plums or fresh prunes, numbers 1, 1A, 5, 6, 7, 8, 9, 12A, 12B, 14, 15, 16, 17, 18A, 22B, 23, 24, 25, 26, or 27.

11. "Wonderful" pomegranates, numbers 33 or 34."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Assembly Bill No. 1764—An act to add a new section to the Agricultural Code, to be numbered 553.5, relating to sterilized milk and cream.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended, strike out "in this State"; and strike out lines 10 to 12, inclusive, and insert "for use in this State unless such sterilized milk or sterilized cream is made from Grade "A" milk or Grade "A" cream, and, in any area in which a price stabilization and marketing plan is in effect, unless the milk or cream used in such sterilized milk or sterilized cream is

purchased and such sterilized milk or sterilized cream is sold at the prices established for fluid milk and fluid cream in that area."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Assembly Bill No. 673—An act to add Sections 802.6 and 828.53 to, and to amend Sections 828.1, 828.45 and 829.15 of the Agricultural Code, relating to containers for grapes, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, after "1B", insert "1C".

Amendment No. 2

On page 3 of the printed bill, between lines 12 and 13, insert "1C. Standard basket, approximately eight inches square on top, six and one half inches square on bottom and five inches deep, inside measurements."

Amendment No. 3

On page 4, line 9, of the printed bill, after "1B", insert "1C".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 100—An act to amend Sections 5 and 6 of, and to add Sections 8 and 9 to "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to the abatement of nuisances.

Bill read second time, and ordered to third reading.

Assembly Bill No. 330—An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 333—An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

Bill read second time.

Motion to Amend

Senators Kenny and Kuehel moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, after line 7, insert "District 50. All that portion of Los Angeles County lying north of the south line of Township 5 North, San Bernardino Base."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1323—An act to add Sections 802.3 and 802.4 to the Agricultural Code, relating to grapes, declaring the urgency thereof, and that this act take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1440—An act to amend Sections 1, 2, 5, 6, 6a, 6c, 6d, 6e, 7, 11, 12, 15, 15a, 18 and 19 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," relating to the organization of and annexation to municipal utility districts; control of publicly owned utilities within utility districts; contest of annexation proceedings; powers and duties of a board of directors; powers of the district; special districts within municipal utility districts; incurring, refunding and retirement of indebtedness of special districts; levy and collection of taxes for special district operations and obligations; investment of funds; sale of by-products; loans, contributions and cooperative agreements; limitation of indebtedness; payment of interest from bond funds; fixing and collecting rates, tolls and charges, and the levy and collection of taxes; contracts for the use of commodities or services, and to add Sections 1a, 6f to 6i, inclusive, 7a, 15d to 15q, inclusive, 29a and 29b, defining the term "public agency"; providing for annexation to special districts; oaths of office; creation of special districts for sewage disposal purposes, the contesting of the validity of their creation and any bonds issued by a special district; the issuance of bonds by the electors therein for said purposes, the use of said bonds for investment and security for public deposits; the levy and collection of taxes to pay the principal and interest of said bonds, and the expenses of formation and operation of said special districts, contracts and agreements for the use of sewage disposal facilities, and the dissolution of special districts, and relating to special districts generally; issuance of revenue bonds under general law; disposition of records; and the severability of the act, all relating to municipal utility districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 21 of the title of the printed bill, after "Sections 1a," insert "6b.5".

Amendment No. 2

In line 23 of the title of the printed bill, after "special districts;" insert "annexation of unincorporated territory;"

Amendment No. 3

On page 2, line 26, of the printed bill, after "includes", insert "a".

Amendment No. 4

On page 21, line 11, of the printed bill, strike out "areas", and insert "area".

Amendment No. 5

On page 21, line 26, of the printed bill, after "shall include", insert "all or any part of".

Amendment No. 6

On page 22, line 3, of the printed bill, after "shall include", insert "all or any part of".

Amendment No. 7

On page 28 of the printed bill, after line 41, insert

"SEC. 36. Section 6b.5 is hereby added to said act, to read as follows:

Sec. 6b.5. In the event that all of the owners of real property within the territory proposed to be annexed pursuant to the provisions of Section 6b of this act, shall file with the board of directors of said district their written consent to the annexation of said territory upon the terms and conditions approved by said board, said board may by resolution dispense with the calling and holding of the election provided for in said section. Said territory shall be deemed annexed to said utility district upon the passage of a resolution of the board of directors of such utility district declaring said territory annexed and the filing of a certified copy thereof with the Secretary of State."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Assembly Bill No. 1442—An act to provide for the organization, incorporation, and government of joint municipal sewage disposal districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of sewage disposal systems and to levy and collect taxes to pay the principal and interest thereon, and authorizing such districts to issue revenue bonds for the acquisition and construction of sewage disposal systems, and for the fixing, collecting and application of rates and charges for the use of sewage disposal systems.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 3, line 5, of the printed bill, strike out "the municipality and each", and insert "each municipality and the".

Amendment No. 2

On page 4 of the printed bill, strike out lines 42 to 46, inclusive, and insert "newspaper of general circulation. The time fixed for".

Amendment No. 3

On page 7, line 2, of the printed bill, strike out the comma following "partly within".

Amendment No. 4

On page 7, line 3, of the printed bill, after "trict", insert a comma.

Amendment No. 5

On page 7, line 3, of the printed bill, after "supervisors", insert a comma.

Amendment No. 6

On page 7, line 4, of the printed bill, after "therein", insert a comma.

Amendment No. 7

On page 7, line 47, of the printed bill, after "even number", insert a comma.

Amendment No. 8

On page 10, line 38, of the printed bill, strike out "without, the district", and insert "without the district".

Amendment No. 9

On page 11, line 45, of the printed bill, strike out "district or county", and insert "district, county".

Amendment No. 10

On page 11, line 46, of the printed bill, strike out "or bonds of any", and insert a comma.

Amendment No. 11

On page 12, line 7, of the printed bill, after "municipality", insert ", public or municipal corporation".

Amendment No. 12

On page 12, line 9, of the printed bill, insert "Any municipality, public or municipal corporation or county shall have power to enter into and perform such contract."

Amendment No. 13

On page 13, line 1, of the printed bill, strike out "To", and insert "The district shall have power to".

Amendment No. 14

On page 13, line 20, of the printed bill, strike out "To", and insert "The district shall have power to".

Amendment No. 15

On page 15, line 48, of the printed bill, strike out "an annexation", and insert "Any annexation".

Amendment No. 16

On page 16, line 6, of the printed bill, strike out "sewerage", and insert "sewage".

Amendment No. 17

On page 24, line 40, of the printed bill, strike out "State", and insert "general".

Amendment No. 18

On page 27 of the printed bill, strike out lines 11 to 22, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Assembly Bill No. 75—An act to amend Section 4255 of the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 199—An act to add Section 4041.13b to the Political Code, relating to the powers and duties of purchasing agents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1767—An act to add Section 22.1 to an act entitled "An act to provide for the planting, protection, maintenance and removal of trees, shrubs, and other ornamental vegetation within municipalities, and providing a method for the assessment of the costs and expenses thereof, authorizing the municipality to contribute to the cost thereof and providing for the establishment of a city forester and describing his duties and fixing his compensation," approved June 19, 1931, providing an alternative method for collecting assessments to cover the cost of the improvements therein provided for.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "22.1 to an act entitled "An act to"; strike out lines 2 to 8, inclusive; and in line 9, strike out "19, 1931," and insert "22140 to the Streets and Highways Code,".

Amendment No. 2

In line 10 of the title of the printed bill, strike out "therein".

Amendment No. 3

In line 11 of the title of the printed bill, after "for", insert "under the Tree Planting Act of 1931".

Amendment No. 4

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert "SECTION 1. Section 22140 is hereby added to the Streets and Highways Code, to read as follows:

22140. As an alternative method for the collection of assessments levied under this part, the council, after".

Amendment No. 5

On page 1, line 6, of the printed bill, strike out "said", and insert "the".

Amendment No. 6

On page 1, lines 8 and 9, of the printed bill, strike out "specific parcel of property", and insert "lot or parcel of land".

Amendment No. 7

On page 1, line 10, of the printed bill, strike out "such", and insert "the".

Amendment No. 8

On page 1 of the printed bill, strike out line 13, and insert "land for city purposes Where city taxes are".

Amendment No. 9

On page 1, line 14, of the printed bill, strike out "city", and insert "county".

Amendment No. 10

On page 1, line 17, of the printed bill, strike out "particular property and said", and insert "lot or parcel of land, and the".

Amendment No. 11

On page 1, lines 18 and 19, of the printed bill, strike out "said property", and insert "the lot or parcel of land".

Amendment No. 12

On page 2, line 4, of the printed bill, strike out "ordinary municipal", and insert "city".

Amendment No. 13

On page 2, line 7, of the printed bill, strike out "ordinary municipal", and insert "city".

Amendment No. 14

On page 2, line 9, of the printed bill, strike out "and county taxes".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 279—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section designated Section 14½, relating to claims against the Los Angeles County Flood Control District.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "Sections".

Amendment No. 2

On page 1, line 6, of the printed bill, strike out "4075, 4076, 4077a and 4078 of".

Amendment No. 3

On page 1, lines 8 and 9, of the printed bill, strike out "the County of Los Angeles", and insert "counties".

Amendments read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 484

Senator Fletcher moved that Senate Bill No. 484 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 484—An act relating to the liability for sales and use taxes and interest thereon arising out of sales of tangible personal property purchased by contractors to carry out their construction contracts with the United States on a cost-plus-a-fixed-fee basis, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 7, of the printed bill, as amended, after "as", insert "otherwise".

Amendment No. 2

On page 3, line 11, of the printed bill, as amended, after "hereof," insert "and".

Amendment No. 3

On page 3, line 14, of the printed bill, as amended, after "established", insert "to the satisfaction of the board".

Amendment No. 4

On page 4, line 9, of the printed bill, as amended, after "Sec. 8," strike out the balance of the line; and strike out lines 10 to 18, inclusive, and insert

"This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and as such shall take effect immediately. The facts constituting such necessity are as follows:

In furtherance of the National defense, the Government of the United States has entered into numerous cost-plus-a-fixed-fee contracts for the construction and improvement of needed defense facilities in this State. The Attorney General of this State has ruled that tangible personal property acquired by these contractors for their use in the construction and improvement of such facilities is sold to the contractors and not to the Government; that such transactions are not to be regarded as purchases for resale to the United States, and that, accordingly, the sales tax is applicable to gross receipts from sales of such property to the contractors.

The Government of the United States has refused to pay to the contractors as a part of the cost price of the materials used in the performance of these contracts the amount of any sales tax reimbursement charged to the contractors by the sellers of such materials. If the contractors are forced to absorb the amount of such reimbursement, their ability to proceed further in the National Defense Program may be impaired and if the sellers of the materials are not reimbursed for the tax, their ability to furnish the materials may be curtailed, resulting in a situation which will be detrimental to the public peace and safety in this State. The emergency thus created requires this enactment to relieve the contractors and the material men from serious hardship and from incurring interest obligations with respect to the taxes involved, pending a judicial determination which will assure their reimbursement."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

REMARKS

Senators Slater and Tickle called attention to the observance today of the thirty-fifth anniversary of the San Francisco fire of April 18, 1906, and paid tribute to the spirit of the citizens who rebuilt the stricken metropolis.

THIRD READING OF SENATE BILLS

Senate Bill No. 463—An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 11.30 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1272

Senator Rich moved that Senate Bill No. 1272 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1272—An act to add Section 13.21 to the Building and Loan Association Act, relating to building and loan associations, the building and loan commissioner, the rights of investors and creditors of any such association in the possession of the commissioner to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, providing for the organization of a corporation or corporations to acquire such assets or a portion thereof and for the kinds of securities issuable in connection therewith, exempting such securities from certain provisions of the Corporate Securities Act, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to exchange investment certificates, shares, stock, or other rights or claims, for securities issued by such corporation or corporations or for property, and to continue to hold as a legal investment any securities or property so received, and exempting said investment certificate holders, shareholders, stockholders and unsecured creditors and such corporation or corporations from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 7 of the title of the printed bill, after "commissioner", insert "unless the proceeding provided for by Section 13.12 of this act shall have been commenced and no judgment which shall have become final shall have been rendered therein, or unless the time within which such proceeding may be commenced has not expired, or unless a proceeding under Section 13.16d of this act is pending)".

Amendment No. 2

In line 10 of the title of the printed bill, as amended, strike out "providing for the organization of a corporation or corporations to acquire such assets or a portion thereof and for the kinds of securities issuable in connection therewith, exempting such securities from certain provisions of the Corporate Securities Act,".

Amendment No. 3

On pages 1 and 2 of the printed bill, as amended, beginning in line 21 of the title, strike out "shares, stock, or other rights or claims, for securities issued by such corporation or corporations or for property, and to continue to hold as a legal investment any securities or property so received, and exempting said investment certificate holders, shareholders, stockholders and unsecured creditors and such corporation or corporations from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.", and insert "or other rights or claims for property or for securities issued by a corporation organized to hold or liquidate such property, and to continue to hold as a legal investment any property or securities so received."

Amendment No. 4

On page 3, line 20, of the printed bill, strike out "whether or not such association is in liquidation under the provisions of this act", and insert "(unless the proceeding provided for by Section 13.12 of this act shall have been commenced and no judgment which shall have become final shall have been rendered therein, or unless the time within which such proceeding may be commenced has not expired, or unless a proceeding under Section 13.16d of this act is pending)".

Amendment No. 5

On page 3, line 23, of the printed bill, as amended, strike out "to themselves or to a corporation nominated by them".

Amendment No. 6

On page 3, line 33, of the printed bill, as amended, strike out "themselves, or through a corporation nominated by and representing them,".

Amendment No. 7

On page 3 of the printed bill, as amended, strike out lines 38 to 44, inclusive, and insert "association. Such".

Amendment No. 8

On page 3, line 47, of the printed bill, as amended, after the comma, insert "and".

Amendment No. 9

On page 3, line 48, of the printed bill, as amended, strike out ", and whether a corporation is to acquire such assets, and if so, such petition shall also set forth the kind or kinds of securities to be issued by such corporation and the classes of persons to whom such securities are proposed to be issued."

Amendment No. 10

On page 4, line 31, of the printed bill, as amended, strike out "or their nominee".

Amendment No. 11

On page 4, line 35, of the printed bill, as amended, after "the", insert "contents and".

Amendment No. 13

On page 4 of the printed bill, as amended, strike out lines 46 to 52, inclusive; and on page 5, strike out lines 1 to 4, inclusive, and insert

"C. Hearing. At such hearing the commissioner and any interested stockholder, shareholder, certificate holder or creditor shall have the right, without the necessity of formal intervention, to appear and be heard. Unless the hearing involves an association in the possession of the commissioner prior to the effective date of this act the commissioner shall be represented at such hearing by the Attorney General of the State of California or by one or more of the deputies of the Attorney General. At such".

Amendment No. 14

On page 5, line 13, of the printed bill, as amended, strike out "equity".

Amendment No. 15

On page 5 of the printed bill, as amended, beginning in line 14, strike out "on the basis of what may reasonably be expected to be realized therefrom in the orderly and proper conduct of a going business and under normal conditions", and insert "at fair market value".

Amendment No. 16

On page 5, line 22, of the printed bill, as amended, strike out "or their nominee; and thereupon", and insert "; and thereupon the commissioner, by posting and publication in the same manner as provided in Subsection A of this Section 13.21, shall advertise for sale the assets designated by the petitioner or petitioners, and if within 30 days after the first posting or publication of such notice any person shall offer for any of such assets either cash, certificates, or creditors' claims of a value greater than the value of the certificates and creditors' claims proposed to be exchanged for such property by the petitioner or petitioners, the property shall be sold to such offeror; and if no such offer is obtained".

Amendment No. 17

On page 5 of the printed bill, as amended, strike out lines 35 to 52, inclusive; and on page 6, strike out lines 1 to 19, inclusive.

Amendment No. 18

On page 6, line 20, of the printed bill, as amended, strike out "executor", and insert "executor".

Amendment No. 19

On page 6, line 23, of the printed bill, as amended, strike out ", without the necessity of", and strike out lines 24 to 30, inclusive, and insert "(a) file or join in a petition under this section; (b) exchange investment certificates or creditors' claims for property withdrawn pursuant to this section; (c) exchange investment certificates, creditors' claims or property withdrawn pursuant to this section for securities issued by a corporation formed for the purpose of withdrawing, holding or liquidating such property; and (d) continue to hold as a legal investment any property or securities so received; provided, however, that any executor, administrator, guardian, receiver or trustee whose acts are subject to court approval shall first obtain such approval before doing any of the acts authorized by this Subsection E."

Amendment No. 20

On page 6 of the printed bill, as amended, strike out lines 34 to 37, inclusive, and insert "amended. If such".

Amendment No. 21

On page 6 of the printed bill, as amended, beginning in line 39, strike out "or to a corporation nominated by them".

Amendment No. 22

On page 6 of the printed bill, as amended, in line 42, strike out "or to such corporation".

Amendment No. 23

On page 6, line 44, of the printed bill, as amended, strike out "and ".

Amendment No. 24

On page 6, line 46, of the printed bill, as amended, after "association", insert ", the commissioner".

Amendment No. 25

On page 7, line 2, of the printed bill, as amended, after "all", insert "non withdrawing certificate holders".

Amendment No. 26

On page 7, line 7, of the printed bill, as amended, strike out "or the corporation to which the assets are withdrawn from time to time", and insert "from time to time, but not oftener than once in each six months".

Amendment No. 27

On page 7, line 10, of the printed bill, as amended, strike out "and ".

Amendment No. 28

On page 7 of the printed bill, as amended, in line 11, strike out "Thereupon such supplemental petition shall be set for hearing and notice of such hearing shall be given as provided in Subsection A of this Section 13.21. At the hearing on such supplemental petition", and insert "After notice, offering for prior sale, and hearing as provided in Subsections A and C of this Section 13.21".

Amendment No. 29

On page 7 of the printed bill, as amended, strike out lines 20 to 43, inclusive.

Amendment No. 30

On page 7 of the printed bill, as amended, strike out lines 46 to 51, inclusive; and on page 8, line 1, strike out "missioner's views to the court", and insert "of such association, the expenses of the commissioner in connection with any proceeding under this section".

Amendment No. 31

On page 8 of the printed bill, as amended, strike out lines 3 to 24.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

INACTIVE FILE

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 37, relating to the power of the Legislature over administrative offices of the State Government.

Resolution read.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed measure, strike out line 11, and insert "administrative offices, officers and divisions of the".

Amendment No. 2

On page 1, line 21, of the printed measure, strike out "for a term of six years".

Amendment No. 3

On page 2, line 3, of the printed measure, strike out "elected by the"; and in line 4, strike out "Legislature", and insert "selected by the Legislature by concurrent resolution".

Amendment No. 4

On page 2 of the printed measure, after the period in line 4, insert "A vacancy in the office occurring during the term for which a manager is appointed shall be filled by appointment in the same manner as an original appointment except that a vacancy occurring when the Legislature is not in session shall be filled by appointment by the Governor from a list of five names submitted to him by the Administrative Board, the commission in such case to expire at the end of 15 days from and after the commencement of the next session, regular or special, of the Legislature unless such appointment is sooner confirmed by the Senate."

Amendments read and adopted.

Resolution ordered printed, engrossed, and to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Quinn asked for, and was granted, unanimous consent to retain Senate Bill No. 1270 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 521—An act to amend Section 798.6 of the Fish and Game Code, relating to abalone bag limits in District 2.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 154—An act to amend Sections 26541 and 26542 of the Health and Safety Code, relating to food, and the standards prescribed by the State Board of Public Health in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tickle—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 28—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the eighth day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tickle—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 155—An act to add Article 3, comprising Section 1980, to Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to the employment of persons who are members of the Communist Party or of any organization or group which advocates the overthrow of the government by force and violence.

Bill read third time.

Motion to Amend

Senator Myhand moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, strike out "or a person who is", and insert a period.

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 1 to 3, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2547 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2548 on third reading file until the next legislative day.

RESOLUTIONS

The following resolution was offered:
By Senators Rich and Swing:

Senate Resolution No. 94

WHEREAS, The Honorable Fred E. Stewart, Second District Member of the State Board of Equalization, today is celebrating his thirty-first wedding anniversary; and
WHEREAS, Mr. and Mrs. Fred E. Stewart are the parents of a fine family of three sons and two daughters, as well as the grandparents of three grandchildren; and

and WHEREAS, Mr. and Mrs. Fred E. Stewart represent an outstanding example of the best in American family life; and

WHEREAS, Fred E. Stewart, with the constant help of his wife, has been an able public servant as a Member of the State Board of Equalization for the past 15 years; now, therefore, be it

Resolved by Members of the California State Senate in session in Sacramento, Friday, April 18, 1941. That we hereby do offer our heartiest congratulations to Mr. and Mrs. Fred E. Stewart; and be it further

Resolved, That the Members of the Senate do hereby express the sincere wish that Mr. and Mrs. Fred E. Stewart have the opportunity to enjoy many more years of marital happiness.

Resolution read, and unanimously adopted.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 531

Senator Garrison moved that Senate Bill No. 531 be withdrawn from Committee on Transportation for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 531—An act to repeal Section 511 of the Vehicle Code, and to add a new Section 511 thereto, relating to speed limits and speed controlled areas.

Bill read second time.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, before "speed", insert "prima facie".

Amendment No. 2

On page 2, line 13, of the printed bill, as amended, before "Speed", insert "Prima Facie".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out line 15, and insert "limits specified in this section is lawful unless clearly proved to".

Amendment No. 3.5

On page 2, line 16, of the printed bill, as amended, strike out the colon, and insert a period.

Amendment No. 4

On page 2 of the printed bill, as amended, between lines 23 and 24, insert "The speed of any vehicle upon a highway in excess of any of the limits specified in this section is prima facie unlawful unless the defendant establishes by competent evidence that any such speed in excess of such limits did not constitute a violation of the basic rule declared in Section 510 at the time and place and under the conditions then existing.

The prima facie limits referred to above are as follows:".

Amendment No. 5

On page 3, line 19, of the printed bill, as amended, after "Such", insert "prima facie".

Amendment No. 6

On page 3 of the printed bill, as amended, strike out lines 27 to 35, inclusive, and insert

"(2) At any time from a half hour after sunset to a half hour before sunrise the prima facie speed limit is 60 miles an hour except as to that portion of any highway as to which the Department of Public Works may establish a lower limit pursuant to this section."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.58 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 463 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Bill No. 386, at this time, for consideration.

CONSIDERATION OF SENATE BILL NO. 386

Senate Bill No. 386—An act to amend Section 19597 of the Business and Professions Code, and to amend Section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Senate Bill No. 386 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 386—An act to amend Section 19597 of the Business and Professions Code, and to amend Section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Senate Bill No. 386—An act to amend Section 19597 of the Business and Professions Code, and to amend Section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the adoption of the urgency clause.

Urgency clause adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—Senators Dillinger and Garrison—2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Kenting, Kuchel, Mayo, McBride, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—Senators Dillinger and Garrison—2.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Swing, ordered printed in the Journal:

NEW YORK, NEW YORK, April 18, 1941

Senator Ralph E. Swing
Hotel Senator, Sacramento

MY DEAR SENATOR: In response to your letter I personally do not desire to cause summer tracks to change present system of Attorney General unless board

has some way to properly act otherwise. I feel it would be most unfair and believe all tracks should start new rule together. Suggest you contact Ward Sullivan of Attorney General's Office and see if he agrees we can defer action legally until August. If so, agreeable to me in interests of fair play. If not, then emergency action by you only fair thing to do. As to breakage, I have wired and written you my views. I believe smaller tracks with pari-mutuel daily average under \$400,000 should break to dime on dollar and those over that daily average should break to nickel on dollar, with proper appropriations out of breakage for uses I have previously indicated. I had hoped to be back this week but unfortunately it will be last of next week. Thanks for your letter, regards.

Cordially,

JERRY GIESLER

ADJOURNMENT

At 12.38 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 21, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-SECOND LEGISLATIVE DAY
ONE HUNDRED SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 21, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—36

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Cunningham, on motion of Senator Biggar.

Senator Kuchel, on motion of Senator Breed.

Senator Powers, on motion of Senator Keating.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George F. Bronner, Secretary, Ventura Central Labor Union, and Mrs. Bronner of Ventura.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sam Gendel and Albert Kleinberger, both of Los Angeles.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Hon. Robert S. Farrell, Jr., Speaker of the House, Oregon Legislative Assembly, and Mrs. Farrell, of Portland.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harold G. Morehouse and H. V. Jespersen of Placerville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to P. J. Kramer, principal, and the following students of Franklin Union Grammar School, Franklin: Frances Wolff, Frieda Penner, Vernamae Rieger, Lucille Schmidt, LaVelle Jacobs, Lillian Rau, Annadora Rau, Mildred Gasaway, Beverly Flint, George Van Vleit, Adolph Hofer, Robert Mohr, Edwin Zgraggin, Billy Hinsz, John Sincerinich, Howard Kneuppell, Dave Raulien, Lawren Zgraggin, Deroy Kamer, Wilbert Wolff, Herbert Hofer, Osamu Hamatuni, Harland Mohr, M. Hamatuni, Billie Mohr and Hiroshi Miyamoto.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1292

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 383
Assembly Bill No. 1207
Assembly Bill No. 1613
Assembly Bill No. 845
Assembly Bill No. 1729
Assembly Bill No. 2496
Assembly Bill No. 1921
Assembly Bill No. 956
Assembly Bill No. 1795
Assembly Bill No. 2203
Assembly Bill No. 994
Assembly Bill No. 2027

Assembly Bill No. 1003
Assembly Bill No. 1004
Assembly Bill No. 38
Assembly Bill No. 1402
Assembly Bill No. 1513
Assembly Bill No. 1515
Assembly Bill No. 1517
Assembly Bill No. 1512
Assembly Bill No. 1408
Assembly Bill No. 1399
Assembly Bill No. 83

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 383—An act to repeal Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 651.6, 655, 656, 710, 791.5, 791.6, 808.5, 843, 844, 886, 957, 1208, 1213 and 1344 of, and to add Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 651.6, 655, 656, 710, 791.5, 791.6, 808.5, 843, 865, 886, 957, 1208, 1213 and 1344 to the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts.

Referred to Committee on Fish and Game.

Assembly Bill No. 1207—An act to provide for the formation of districts within municipalities, for the providing of parking space for automobiles; for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public auto parks and public rights of way necessary or convenient therefor;

for the condemnation of property or of any interest therein necessary or convenient therefor; for work in or upon any such places including property over which possession and right of use has been obtained under the provisions of Section 14, of Article I, of the Constitution in such districts; for the acquisition and construction of public improvements, works and equipment necessary or convenient therefor; for the maintenance of such districts and the public improvements, works, and equipment thereof; for the issuance, sale, and payment of bonds of such districts to meet the cost thereof; for the levy of assessments; and providing for aid from any county, municipality, State, or the Federal Government, or any department thereof.

Referred to Committee on Local Government.

Assembly Bill No. 1613—An act to add Section 24.25 and Section 24.26 to the Alcoholic Beverage Control Act and to amend Section 27a of said act with reference to sale and excise tax collections on alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 845—An act to add Section 5.789 to the School Code, relating to leave of absence for noncertificated employees of school districts.

Referred to Committee on Education.

Assembly Bill No. 1729—An act to amend Section 2.446 of, and to add Section 2.447 to, the School Code, relating to school districts.

Referred to Committee on Education.

Assembly Bill No. 2496—An act to add Section 1140.1 to the Probate Code, relating to the public administrator.

Referred to Committee on Judiciary.

Assembly Bill No. 1921—An act to amend Section 940 of the Code of Civil Procedure, relating to notice of appeal.

Referred to Committee on Judiciary.

Assembly Bill No. 956—An act to amend Sections 842 and 844 of the Civil Code, relating to joint use of conduits, wells and pumping plants.

Referred to Committee on Judiciary.

Assembly Bill No. 1795—An act to add Sections 28.25 and 28.35 to the California Irrigation District Act, relating to the manner of selecting directors of certain irrigation districts.

Referred to Committee on Water Resources.

Assembly Bill No. 2203—An act to amend Sections 2983 and 2985 of, and to repeal Sections 2981 and 2982 of, the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, including the determination of the ratio of assessed value to true value.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 994—An act to add Section 4986.2 to the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2027—An act to amend Section 403d of the Civil Code, relating to unclaimed and disputed shares and debts.

Referred to Committee on Judiciary.

Assembly Bill No. 1003—An act to amend Section 103½ of the Code of Civil Procedure, relating to justice's clerks and their deputies in cities and towns.

Referred to Committee on Local Government.

Assembly Bill No. 1004—An act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts in townships.

Referred to Committee on Judiciary.

Assembly Bill No. 38—An act to add Sections 741.1, 741.3, 741.5, 741.7, 741.8 and 741.9 to the Code of Civil Procedure, all relating to compensation for taxes paid and improvements made by occupying claimants of real property.

Referred to Committee on Judiciary.

Assembly Bill No. 1402—An act to amend Sections 1392 and 1401 of the Insurance Code, relating to reciprocal insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1513—An act to add Section 12977 to the Insurance Code, relating to fees.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1515—An act to amend Section 986 of the Insurance Code and to add Section 10486.9 thereto, all relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1517—An act to amend Sections 10129 and 10172 of, and to add Sections 10173, 10174, 10175 and 10291.5 to, the Insurance Code, to amend and renumber the article heading of the second Article 5 of Chapter 4, Part 2, Division 2 of said code, and to add Article 5.5, comprising Sections 10370 to 10374, inclusive, to said Chapter 4, all relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1512—An act to amend Section 1020 of, and to add Section 1026.1, to, the Insurance Code, relating to claims against and property of insolvent or delinquent insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1408—An act to add Sections 11343, 11344, 11345 and 11346 to, to amend Sections 704, 1659, 11021, 11360, 11392, 11502, 11503 and 11508, and to repeal Sections 985 and 12929 of the Insurance

Code, to repeal Section 596 of the Political Code and Sections 453i and 453.14 of the Civil Code, all relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1399—An act to add Section 4.5 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 83—An act to add Section 108 to the Harbors and Navigation Code, relating to obstructions in navigable waters.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 17

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 415

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 730

Has had the same under consideration, and reports the same back without recommendation, and be re-referred to Committee on Agriculture.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill re-referred to Committee on Agriculture.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Constitutional Amendment No. 18

Has had the same under consideration, and reports the same back with the recommendation: Re-refer to the Committee on Governmental Efficiency.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported resolution re-referred to Committee on Governmental Efficiency.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Assembly Bill No. 1345

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 16

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 25

Senate Bill No. 409

Senate Bill No. 58

Senate Bill No. 603

Senate Bill No. 190

Senate Bill No. 861

And reports the same correctly engrossed.

RICH, Chairman

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Luckey moved that Senate Bill No. 734 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Luckey moved that Senate Bill No. 755 be taken from the inactive file, and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17800 to 17801, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair trade practice.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 957—An act to amend Sections 5217, 5229, 5271, 5286, 5287 and 5312 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "5287".

Amendment No. 2

On page 2 of the printed bill, strike out lines 41 to 52, inclusive; and on page 3, strike out lines 1 to 14, inclusive.

Amendment No. 3

On page 3, line 15, of the printed bill, strike out "6", and insert "5".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 802—An act relating to the use of convict labor in the State parks, forests, public lands and fish and game preserves, and National Forests or Parks in the State of California; and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Out of any money in the State Treasury not otherwise appropriated there is hereby appropriated the sum of two hundred fifty thousand dollars (\$250,000) to the State Board of Prison Directors for the purpose of Article 5 of Chapter 5, Title 1, Part 3 of the Penal Code."

Amendment No. 2

On page 1 of the printed bill, strike out lines 2 to 27, inclusive; and strike out all of pages 2, 3, and 4.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 719—An act to add Section 12.5 and to amend Section 3 of an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, relating to the organization of said bureau and defining its powers and duties and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "12.5 and to amend Section 3 of", and insert "3.5 to".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 14, inclusive; and on page 2, strike out lines 1 to 29, inclusive; and in line 30, strike out "Sec. 12.5", and insert "SECTION 1. Section 3.5 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 3.5. From and after the effective date of this act and thereafter until the Governor finds and proclaims that an emergency no longer exists in preparing for the National defense, or whenever the United States is engaged in war, or whenever a war emergency has been declared to exist by the President of the United States, said board may appoint for the duration of the war or emergency, as the case may be, such additional special criminal investigators not to exceed nine in number as it may deem necessary to carry out the provisions of this act; provided, that there shall not be more than 15 such investigators employed at any one time; and provided, further, that the employment of such investigators shall terminate not later than 90 days after the conclusion of peace or the official termination of the emergency by the President or the Governor."

Amendment No. 3

On page 2, line 34, of the printed bill, strike out "act", and insert "section".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 253—An act to amend Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, relating to retirement of judges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "amend", insert "the title and".

Amendment No. 2

In line 5 of the title of the printed bill, as amended, after "1937," insert "and to amend Sections 2, 4 and 5 of and to add Section 4.5 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937,".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out line 1, and insert "SECTION 1. The title of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, is hereby amended to read as follows:

An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts and municipal courts.

SEC. 1.5. Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, is".

Amendment No. 4

On page 1, line 4, of the printed bill, as amended, after "superior court", insert "or municipal court".

Amendment No. 4A

On page 1, line 5, of the printed bill, as amended, strike out "sixty-five", and insert "seventy."

Amendment No. 5

On page 1, line 7, of the printed bill, as amended, after "superior court", insert "or municipal court".

Amendment No. 6

On page 1, line 9, of the printed bill, as amended, strike out "and every Justice of the Supreme"; strike out lines 10 and 11; and in line 12, strike out "these courts,".

Amendment No. 7

On page 2 of the printed bill, as amended, after line 10, insert

"SEC. 2. Section 2 of an act entitled 'An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor,' approved July 1, 1937, is hereby amended to read as follows:

SEC. 2. From and after the effective date of this act the State Controller shall at the end of each month ascertain the aggregate amount of the annual salaries of all the Justices of the Supreme Court and of the district courts of appeal and all judges of the superior courts, *and municipal courts*, and out of the moneys in the State Treasury not otherwise appropriated there shall be paid monthly into the said Judges' Retirement Fund a sum equal to $2\frac{1}{2}$ per centum of one-twelfth of said aggregate amount of salaries, and the State Controller shall thereupon transfer said required sum from the General Fund of the State to the said Judges' Retirement Fund.

SEC. 3. Section 4 of an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, is hereby amended to read as follows:

SEC. 4. From and after the effective date of this act the auditor of each county shall deduct $2\frac{1}{2}$ per centum from the portion paid by such county of the monthly salary of each judge of the superior court *and municipal court*, and cause the same to be paid into the Judges' Retirement Fund.

SEC. 4. Section 4.5 is hereby added to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, to read as follows:

SEC. 4.5. From and after the effective date of this act the auditor or other disbursing officer of any city, whether chartered or otherwise, which pays any portion of the salary of any municipal court judge, shall deduct $2\frac{1}{2}$ per cent from the portion paid by such city of the monthly salary of each such municipal court judge and cause the same to be paid into the Judges' Retirement Fund.

SEC. 5. Section 5 of an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, is hereby amended to read as follows:

SEC. 5. Should any justice or judge of any of the said courts die, resign or cease to be a justice or judge of any of the said courts, *except in the event of his appointment or election to a court of higher rank*, prior to the time he shall have been retired as provided by law, the amount of his accumulated contribution shall be paid to him or to his estate."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 211—An act to repeal Section 1151 of the Insurance Code, relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend"

Amendment No. 2

On page 1 of the printed bill, strike out line 2, and insert "amended to read as follows:

1151. Unimproved, non-income producing real estate owned by an insurer, which is not requisite for its accommodation in the convenient transaction of its business, shall be sold and disposed of within five years after the acquisition of title thereto and thereafter shall not be considered as an asset in determining the condition of the insurer, unless the time for any such sale or disposal shall be extended by the commissioner in writing.

The commissioner, after a hearing, may order an insurer to dispose of any improved or income producing parcel or parcels of real estate not of a character described in subsections (a), (b) or (h) of Section 1150 if he is satisfied (a) that the insurer has failed for six months after notice so to do to take account of possible loss upon sale of any such real estate either (1) by creating a contingency reserve, or (2) by reducing the book value of such real estate, or (b) in the case of such real estate which has been held by the insurer for more than five years, that the insurer has refused reasonable offers for the sale of such property, and, (c) that such real estate may be disposed of without undue hardship to such insurer. The amount of the contingency reserve which may be required upon any such parcel or parcels of real estate may be an amount not greater than the difference between the value of such real estate as determined by an appraisal and the insurer's book value thereof.

For the purpose of enabling him to determine upon the issuance of an order pursuant to this section, the commissioner, if he is not satisfied with the appraisal furnished at his request by the insurer, may appraise such real estate at the expense of the insurer."

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 8, inclusive, and insert

"SEC. 2. Section 1 of this act shall take effect on the adoption by the people of Assembly Constitutional Amendment No. 53 of the Fifty-fourth Session of the California Legislature."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

Senate Bill No. 1081—An act to add Sections 58.5 and 97.7 to the Unemployment Insurance Act, relating to unemployment insurance benefits, eligibility for benefits, and availability of the State's records

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert

"Sec. 58.5. An individual shall be presumed to be physically unable to work and ineligible to receive benefits for any week with respect to which, or any part of which, he is seeking or has received payment of workmen's compensation for any disability under the Workmen's Compensation and Insurance provisions of the Labor Code, or under a similar law of the United States or any State. If the payment of compensation is sought or received by an individual upon the basis that he is totally disabled, such presumption may be rebutted only by clear and convincing proof to the commission that such disability is not in fact of such a character as to render him unable to perform in a normal manner work in his usual occupation. If the payment of compensation is sought or received by such an individual upon the basis that he is only partially disabled, such presumption may be rebutted only by clear and convincing proof to the commission that such disability is not in fact of such a character as to render him unable to perform in a normal manner work in his usual occupation or that subsequent to incurring such disability he has actually performed work in a normal manner in an occupation other than his usual occupation and has an actual earning ability in such other occupation despite such disability."

Amendment No. 2

On page 1 of the printed bill, strike out lines 9 to 14, inclusive, and insert

"Sec. 97.7. If an individual seeks unemployment benefits for any week with respect to which, or any part of which, he is also seeking or receiving payment of workmen's compensation for any disability under the Workmen's Compensation and Insurance provisions of the Labor Code, or under a similar law of any State or of

the United States, upon the request of the person who was the employer of such individual at the time the injury was incurred from which the disability arose, or is alleged to have arisen, the commission shall make available its records pertaining to the claim of such individual for examination by such employer, or his authorized representative. The commission shall also produce such records, or certified copies thereof, in response to a subpoena duly issued and served upon it calling for the production of such records."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Senate Bill No. 876—An act to add Section 7.4 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 38, directing the Legislature to create the office of State Manager and providing for his appointment.

Resolution read, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 413—An act to amend Section 2112 of the Business and Professions Code, relating to the directory under the chapter on medicine thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 502—An act to amend Section 2458 of, and to add Section 2455.3 and 2455.6 to, the Business and Professions Code, relating to fees and certificates under the chapter on medicine thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 503—An act to amend Section 2286 of the Business and Professions Code, relating to medical examinations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 504—An act to add Section 2454.5 to the Business and Professions Code, relating to the use of the addressing facilities of the administrative board under the chapter on medicine thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 505—An act to amend Section 2120 of the Business and Professions Code, relating to reports under the chapter on medicine thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 348—An act to amend Sections 633 and 641 of the Welfare and Institutions Code, relating to term of office, compensation, powers and duties of probation officers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1583—An act to amend Section 155 of the State Civil Service Act, relating to reinstatements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1510—An act to provide for the taking of an oath by State employees not in the State civil service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1971—An act accepting a retrocession of jurisdiction from the United States of America over certain rights of way granted to the State of California over a certain road in the Presidio of San Francisco Military Reservation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2098—An act to repeal an act entitled "An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving and protecting the channel of the Pajaro River," approved May 28, 1929, and to abolish the Pajaro River Flood Control Fund, which is created thereby.

Bill read second time, and ordered to third reading.

Assembly Bill No. 41—An act to add Section 7.3 to the Alcoholic Beverage Control Act, relating to licenses for sale of alcoholic beverages.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2021—An act to add Section 453b to the Political Code and to repeal an act entitled "An act to provide for the reversion of unexpended balances of certain appropriations," approved May 18, 1921, relating to the reversion of unexpended balances of certain appropriations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "453b", and insert "435".

Amendment No. 2

In line 6 of the title of the printed bill, as amended, after "appropriations", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 3

On page 1, line 2, of the printed bill, as amended, strike out "453b", and insert "435".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of lines 4 to 19, inclusive, and insert

"435. Three years after the date upon which it became available for expenditure, all money remaining unexpended from any appropriation shall revert to and become a part of the fund from which it was appropriated. No claim against any money, irrespective of the date upon which the claim against the State arose, shall be paid after the date upon which the money reverts.

This section does not affect or apply to:

(a) Transfers of money from the General Fund for the benefit of elementary schools, high schools, the University of California, the interest and sinking fund, or any other bond interest fund.

(b) Regular periodic expenditures of fixed sums for any public purpose.

(c) Appropriations made for cooperative work under specific agreement or under contract."

Amendment No. 5

On page 1, line 21, of the printed bill, as amended, strike out "453b", and insert "435".

Amendment No. 6

On page 1 of the printed bill, as amended, after line 25, insert

"SEC. 4. When solely by reason of the provisions of Section 435 of the Political Code, a claim against any money available for expenditure prior to July 1, 1941, is barred due to the period of limitation prescribed by such provisions, the claim, notwithstanding the provisions of Section 435 of the Political Code, may be paid on or before whichever is the later of the following, (i) three years of the date upon which the money against which the claim is filed became available, or (ii) June 30, 1942.

SEC. 5. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately and become operative July 1, 1941. The facts constituting such necessity are as follows:

The financial accounts of the State Government are maintained upon a fiscal year basis. To avoid a serious disruption of the State fiscal procedure and to provide for a clearing of dead accounts and the elimination of dead claims, thereby permitting more efficient and economical handling of the State finances, it is necessary that this act take effect immediately, else such disruption can not be avoided and such clearing of accounts and claims can not be made effective concurrently with the Budget Act of 1941, to the consequent endangering of the public peace, health and safety."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California to amend Section 6 of Article IV of the State Constitution, relating to the membership of the Reapportionment Commission.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 20, of the printed bill, strike out "Speaker of the Assembly," and insert "State Controller,".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 1390—An act to amend Sections 125, 152.5 and 172 of and to add Section 151.6 to the State Civil Service Act, relating to State civil service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "Sections", insert "59,".

Amendment No. 2

In line 1 of the title of the printed bill, strike out "152.5", and insert "151.5".

Amendment No. 3

On page 1 of the printed bill, between "the enacting clause" and line 1, insert "SECTION 1. Section 59 of the State Civil Service Act is hereby amended to read as follows:

Sec. 59. Every State agency which is supported in whole or in part otherwise than by appropriations from the General Fund shall pay monthly to the board that proportion of the cost of administering the State Civil Service Act which that part of the State agency's pay roll, paid out of appropriations from a fund other than the General Fund and paid to civil service employees, bears to that part of the total pay rolls of all State agencies which is paid to civil service employees.

The pro rata share of the cost of administering the State Civil Service Act due monthly from any State agency under the provisions of this section shall constitute a charge against any appropriation made for the support of that State agency. The board may file a claim against any appropriations made for the support of a State agency for the pro rata share of the cost of administering the State Civil Service Act when the State agency refuses to pay such pro rata share, and the State Controller shall draw his warrant in accordance with law upon the claim in favor of the board.

The board shall pay into the State Treasury all moneys received pursuant to the provisions of this section. The moneys shall be credited to the General Fund.

The Department of Finance shall determine monthly the amounts due from State agencies under the provisions of this section, and shall certify such amounts to the board. The board shall submit to each State agency a statement of the amount certified by the Department of Finance."

Amendment No. 4

On page 1, line 1, of the printed bill, strike out "1", and insert "2".

Amendment No. 5

On page 1 of the printed bill, strike out lines 11 to 21, inclusive, and insert "Sec. 3. Section 151.5 of the State Civil Service Act is hereby amended to read as follows:

Sec. 151.5. An employee who is entitled to compensation under the provisions of Division IV of the Labor Code may elect to take such of his accumulated sick leave which when added to his disability indemnity will result in the payment to him of his full salary and wage.

If the employee elects to take accumulated sick leave, he is nevertheless entitled to medical, surgical, and hospital treatment as provided in Division 4 of the Labor Code. When the accumulated sick leave of the employee is exhausted, he is thereafter eligible to receive disability indemnity."

Amendment No. 6

On page 1, line 22, of the printed bill, strike out "3", and insert "4".

Amendment No. 7

On page 2, line 9, of the printed bill, strike out "the departmental reemployment lists shall like"; and strike out all of line 10, and insert "reemployment lists shall be established for such subdivision, which lists shall take priority over the departmental and other reemployment or employment lists."

Amendment No. 8

On page 2, line 41, of the printed bill, after the period, insert "Any employee demoted pursuant to the provisions of subdivisions (f) or (g) shall receive the maximum of the salary range of the class to which such employee is demoted."

Amendment No. 9

On page 2, line 43, of the printed bill, after "the", as it appears for the first time in said line, insert "reemployment list for the division from which they were laid off, if such a subdivision was created pursuant to paragraph (c) of this section, upon the".

Amendment No. 10

On page 2, line 50, of the printed bill, after the period, insert "Any employee who is reemployed to a position in a class after layoff, or demotion in lieu of layoff, from a position in said class shall receive the same salary as such employee previously received in said position prior to such layoff or demotion."

Amendment No. 11

On page 3, line 25, of the printed bill, strike out "4", and insert "5".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 310—An act to amend Section 3935 of, and to add Section 3935.5, the Elections Code, relating to the order of names of candidates on primary ballots.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

PRINTER'S NOTE. There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Section 3935 of, and to add Section 3935.5", and insert "Sections 3931, 3933, 3934 and 3935 of, and to add Sections 3930.5 and 3935.5 to".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert:

"SECTION 1. Section 3930.5 is hereby added to the Elections Code, to read as follows:

3930.5. The name of the incumbent shall appear first upon a list of all candidates for nomination to any office on the primary election ballot and if two or more positions are to be filled at the same time and more than one incumbent is running, the name of each of the incumbents shall appear in alphabetical order for that Assembly district which is lowest in numerical order of any Assembly districts in which such candidates are to be voted on. Thereafter, for each succeeding Assembly district in which the candidates are to be voted on, the name appearing first for that office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

SEC. 2. Section 3931 of the Elections Code is hereby amended to read as follows:

3931. The order in which the list of candidates *other than incumbents* for any office shall appear upon the primary election ballot shall be determined as follows:

[(a)] If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates *other than incumbents* for such office in alphabetical order for the First Assembly District; and thereafter for each succeeding Assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates *other than incumbents* for such office in alphabetical order for that Assembly district which is lowest in numerical order of any Assembly district in which such candidates are to be voted on, and thereafter for each succeeding Assembly district in which such candidates *other than incumbents* are to be voted on, the name appearing first for the office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

SEC. 3. Section 3933 of the Elections Code is hereby amended to read as follows:

3933. Except for the office of State Senator or Assemblyman, the order in which the names filed with the Secretary of State shall appear upon the ballot, shall be for each Assembly district the order as determined by the Secretary of State in accordance with the provisions of [section 3931,] *this article*, and as certified and transmitted by him to each county clerk.

SEC. 4. Section 3934 of the Elections Code is hereby amended to read as follows:

3934. If the office is an office to be voted on throughout, but wholly within, one county except the office of Representative in Congress or State Senator or Assemblyman and there are not more than five Assembly districts in the county, the county clerk of the county shall arrange the names of all candidates *other than incumbents* for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name *other than the name of an incumbent* appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged. If there are more than five Assembly districts in the county the county clerk shall so arrange on the ballot the order of names of all candidates *other than incumbents* for office that they shall appear in alphabetical order for that Assembly district which is lowest in numerical order, and thereafter for each succeeding Assembly district in the county the name appearing first for each office in the last preceding Assembly district shall be placed last, the order of the other names remaining unchanged.

SEC. 5. Section 3935 of the Elections Code is hereby amended to read as follows:

3935. If the office is that of State Senator or Assemblyman, for member of a county central committee, or any office except the office of Representative in Congress to be voted on wholly within any county but not throughout the county, the names of all candidates *other than incumbents* for the office shall be placed upon the ballot in alphabetical order."

Amendment No. 3

On page 2 of the printed bill, as amended, strike out line 4; and in line 5, strike out "SEC. 2", and insert "SEC. 6".

Amendment No. 4

On page 2, line 8, of the printed bill, as amended, after "candidates", insert "including incumbents".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 142—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in primary elections.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2182—An act to repeal Section 3085 of the Elections Code, relating to signatures to nomination papers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2348—An act to add Section 424 to the Military and Veterans Code, relating to the use of uniforms of military and semimilitary organizations of foreign governments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2050—An act providing for Citizenship Day and the observance thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1629—An act to provide for the sale and conveyance of certain lands lying within the abandoned river channel of the American River lying in the County of Sacramento, State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "Director of Finance", and insert "State Lands Commission".

Amendment No. 2

On page 1 of the printed bill, strike out lines 8 to 23, inclusive, and insert "Being a portion of the abandoned channel of the American River or its tributaries no longer covered by the waters of said river or tributaries and lying south of the present channel of said river and tributaries between the northerly extension of the lines of Seventeenth Street and Thirty-first Street of the City of Sacramento".

Amendment No. 3

Insert

"SEC. 2. The owners of lands abutting on said lands of a portion of the abandoned channel of the American River and its tributaries shall be preferred purchasers for a period of two years following the date upon which the State Lands Commission shall give notice by publication in one of the newspapers of general circulation published in the County of Sacramento that said commission has determined the price and conditions of sale of said land. Such publication shall be made not less than three consecutive days. In the event all or portions of said land should remain unsold at the end of such six months period, the State Lands Commission may offer said lands for sale, and sell said lands, in the manner prescribed by Section 1274 of the Code of Civil Procedure; provided, that no bid which is less than the sum determined by the State Lands Commission to be the value of the portion or parcel shall be accepted. The commission may reject any and all

bids. In any conveyance of said land there shall be reserved to the State of California 100 per cent of all mineral deposits and oil or gas."

Amendment No. 4

On page 2 of the printed bill, strike out from line 3 "Director of Finance", and insert "State Lands Commission".

Amendments read and adopted.

Bill ordered printed, and to third reading.

RECESS

At 2.50 p.m., on motion of Senator Rich, the Senate recessed until 2.55 p.m. to hear from Hon. Robert S. Farrell, Jr., Speaker of the Oregon House of Representatives.

REASSEMBLED

At 2.55 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California to amend Sections 2 and 34, of Article IV of the Constitution of said State, relating to the Legislature.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—Senators Carter, Deuel, Dillinger, Foley, Garrison, Gordon, and Shelley—7.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 1270—An act to amend Sections 2181 and 2224 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 29, of the printed bill, as amended, after the period, insert "In an action under this section an adult child shall not be held liable to contribute to the support of a parent who, having the ability so to provide, wilfully failed for an unreasonable period of time to provide such child during the minority of such child with necessary food, clothing, shelter, or medical attendance."

Amendment read.

Previous Question

Senator Myhand moved the previous question.

Motion lost.

Roll Call Demanded

Senators Quinn, McBride and Swan demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride, Metzger, Myhand, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—Senators Dillinger, Mayo, Mixter, Phillips, and Quinn—5.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 21, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am withdrawing the name of Dr. L. H. Wallendorf heretofore nominated by me as a member of the Board of Trustees of the Norwalk State Hospital.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

Senate Bill No. 113—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 283, inclusive, to Chapter 2, Title 1, Part 3 to, the Political Code, relating to offices for the Senate and the members thereof, and to make an appropriation therefor.

Bill read third time.

Motion to Excuse Senators From Voting

Senator Breed moved that Senators Kenny, Shelley and Breed be excused from voting on Senate Bill No. 113.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—Senators Collier, Gordon, and Myhand—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An act to add Chapter 12, comprising Sections 9201 to 9225, inclusive, to Part 4, Division 8 of the Health and Safety Code, relating to abandonment of cemeteries by public cemetery districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride,

McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—31.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1240—An act to amend Section 1134 of the Code of Civil Procedure, relating to judgment by confession in courts other than justices' courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—29.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1241—An act to amend Section 1135 of the Code of Civil Procedure, relating to judgment by confession in justices' courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLaap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—28.
 NOES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 484

Senator Fletcher moved that Senate Bill No. 484 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 484—An act to defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate April 18, 1941, after "An act", insert "to repeal Section 5.1 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, both relating to exemption from retail sales taxes;".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended in the Senate April 18, 1941, after "SECTION 1.", insert "Section 5.1 of the Retail Sales Tax Act of 1933 is hereby repealed.

SEC. 2. Section 6381 of the Revenue and Taxation Code is hereby repealed.

SEC. 3. Except as otherwise provided in this act, if a retailer, or other person authorized so to do, petitions in conformity with the requirements of Section 20 of the Retail Sales Tax Act of 1933 or Section 6561 of the Revenue and Taxation Code for reassessment or redetermination of a tax computed upon gross receipts of a kind mentioned in either Section 5.1 of the Retail Sales Tax Act of 1933 or Section 6381 of the Revenue and Taxation Code as said sections existed prior to their repeal hereby, pending a final decision in a court of last resort that gross

receipts of such kind may be included in the measure of the tax, the State Board of Equalization shall not initiate action to cause the assessment or determination to become final.

SEC. 4."

Amendment No. 3

On page 1, line 8, of the printed bill, as amended in the Senate April 18, 1941, after "purchased", insert "by contractors".

Amendment No. 4

On page 1, line 17, of the printed bill, as amended in the Senate April 18, 1941, after "SEC.", strike out "2.", and insert "5."

Amendment No. 5

On page 1, line 21, of the printed bill, as amended in the Senate April 18, 1941, strike out "Section 1", and insert "Sections 3 and 4".

Amendment No. 6

On page 1, lines 22 and 23, of the printed bill, as amended in the Senate April 18, 1941, after "made", strike out "under a contract entered into".

Amendment No. 7

On page 1, line 24, of the printed bill, as amended in the Senate April 18, 1941, strike out "section," and insert "sections or, if made subsequent to such a decision, at a price fixed by a contract which became binding prior to May 1, 1941,".

Amendment No. 8

On page 2, lines 1, 2 and 3, of the printed bill, as amended in the Senate April 18, 1941, after "tax has", strike out "been unable to collect the amount of such tax from the vendee by demand duly made.", and insert "refrained from seeking reimbursement therefor only because of the insistence of those representing the United States with respect to such transactions and, after a reasonable effort to collect, can not be reimbursed therefor as a part of the sales or purchase price. As used in this section the term "reasonable effort to collect" shall not include or require the institution of litigation unless it shall first have been established in a comparable matter, following a final assessment or determination made by the board pursuant to Section 9 of this act, that the person liable for the tax is entitled to be reimbursed for the amount thereof by his vendee."

Amendment No. 9

On page 2, line 4, of the printed bill, as amended in the Senate April 18, 1941, after "SEC.", strike out "3.", and insert "6."

Amendment No. 10

On page 2, line 5, of the printed bill, as amended in the Senate April 18, 1941, after "Sections", strike out "1 and 2", and insert "3, 4 and 5".

Amendment No. 11

On page 2, line 12, of the printed bill, as amended in the Senate April 18, 1941, after "SEC.", strike out "4.", and insert "7."

Amendment No. 12

On page 2, line 15, of the printed bill, as amended in the Senate April 18, 1941, after "Sections", strike out "1 and 2", and insert "3, 4 and 5".

Amendment No. 13

On page 2, line 17, of the printed bill, as amended in the Senate April 18, 1941, after "kind," insert "as well as to establish the right of the retailer or other person liable for the tax to be reimbursed for the amount thereof by his vendee,".

Amendment No. 14

On page 2, line 22, of the printed bill, as amended in the Senate April 18, 1941, after "SEC.", strike out "5.", and insert "8."

Amendment No. 15

On page 2, line 26, of the printed bill, as amended in the Senate April 18, 1941, after "Sections", strike out "1 and 2 of the", and insert "3, 4 and 5 of this".

Amendment No. 16

On page 2, line 30, of the printed bill, as amended in the Senate April 18, 1941, after "SEC.", strike out "6.", and insert "9."

Amendment No. 17

On page 2, line 40, of the printed bill, as amended in the Senate April 18, 1941, after "SEC.", strike out "7.", and insert "10."

Amendment No. 18

On page 2, line 48, of the printed bill, as amended in the Senate April 18, 1941, strike out "8", and insert "11"; and on page 3, strike out all of lines 7 to 38, both inclusive, and insert

"This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately; provided, however, that the provisions of Section 5.1 of the Retail Sales Tax Act of 1933, as in effect on January 1, 1941, are hereby continued in force until May 1, 1941, and that the provisions hereof repealing Section 6381 of the Revenue and Taxation Code shall become operative at the same time as Part 1, Division 2, of the Revenue and Taxation Code, passed by the Legislature at its Fifty-fourth Session."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 860

Senator Fletcher moved that Senate Bill No. 860 be withdrawn from Committee on Revenue and Taxation for purpose of amendment.
Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 860—An act to add Section 6366 to the Revenue and Taxation Code, relating to the exemption of property sold or used in the National Defense Program.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

Strike out all of the title of the printed bill after "An act to", and insert "defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 1 to 14, both inclusive, and insert

"SECTION 1. Except as otherwise provided in this act, if a retailer, or other person authorized so to do, petitions in conformity with the requirements of Section 20 of the Retail Sales Tax Act of 1933, Section 12 of the Use Tax Act of 1935, or Section 6561 of the Revenue and Taxation Code for reassessment or redetermination of a tax computed on gross receipts from sales of, or the sales price of, tangible personal property purchased by contractors for use in the performance of contracts with the United States for construction of National defense facilities on a cost-plus-a-fixed-fee basis, pending a final decision in a court of last resort that the tax imposed under the Retail Sales Tax Act of 1933, the Use Tax Act of 1935, or the Revenue and Taxation Code, as the case may be, is applicable with respect to transactions of such kind, the State Board of Equalization shall not initiate action to cause the assessment or determination to become final.

SEC. 2. Except as otherwise provided in this act, the State Board of Equalization shall not make a final assessment or determination with respect to a tax which is the subject of a petition for reassessment or redetermination under the conditions described in Section 1 hereof, and which is computed on gross receipts from, or the sales price of, a sale made prior to a decision such as is mentioned in said section

or, if made subsequent to such a decision, at a price fixed by a contract which became binding prior to May 1, 1941, if it is established to the satisfaction of the board that the person liable for the tax has refrained from seeking reimbursement therefor only because of the insistence of those representing the United States with respect to such transactions and, after a reasonable effort to collect, can not be reimbursed therefor as a part of the sales or purchase price.

SEC. 3. Unless a person otherwise liable for a tax such as is described in Sections 1 and 2 of this act shall maintain accurate records with respect to all transactions of the type therein described and shall report the transactions to the State Board of Equalization as required by the Retail Sales Tax Act of 1933, the Use Tax Act of 1935, or the Revenue and Taxation Code, as the case may be, said sections shall not apply to such person or to any tax assessed against him.

SEC. 4. Nothing contained in this act shall prevent the State Board of Equalization from making such final assessments or determinations of tax with respect to transactions of the type described in Sections 1 and 2 of this act as it may deem necessary to establish the validity of assessments or determinations arising out of transactions of such kind, nor shall this act affect jeopards assessments under Section 19 of the Retail Sales Tax Act of 1933, or jeopardy determinations under Section 11 of the Use Tax Act of 1935, or Section 6536 of the Revenue and Taxation Code. If any person against whom a final assessment or determination of tax shall be made pursuant to this section shall claim that he is denied equal protection of the laws by reason of the provisions of Sections 1 and 2 of this act and if it shall be judicially concluded that such claim is well founded, then and in that event, said Sections 1 and 2 shall be void and of no effect.

SEC. 5. A taxpayer shall not be liable for interest with respect to any tax assessed or determined under the Retail Sales Tax Act of 1933 and Use Tax Act of 1935 or Revenue and Taxation Code, arising out of transactions described in Sections 1 and 2 of this act, if such tax is paid within 90 days after the effective date of the final decision in a court of last resort that the tax imposed under said acts is applicable, as the case may be, with respect to transactions of such kind.

SEC. 6. Nothing contained in this act shall be construed as a legislative intent, interpretation, or concession to the effect that the tax imposed under the Retail Sales Tax Act of 1933, the Use Tax Act of 1935, or Revenue and Taxation Code, as the case may be, is inapplicable with respect to any transaction or situation mentioned herein, and the Legislature hereby declares and reaffirms that the sales tax is not imposed upon any purchaser of tangible personal property in this State, but is for the privilege of engaging in the business of selling such property at retail.

SEC. 7. If any section, subsection, clause, sentence or phrase of this act which is reasonably separable from the remaining portions of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The Legislature hereby declares that it would have passed the remaining portion of this act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this act be declared unconstitutional.

SEC. 8. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and as such shall take effect immediately. The facts constituting such necessity are as follows:

In furtherance of the National defense, the Government of the United States has entered into numerous cost-plus-a-fixed-fee contracts for the construction and improvement of needed defense facilities in this State. The Attorney General of this State has ruled that tangible personal property acquired by these contractors for their use in the construction and improvement of such facilities is sold to the contractors and not to the Government; that such transactions are not to be regarded as purchases for resale to the United States, and that, accordingly, the sales tax is applicable to gross receipts from sales of such property to the contractors.

The Government of the United States has refused to pay to the contractors as a part of the cost price of the materials used in the performance of these contracts the amount of any sales tax reimbursement charged to the contractors by the sellers of such materials. If the contractors are forced to absorb the amount of such reimbursement, their ability to proceed further in the National Defense Program may be impaired and if the sellers of the materials are not reimbursed for the tax, their ability to furnish the materials may be curtailed, resulting in a situation which will be detrimental to the public peace and safety in this State. The emergency thus created requires this enactment to relieve the contractors and the materialmen from serious hardship and from incurring interest obligations with respect to the taxes involved, pending a judicial determination which will assure their reimbursement."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McCormack:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 4253 of the Political Code, relating to compensation of county officers in counties of the twenty-fourth class.

Respectfully submitted.

SENATOR MCCORMACK

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
DEUEL

TICKLE
MYHAND

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator McCormack moved a call of the Senate.

Motion carried. Time, 5.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 59—An act to amend Section 305 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 305", and insert "Sections 305 and 307".

Amendment No. 2

On page 1 of the printed bill, after line 14, insert

"SEC. 2. Section 307 of the Agricultural Code is hereby amended to read as follows:

307. Nothing in this article prohibits:

(a) A live stock producer from slaughtering animals on his own premises that are a part of his own herd for his own consumption or from disposing of the carcasses and products of those animals thus slaughtered, provided they can be identified as such, and are sound, healthful, wholesome, and fit for human food, and are disposed of in his locality; when cattle, sheep, swine or goats are sold by said producer in the vicinity where produced and slaughtered there shall be attached to said meat or meat products a statement giving substantially the following:

I hereby certify that the uninspected meat (or meat products as the case may be) to which this certificate is attached is from animals slaughtered by the undersigned, a farmer, on his farm and that at this date it is sound, healthful, wholesome, and fit for human food.

(b) A live stock producer or dairyman from slaughtering upon his own premises calves under the age of eight months which are the actual increase of his own herd, if the calves are accompanied by a certificate of ownership, offered for inspection at any point where inspection is maintained in accordance with regulations issued by the director, and are marketed by whole carcass with hide on.

(c) The slaughter of animals of the bovine species under the age of eight months in establishments located in counties where meat inspection is not mandatory and which meet the sanitary requirements of the department and shipment thereof to counties where State inspection or approved municipal or county inspection is maintained, and said animals so slaughtered shall there be inspected and the carcasses stamped.

(d) Any butcher located in a remote section of a county in which the inspection provisions of this article are mandatory, when in the opinion of the director it is impractical or impossible to assign an inspector, may, upon written application, be granted an exemption certificate to be used in accordance with the regulations of the director; provided, that the meat of animals slaughtered in accordance with such exemption shall be offered for sale only in the immediate locality where the animals were slaughtered.

The certificate must be renewed the first day of January of each year.

Should facilities for inspection become available at any time, the director is empowered to withdraw such exemption certificate. The director is also empowered to withdraw such exemption certificate when, in his opinion, the person to whom the same is issued has not complied with the rules and regulations pertaining to the use thereof."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 230—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 22, of the printed bill, after "annum.", insert "The district attorney shall devote his entire time to the duties of his office and shall not engage in private practice of the law during his term of office."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 58—An act to add Sections 622.5 and 692.6 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "and", strike out "692.6", and insert "622.6".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 409—An act to add a new section to the Agricultural Code to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended, strike out "Section", and insert "Code".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 333—An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, after "48", insert "and Agricultural District Number 50".

Amendment read and adopted.

Bill ordered printed, and to third reading.

INACTIVE FILE

Senate Bill No. 1206—An act to add Article 6.5 to Chapter 7 of Part 2 of Division 6 of the Health and Safety Code, relating to use of county assessment rolls for sanitary district taxes.

Bill read.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, and insert "An act to repeal Section 6406 of, and to add Part 2 to Division 6 of the Health and Safety Code, relating to sanitary districts, including the collection of district taxes by county officers and the use of county".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 10, inclusive, and insert "SECTION 1. Section 6406 of the Health and Safety Code, as added by Chapter 1124 of the Statutes of 1939, is hereby repealed.

SEC. 2. Part 2 is hereby added to Division 6 of the Health and Safety Code, to read as follows:

PART 2. OTHER SANITARY DISTRICT ACTS

CHAPTER 1. GENERAL

6935. No right or obligation accrued by the formation, organization, reorganization or operation of a sanitary district pursuant to the provisions of Chapter 161 of the Statutes of 1891 or the provisions of the Sanitary District Act of 1919 is affected by the repeal of those acts and any district so organized or reorganized may

continue in existence and subject to the act under which it was organized or reorganized or may reorganize pursuant to this part.

CHAPTER 2. USE OF COUNTY ASSESSOR'S ROLL

6940. Notwithstanding the provisions of Chapter 161 of the Statutes of 1891, or the provisions of the Sanitary District Act of 1919, as the provisions of these acts existed at the time of their repeal, the board of any sanitary district organized or reorganized under and continuing in existence and subject to these acts may elect to avail itself of the assessment roll of the properties within the district, used by the county in which the district is situated, and may take that assessment as the basis for district taxation.

6940.3. The board shall declare its election by resolution".

Amendment No. 3

On page 1, line 15, of the printed bill, strike out "Until", and insert "Thereafter, until".

Amendment No. 4

On page 1 of the printed bill, strike out lines 18 and 19, and insert "6940.6. Following the board's election, the county auditor shall on or before the fourth Monday in August of each year".

Amendment No. 5

On page 1 of the printed bill, strike out lines 24 and 25, and insert "6940.9. Not later than the first day of September".

Amendment No. 6

On page 2, line 4, of the printed bill, strike out "6259", and insert "6941.3".

Amendment No. 7

On page 2 of the printed bill, strike out lines 8 to 10, inclusive.

Amendment No. 8

On page 2 of the printed bill, strike out lines 14 to 25, inclusive, and insert "6941.6. The auditor shall then compute and enter in a".

Amendment No. 10

On page 2, line 33, of the printed bill, strike out "6263", and insert "6941.9".

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Foley:

Senate Resolution No. 95

WHEREAS, Upon the twentieth day of April, 1941, the people of the County of Santa Clara and the State of California sustained the loss of a true and faithful public servant in the death of Superior Judge Charles W. Davison of San Jose; and

WHEREAS, Judge Davison played a foremost part in his community, had a deep and abiding interest in the welfare of his fellow citizens and served them as city justice of the peace for two terms, mayor of San Jose for two terms and as judge of the superior court from June 17, 1937, until his death; and

WHEREAS, His passing is mourned by his many friends and associates and his fellow citizens; now, therefore, be it

Resolved by the Senate of the State of California, That this body express its sorrow and that of the people of the County of Santa Clara and of the State of California at the untimely decease of an outstanding public servant and sympathy with the surviving widow and the members of the family of Judge Charles W. Davison at this time of grief; and be it further

Resolved, That when the Senate adjourns this day it do so out of respect to the memory of Judge Charles W. Davison; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the surviving widow, Edith L. Davison.

Resolution read, and unanimously adopted by a rising vote.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.15 p.m., on motion of Senator McCormack, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission to introduce a bill granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jaspersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1321: By Senator McCormack—An act to amend Section 4253 of the Political Code, relating to compensation of county officers in counties of the twenty-fourth class.

Referred to Committee on Local Government.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 96

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning April 21, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>	
Bruce Stark, Page		\$2 50
Bud L. Stark, Page		2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Rich, Shelley, Slater, Swan, Swing, Wagy, and Ward—22.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 19—Relative to memorializing the President and Congress to provide for the dredging of Bodega Bay and to reestablish harbor facilities thereat;

Senate Concurrent Resolution No. 27—Approving a certain amendment to the charter of the City of Vallejo, a municipal corporation in the County of Solano, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on the first day of April, 1941;

Senate Concurrent Resolution No. 26—Relative to opinions of the Legislative Counsel Bureau concerning legislation;
And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of April, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 876

Senate Bill No. 1000

And reports the same correctly engrossed.

RICH, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 749

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 747

Senate Bill No. 930

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bills ordered to second reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 14, 1941; Tuesday, April 15, 1941; Wednesday, April 16, 1941; Thursday, April 17, 1941; Friday, April 18, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

ADJOURNMENT

At 5.20 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 22, 1941, out of respect to the memory of the late Superior Judge Charles W. Davison.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

ONE HUNDRED SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 22, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Parkman, on motion of Senator Myhand.

Senator Kuchel, on motion of Senator Breed.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Lieutenant Governor Patterson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ray George of Los Angeles.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Walter L. Murphy and Mr. and Mrs. Clement Forni of Sonoma.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Holly Breed of Piedmont.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. W. Spinney, chairman, California State Legislative Committee, Order of Railway Conductors, of Richmond.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorothy L. Lewis, Leta Wright, Frances Lozier, Vera Boyd, teachers, and the following students of the citizenship class of John Swett Union High School, Crockett: Mesdames Irene Pereira, Rose Pereira, Marie Dutra, Albertina Lawrence, Elizabeth Speed, Edith Scott, Adele Tapella, Teresa Parini, Chiarini Parini, Teresa Speroni, Josephine Botta, Theresa Naggi, Teresa Georgetti, Parashovia Truhina, Juana Ayala, Josefina Elorduy, Cecilia Spero, Mary Petrucci, Florence Sepulveda, Soledad Gonzalez, Emily Beltran, Dorothy Pelott, Isabelle Cruz, Paula Sansedo, Hortense Furtado, Guiseppina Ruggeri, Bambina Georgetti, Ernesta Georgetti, Guiseppina Cappelletti, Elizia Rivano, Rosa Ponti, Maria Paganini, Mary Marini, Guiseppina Torretta, Catherina Valentini, Mildred Broccoli, Lubicia Bonovich, Letizia Filiberti, Madalena Gatta and Dominica Bormolini; and Messrs. Carlo Spero, Gregorio Travaglini, Peter Papoulias, Manuel Gonzalez and Joseph Bottero.

On request of Senators Swan and Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jesse W. Carter of Redding.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Albert C. Madsen, instructor; Mrs. A. C. Madsen, Mrs. Jacob Baumbach, visitors, and the following members of the American Government class of Modesto Union Academy: Billy Byington, Robert Birdwell, Yvonne Alfred, Leland Muth, Melvin Orser, Geraldine Baumbach, Betty Tong, Loleta Rich and Doris Isbell.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1104

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1322

Assembly Bill No. 1247

Assembly Bill No. 638

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 31

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1104—An act creating a California Labor Relations Board to promote equality of bargaining power between employer and employee and to diminish the cause of industrial disputes by encouraging collective bargaining and defining unfair labor practices and providing against perpetration of such unfair labor practices and defining the jurisdiction of the powers and duties of the board with reference thereto.

Referred to Committee on Labor.

Assembly Bill No. 1322—An act making an appropriation for construction, improvements, equipment and the purchase of land for the San Diego State College, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1247—An act to add Section 172.5 to the Penal Code, relating to selling, giving away, or exposing for sale alcoholic beverages.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 638—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Without reference to committee.

Assembly Concurrent Resolution No. 31—Relative to approving three certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the first day of April, 1941.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1270

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 957

And reports the same correctly engrossed.

RICH, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 639

Assembly Bill No. 1804

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 21, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Bill read second time, and ordered to third reading.

Senate Bill No. 755—An act to amend "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Bill read second time, and ordered to third reading.

Senate Bill No. 749—An act to amend Section 960 of, and to add Sections 960.1, 960.2, 960.3 and 960.4 to, the Streets and Highways Code, relating to the abandonment and vacation of county highways.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 747—An act to amend Sections 1071 and 1074 of the Streets and Highways Code, relating to highway work on county roads.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "five", and insert "three".

Amendment No. 2

On page 1, line 12, of the printed bill, strike out "five", and insert "three".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 930—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 14, of the printed bill, after the period, insert "The members of the commission shall each receive twenty dollars (\$20) for attending each meeting of the commission but in no event shall receive over one hundred dollars (\$100) each in any one calendar month."

Amendment No. 2

On page 2 of the printed bill, strike out line 1, and insert "SEC. 3. Section 70.6 is hereby added to said code, to read as follows: 70.6. If a vacancy occurs, the vacancy shall be filled by".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1206—An act to add Article 6.5 to Chapter 7 of Part 2 of Division 6 of the Health and Safety Code, relating to use of county assessment rolls for sanitary district taxes.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16b, relating to building and loan associations when the commissioner shall be in possession and whether or not he shall be liquidating their affairs; relating to the rehabilitation, readjustment or reorganization of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16b, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 3 to 10, inclusive, and insert "13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such".

Amendment No. 1.5

In lines 19 and 20 of the title of the printed bill, as amended, strike out "certain provisions of", and insert "the necessity of a permit under".

Amendment No. 2

In line 25 of the title of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 3 to 22, inclusive, and insert "13.16d, to read as follows:

Sec. 13.16d. A plan of reorganization may be proposed for (1) an association of which the property, business and assets are in the possession of the commissioner; (2) an association which is in such condition that, unless such association is liquidated or a plan is consummated, a preference is likely to be obtained by some certificate holders over other certificate holders or by some shareholders over other shareholders or by some creditors over other creditors of the same class; (3) an association which is in such condition that it will probably be necessary unless a different plan is consummated, to liquidate such association. The determination by the commissioner that an association is included in one or more of the foregoing classes shall be prima facie evidence of such fact. A plan of reorganization".

Amendment No. 4

On page 2, line 27, of the printed bill, as amended, preceding the period, insert "or (3) by the commissioner".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 30 and 31, and insert "tion 13.16d are hereby defined to mean a plan for the rehabilitation, readjustment or reorganization, consolidation, merger or liquidation".

Amendment No. 6

On page 3, line 3, of the printed bill, as amended, after "trustees", insert "appointed by the court".

Amendment No. 7

On page 3, line 5, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 8

On page 3, line 16, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 9

On page 3, line 27, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 9.5

On page 3, line 36, of the printed bill, as amended, strike out "that there are obtained the approvals", and insert "what consents are".

Amendment No. 10

On page 3, line 39, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out lines 41 to 46, inclusive, and insert "a consideration of the fairness of such plan. If the commissioner is not the proposer of the plan, the court shall refer the plan to the commissioner and direct him to analyze the plan and the condition of the association. Within 30 days or such additional time as the court may grant, the commissioner shall return the plan to the court with his findings and recommendations, and may propose to the court his own plan. Thereupon the court shall fix the time and place for a hearing on the plan presented by petition and on the plan presented by the commissioner, if any, and shall direct that notice of such hearing, with a copy or summary of such plan or plans, shall be mailed, posted and pub-".

Amendment No. 12

On page 3, line 49, of the printed bill, as amended, after "proposers", insert ", and to the clerk of the court".

Amendment No. 13

On page 4, lines 1 and 2, of the printed bill, as amended, strike out "proposer or proposers of such plan", and insert "clerk of the court".

Amendment No. 14

On page 4 of the printed bill, as amended, strike out lines 7 to 15, inclusive, and insert "ing and either a copy of such plan or plans or a summary thereof, and a statement that any interested stockholder, shareholder, certificate holder or creditor shall have the right, without the necessity of formal intervention, to appear either in support of a plan or in opposition thereto or may propose a modification or modifications. Such notice and statement, and if the plan is summarized, the summary".

Amendment No. 14.5

On page 4, line 17, of the printed bill, as amended, after "plan", insert "or plans".

Amendment No. 15

On page 4, line 21, of the printed bill, as amended, strike out "pro-"; strike out all of lines 22 and 23, and insert "clerk of the court shall cause a copy of such notice, plan or plans or summary thereof, and statement to be posted".

Amendment No. 15.2

On page 4, line 37, of the printed bill, as amended, after "plan", insert "or plans".

Amendment No. 15.4

On page 4, line 45, of the printed bill, as amended, after "plan", insert "or plans".

Amendment No. 15.6

On page 4, line 46, of the printed bill, as amended, after the period, insert "In case the plan of reorganization provides for the issuance of securities of a general corporation, the issuance of which securities otherwise would be subject to the Corporate Securities Act of the State of California, the court considering said plan shall require that notice forthwith be served upon the Commissioner of Corporations. Upon receipt of said notice by said commissioner, he shall prepare forthwith a verified report setting forth his findings and recommendations to said court as to the issuance of the securities of said general corporation based upon the same statutory grounds as provided in the Corporate Securities Act for the issuance or denial of a permit. Said verified report, findings and recommendations shall be filed with said court prior to such court's approving that portion of said plan of reorganization relating to the issuance of securities of such general corporation."

Amendment No. 16

On page 4, line 52, of the printed bill, as amended, strike out "or disapprove such plan", and insert "and approve, or disapprove such plan or plans".

Amendment No. 17

On page 5, line 21, of the printed bill, as amended, after the semicolon, insert "provided further, that such consents shall not be required from the stockholders of any association if the value of the assets of such association shall be less than the liabilities thereof, including the value of all outstanding shares and investment certificates; and provided further, that the consent of the shareholders of any association issuing investment certificates shall not be required if the value of the assets of such association shall be less than the liabilities of such association, including the value of its investment certificates but not including the value of its shares; and".

Amendment No. 18

On page 5, line 41, of the printed bill, as amended, strike out the semicolon; and strike out all of lines 42 to 52, inclusive, and insert a period.

Amendment No. 19

On page 6 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert "For the purpose of this Section 13.16d, real property, contracts for the sale of real property,".

Amendment No. 20

On page 6 of the printed bill, as amended, strike out lines 11 to 22, inclusive, and insert "going business. The consents required by this Subsection C may be given only after the court has approved the plan. The approval by the court of the plan shall be in writing and at the time such approval is given the court shall make an order fixing a time and place for a further hearing to determine what consents have been given, and at said time and place, or any continuance thereof ordered by the court, the court shall take evidence on that subject and upon satisfactory proof at such time of the fact that the requisite number of consents have been given, a further order may be entered providing".

Amendment No. 21

On page 6 of the printed bill, as amended, between lines 25 and 26, insert
 "No written or printed communication (including a communication by the commissioner) soliciting or recommending for or advising against the giving of consents or dissents intended for general circulation or delivery to the investors of such associations shall be issued, published or sent unless it shall have been submitted to the court and the court shall have approved the form and contents thereof after hearing upon such notice as the court may prescribe to all parties appearing in the proceedings."

Amendment No. 22

On page 6 of the printed bill, as amended, strike out lines 27 to 29, inclusive, and insert "13.16d hearing upon any application under Section 13.12 may be stayed; and the court in which the petition under this Section 13.16d is pending is hereby given jurisdiction".

Amendment No. 23

On page 6, line 37, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 24

On page 6, line 39, of the printed bill, as amended, after "Whether", insert "the association subject to such plan is included in one or more of the classes specified in this section as subject to reorganization; whether".

Amendment No. 25

On page 6 of the printed bill, as amended, strike out lines 47 and 48, and insert "such association and the value of the assets thereof; the consents requisite under this Section 13.16d to such plan becoming operative, including jurisdiction".

Amendment No. 26

On page 7, line 36, of the printed bill, as amended, preceding the period, insert ", it being the intent that under such plan approved by the court each investment certificate holder and unsecured creditor (except those who shall sell or otherwise dispose of their new securities) shall receive the full amount of their original investment, with interest, dividends, or other return thereon, together with any expenses paid by them pursuant to this section, before any interest, dividends or other distribution is paid or made on securities issued to shareholders or stockholders, or both, as aforesaid. A plan may provide, however, for the issuance of such securities to the stockholders that after all creditors, certificate holders, and shareholders (except those who shall sell or otherwise dispose of their new securities) shall receive the full amount of their original investments or claims, with interest, dividends or other return thereon, together with any expenses paid by them pursuant to this section, the stockholders or their assigns shall own in effect, through their ownership of such securities issued to the stockholders, the remaining assets".

Amendment No. 27

On page 8, line 2, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 28

On page 8 of the printed bill, as amended, between lines 3 and 4, insert
 "All expenses of and charges against the clerk of the court in connection with the mailing, posting and publication referred to in this section shall be paid from the assets of the association in question by the commissioner if he is in possession of such assets and, if not, by the association."

Amendment No. 29

On page 8, line 7, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 30

On page 8, line 18, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 31

On page 8 of the printed bill, as amended, strike out lines 26 to 35, inclusive, and insert "had been allowed by the court. There shall be paid from the assets of the association directly affected by a proposed plan all expenses incurred by the commissioner in connection therewith, pro-".

Amendment No. 32

On page 8 of the printed bill, as amended, strike out lines 38 to 52, inclusive; and on page 9, strike out lines 1 to 8, inclusive, and insert

"In any proceeding under this Section 13.16d, except in a proceeding involving an association in the possession of the commissioner prior to the effective date of this section, the commissioner shall be represented by the Attorney General of the State of California or by one or more deputies of such Attorney General."

Amendment No. 33

On page 9, line 10, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 34

On page 9 of the printed bill, as amended, strike out lines 14 to 20, inclusive, and insert "and all of the investors and creditors of such association. Thereupon such steps shall be taken".

Amendment No. 35

On page 9 of the printed bill, as amended, strike out lines 47 to 51, inclusive, and insert "be an association or a Federal Savings and Loan Association, the plan shall provide for the continuing examination or supervision of such corporation. The plan may, but need not, confer such powers of continuing examination or supervision upon the commissioner, and the commissioner shall have and may exercise any and all powers of such continuing examination or supervision conferred upon him by a plan approved by the court.

F. Appeals. No appeal other than an appeal by the commissioner from an order of the superior court approving or disapproving a plan or deciding any other issue in proceedings under this Section 13.16d shall be effectual for any purpose, unless".

Amendment No. 36

On page 10, line 9, of the printed bill, as amended, after the period, insert "The commissioner may appeal without bond, or liability to the respondents."

Amendment No. 37

On page 10, line 16, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 38

On page 10, line 18, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 38.5

On page 10, line 25, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 39

On page 10 of the printed bill, as amended, strike out lines 28 to 34, inclusive, and insert "provisions of this act to the contrary. The provisions of the Corporate Securities Act requiring a permit from the Commissioner of Corporations authorizing the sale or issue of securities shall not apply to any company, as defined in the Corporate Securities Act, issuing securities under a plan of reorganization approved by the court under this section as to any securities the sale or issuance of which said court approves. None of the".

Amendment No. 40

On page 10, line 46, of the printed bill, as amended, strike out "13.16b", and insert "13.16d, but before such presentation said act shall be applicable to the proposer or proposers, and after such presentation no funds shall be solicited or collected by the proposer or proposers from investors except with the approval of the court".

Amendment No. 41

On page 11, line 1, of the printed bill, as amended, strike out "13.16b", and insert "13.16d".

Amendment No. 42

On page 11 of the printed bill, as amended, strike out lines 8 to 29, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1345—An act to amend Section 15 of the "Reclamation Board Act," approved December 24, 1911, as amended, relating to assessments and to amend Section 5765 of the Water Code, relating to assessments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "and to amend Section 5765 of the Water Code,".

Amendment No. 2

In line 4 of the title of the printed bill, strike out "relating to assessments".

Amendment No. 3

On page 3 of the printed bill, strike out lines 49 to 52, inclusive.

Amendment No. 4

On page 4 of the printed bill, strike out lines 1 to 17, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 44

Assembly Joint Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolutions were read:

Assembly Joint Resolution No. 44—Relative to Sacramento River north from Chico Landing.

Without reference to committee.

Assembly Joint Resolution No. 45—Relative to flood and seepage conditions along the Sacramento River and its tributaries in Northern California.

Without reference to committee.

Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.15 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 638, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 638

Assembly Bill No. 638—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature, including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 638 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenney, Luckey, Mayo, McBride, Metzger, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 638—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature, including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 638—An act making an appropriation for the contingent expenses of the Assembly for the Fifty-fourth Session of the Legislature, including expenses of committees created at that session, and declaring that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenney, Luckey, McBride, Mixer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 1270—An act to amend Sections 2181 and 2224 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenney, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—20.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1311—An act to amend Section 1250 of, and to add Section 1346 to, the Fish and Game Code, relating to antelope.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Motion to Refer Bill to Inactive File

Senator Seawell moved that Senate Bill No. 191 be placed on the inactive file.

Motion carried.

Senate Bill No. 221—An act to amend Section 4.770 of the School Code, relating to the allowance of teacher units to elementary school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Wagy—28.

NOES—Senators Shelley and Ward—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 269—An act to add Section 3.808 to the School Code, relating to high school courses of study.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—34.

NOES—Senator Mayo—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Motion to Amend

Senator Swan moved the adoption of the following amendment to the title of Senate Bill No. 269:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out the period, and insert “, declaring the urgency hereof, to take effect immediately.”

Amendment read and adopted.

Bill ordered printed, and to the Assembly.

Senate Bill No. 788—An act to amend Section 5.540 of the School Code, relating to physical examinations of teachers for active tuberculosis.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jaspersen, Judah, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 603—An act to add Section 5.45 to the School Code, relating to the dismissal of employees of State colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Luckey, Mixer, Powers, Quinn, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 792—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Luckey, Mayo, Mixer, Phillips, Powers, Seawell, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 58—An act to add Sections 622.5 and 692.6 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Phillips, Powers, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo,

McCormack, Metzger, Mixer, Myhand, Powers, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 25—An act to amend Section 4153 of the Political Code, relating to the duties of the district attorney.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.
 NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 957—An act to amend Sections 5217, 5229, 5271, 5286, 5287 and 5312 of the Business and Professions Code, relating to outdoor advertising.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Shelley, Slater, Swan, Tickle, Wagy, and Ward—27.
 NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2547 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2548 on third reading file until the next legislative day.

MOTION TO RE-REFER ASSEMBLY BILL NO. 155

Senator Tickle moved that Assembly Bill No. 155 be re-referred to Committee on Judiciary.

Roll Call Demanded

Senators Tickle, Carter and Shelley demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Foley, Garrison, Jespersen, Kenny, Luckey, McBride, Rich, Shelley, Swan, Tickle, and Wagy—18.

NOES—Senators Biggar, Cunningham, Dillinger, Judah, Mayo, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Slater, and Ward—13.

REMARKS

Senator Shelley stated that an article appearing in the Weekly News-Letter of the California State Federation of Labor does not, in his opinion, correctly set forth the real views of labor relative to the

people of Inyo County being labeled as goats, nor does the secretary of that organization truly represent labor's views. Apologies were offered to Senator Brown and the people of Inyo County.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1927—An act to amend Section 6830 of the Health and Safety Code, relating to the annexation of territory to a sanitary district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jepsen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2049—An act to add Section 6.5 to the Alcoholic Beverage Control Act, relating to the age of whiskey sold at retail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Jepsen, Luckey, Mayo, McBride, Metzger, Myhand, Phillips, Quinn, Seawell, Shelley, Slater, Swan, and Tickle—22.

NOES—Senators DeLap, Deuel, Judah, Rich, and Wagy—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 829—An act to amend Section 44 of the Bank Act, relating to the making of loans upon the security of the capital stock of another bank or of a corporation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Judah, Keating, Kenny, Mayo, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

President Pro Tempore Presiding

At 3.50 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

Assembly Bill No. 1412—An act to amend Section 61a of the Bank Act, relating to the investigation and certification of securities by the Superintendent of Banks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Jepsen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed P. J. Cormack, Ross Moore, J. Dewey Harnish, G. D. Snider and S. B. Richards as members of the Board of Trustees of the Patton State Hospital, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Tickle moved that the Senate confirm and consent to the appointment of P. J. Cormack of Crestline as a member of the Board of Trustees of the Patton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of P. J. Cormack?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of P. J. Cormack.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Tickle moved that the Senate confirm and consent to the appointment of Ross Moore of Los Angeles as a member of the Board of Trustees of the Patton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of Ross Moore?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Ross Moore.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Tickle moved that the Senate confirm and consent to the appointment of J. Dewey Harnish of Ontario as a member of the Board of Trustees of the Patton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of J. Dewey Harnish?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of J. Dewey Harnish.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Tickle moved that the Senate confirm and consent to the appointment of G. D. Snider of Redlands as a member of the Board of Trustees of the Patton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of G. D. Snider?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of G. D. Snider.

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Tickle moved that the Senate confirm and consent to the appointment of S. B. Richards of San Bernardino as a member of the Board of Trustees of the Patton State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointment of S. B. Richards?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of S. B. Richards.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Clayton Howland, Mrs. Leisa Bronson, Dr. James A. Blaisdell, Fred King and Captain Henry J. E. Ahrens as members of the Board of Trustees of the Pacific Colony and State Narcotic Hospital, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Tickle moved that the Senate confirm and consent to the appointments of Clayton Howland, Mrs. Leisa Bronson, Dr. James A. Blaisdell, Fred King, and Captain Henry J. E. Ahrens, all of Los Angeles County, as members of the Board of Trustees of the Pacific Colony and State Narcotic Hospital.

The President put the question, "Will the Senate confirm and consent to the appointments of Clayton Howland, Mrs. Leisa Bronson, Dr. James A. Blaisdell, Fred King, and Captain Henry J. E. Ahrens, all of Los Angeles County?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—31.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Clayton Howland, Mrs. Leisa Bronson, Dr. James A. Blaisdell, Fred King, and Captain Henry J. E. Ahrens, all of Los Angeles County, as members of the Board of Trustees of the Pacific Colony and State Narcotic Hospital.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Alfred D. Boone, Arthur R. Timme, M.D., Carley V. Porter and Glenn Myers, M.D., as members of the Board of Trustees of the Norwalk State Hospital, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR**Motion to Confirm Appointments by the Governor**

Senator Tickle moved that the Senate confirm and consent to the appointments of Alfred D. Boone, Arthur R. Timme, M.D., Carley V. Porter and Glenn Myers, M.D., all of Los Angeles County, as members of the Board of Trustees of the Norwalk State Hospital.

The President put the question, "Will the Senate confirm and consent to the appointments of Alfred D. Boone, Arthur R. Timme, M.D., Carley V. Porter and Glenn Myers, M.D., all of Los Angeles County, as members of the Board of Trustees of Norwalk State Hospital?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—32.

NOES—None.

Appointments Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointments of Alfred D. Boone, Arthur R. Timme, M.D., Carley V. Porter and Glenn Myers, M.D., all of Los

Angeles County, as members of the Board of Trustees of the Norwalk State Hospital.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 651 to the Penal Code, relating to traffic in Federal order stamps, declaring the urgency thereof, to take effect immediately.

Respectfully submitted,

SENATOR JESPERSEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYHAND
TICKLE
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—31.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1322: By Senator Jespersen—An act to add Section 651 to the Penal Code, relating to traffic in Federal order stamps, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1920—An act to amend Section 11860 of the Insurance Code, relating to workmen's compensation insurance and reports of the State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Waggy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 100—An act to amend Sections 5 and 6 of, and to add Sections 8 and 9 to "An act authorizing municipalities to

declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, relating to the abatement of nuisances.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 330

Senator Kenny moved that Assembly Bill No. 330 be re-referred to Committee on Agriculture.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 333—An act to amend Section 80 of the Agricultural Code, relating to agricultural districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 75—An act to amend Section 4255 of the Political Code, relating to compensation of officers of counties of the twenty-sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Jespersen, Judah, Kenny, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 199—An act to add Section 4041.13b to the Political Code, relating to the powers and duties of purchasing agents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Jespersen, Judah, Kenny, McCormack, Mixer, Phillips, Powers, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1767—An act to add Section 22.1 to an act entitled "An act to provide for the planting, protection, maintenance and removal of trees, shrubs, and other ornamental vegetation within municipalities, and providing a method for the assessment of the costs and expenses thereof, authorizing the municipality to contribute to the cost thereof and providing for the establishment of a city forester and describing his duties and fixing his compensation," approved June 19, 1931, providing an alternative method for collecting assessments to cover the cost of the improvements therein provided for.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, McCormack, Mixer, Phillips, Powers, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 279—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section designated Section 14½, relating to claims against the Los Angeles County Flood Control District.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Mixer, Phillips, Powers, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1292 An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately;
And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-second day of April, 1941, at 2 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 58

Senate Bill No. 230

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 749

And reports the same correctly engrossed.

RICH, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 212

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 855

Senate Bill No. 857

Senate Bill No. 1272

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

DELAP, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 851

Assembly Bill No. 860

Assembly Bill No. 832

Assembly Bill No. 156

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1312

Senate Bill No. 335

Senate Bill No. 895

Assembly Bill No. 1114

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)

The following resolutions were offered:

Senate Joint Resolution No. 20: By Senator Dillinger—Relative to memorializing the President and the Congress of the United States to abolish tax-exempt bonds.

Without reference to committee.

Senate Joint Resolution No. 21: By Senators Rich and Tickle—Relative to State sales taxes and the Federal Government.

Without reference to committee.

INACTIVE FILE

Senate Bill No. 256—An act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen.

Bill read.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 8, line 51, of the printed bill, following "principal", insert ", or in such other proportion as the court may direct".

Amendment read and adopted.

Bill ordered printed, engrossed, and to second reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Collier moved that Senate Bill No. 733 be taken from the inactive file, and placed on the second reading file.

Motion carried.

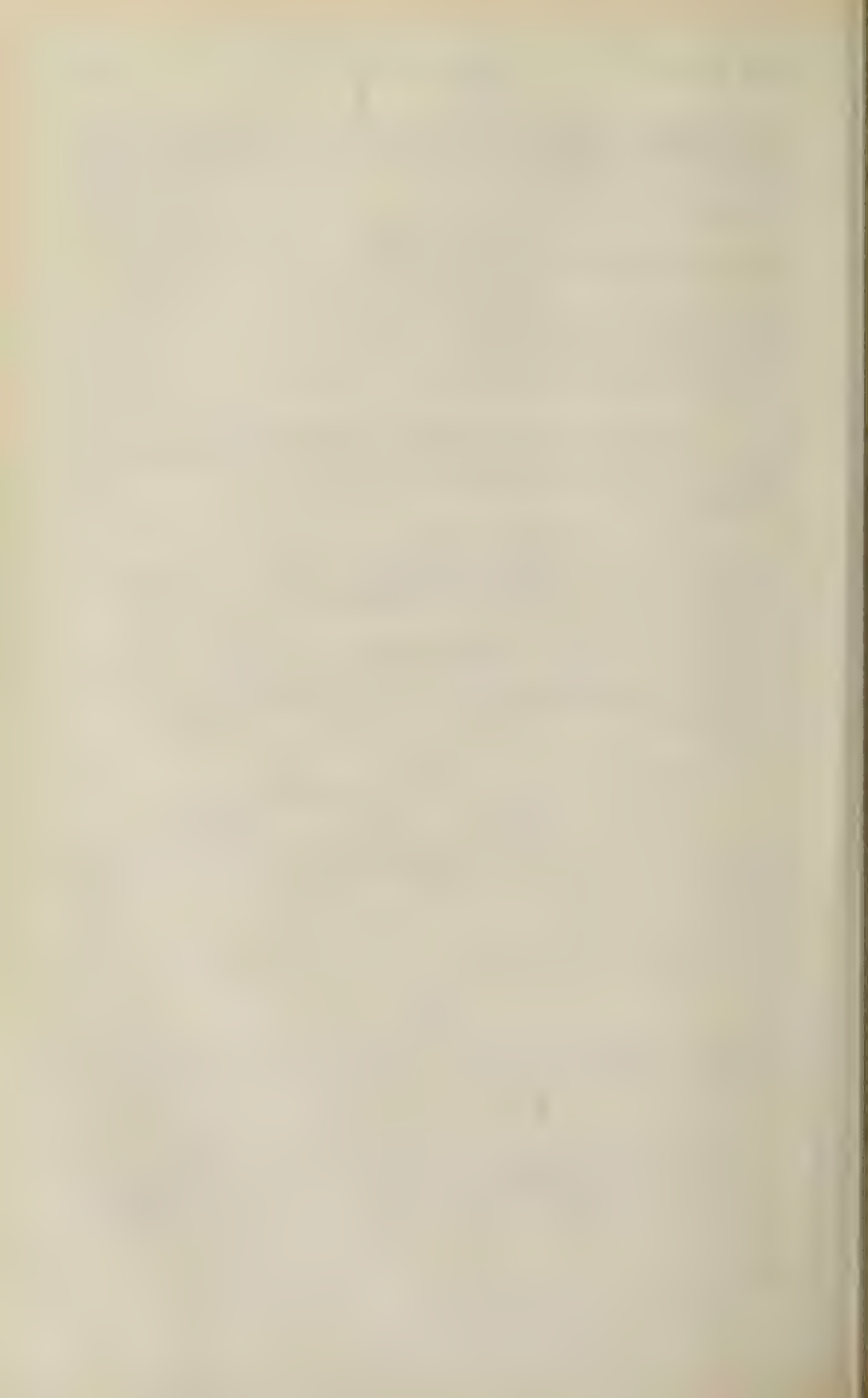
MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Dillinger moved that Senate Bill No. 863 be taken from the inactive file, and placed on the second reading file.

Motion carried.

ADJOURNMENT

At 4.32 p.m., on motion of Senator Mixter, the President pro tempore declared the Senate adjourned until 2 p.m., April 23, 1941.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-FOURTH LEGISLATIVE DAY
ONE HUNDRED EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Wednesday, April 23, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tinkle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:
Senator Keating, on motion of Senator Powers.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Guthrie of San Bernardino.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. H. E. Dillinger, Mrs. Marion Ellis, and Miss Julia Kemp of Placerville.

On request of Senators Swan and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John J. Knezevich of Los Angeles and Mrs. Nora L. Pearson of Glendale.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Ryder,

Mrs. Alice Hunnicutt, teachers, and the following members of the Women's Adult Citizenship Class of San Jose: Valentina Ferrero, Katheryn Hechim, Violet Deller, Rose Poletti, Lena Gaiamo, Mary Jardim, Filomena Paradiso, Annie Braovich, Mary Roti, Elsie Rogers, Lena Hamp, Frances Burriesci, Josephine Carsella, Lena Lacitignola, Jasmine Carriere, Angela Maggi, Rosaria Lucchese, Mary Teresi, Minnie Valente, Angelina Apra, Mary Tomasino, Elizabeth Gigante, Marie Palmere, Angelina Perucci, Carolyn Carrozza, Theresa Carrozza, Rose Travaso, Mary Cantando, Victoria Cantando, Victoria Santarella, Anna Averich, Geromia Amadeo, Josephine Cardone, Josephine Sparaco, and Claudina Corsino.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Helen E. M. Jensen, teacher, and the following members of the adult citizenship classes of Highland and E. Morris Cox Schools of Oakland: Mesdames Ethel Amey, Harriet Anderson, Emily Barton, Belle Bothelho, Marie Caliouette, Mary Cetinich, Ila Driscoll, Myrtle Davidson, Josephine De Manti, Thelma Elmer, Mary Fernandez, Nana Folkman, Flora Freitas, Irene McHenry, Angelina Ghiglione, Lucy Genuardi, Josephine Johnson, Emma Jones, Katie Klichan, Ane Kulas, Maelina Liebgott, Yurka Lendich, Angelina Leonardo, Ernestine Little, Belle Martin, Elizabeth Matlean, Efka Milat, Mary Motta, Domenica Mungo, Gaudencia Osuna, Dominga Pacheco, Ida Pardini, Mary Parkes, Benjamina Perez, Mary Ponte, Stella Ramos, Elizabeth Rebello, Annunziata Romani, Mary Santos, Arminio Schefino, Sarah Ann Seamell, Ane Skance, Mary Anne Smith, Mabel Smith, Mary Summares, Inez Sutton, Pauline Vierra and Elizabeth Witt, and Messrs. Vincent Anselmo and Luigi Mora.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Adelia A. Jones, principal; Gladys Bockmon, teacher; Mrs. Bessie Barmore, clerk of the school board of trustees, and the following students of the Central School, R. F. D. No. 5, Modesto, Stanislaus County: Dorothy Barmore, Curtis Childers, Larena Huffman, Mary Oliveira, Edwin Rezendes, Vernon Van Buskirk, Annie Mendes, Bernice Barmore, Bette Barmore, Jane Melvin, George Oliveira, Mae Belle Huffman and Stanley Huffman.

COMMUNICATIONS

A communication from Hon. Harry B. Riley, State Controller, relative to tax-deeded property, was presented by the Secretary of the Senate, and ordered referred to Committee on Rules.

A communication from Hon. Culbert L. Olson, Governor of California, relative to tax-deeded property, was received and ordered referred to Committee on Rules.

SACRAMENTO, CALIFORNIA, April 23, 1941

The Senate, State of California

GENTLEMEN: At 9 p.m. April 22, 1941, I was handed copies of Senate Bills Nos. 338, 339 and 907 with communications from the Governor objecting to these measures. These bills, together with the Governor's messages are submitted herewith.

Respectfully,

J. A. BEEK, Secretary of the Senate

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 22, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 338, entitled "An act to amend Section 4 of The Corporation Income Tax Act of 1937, relating to corporations exempt from tax." This bill exempts so-called "diversified management companies" from all taxes under The Corporation Income Tax Act, just as its companion bill, Senate Bill No. 339, exempts such companies from all tax under the Bank and Corporation Franchise Tax Act.

My objections to this bill are as follows:

It has the effect of singling out a group of privately owned corporations operating for profit, and granting them exemptions heretofore accorded only to eleemosynary and like corporations, and which have never been accorded even to mutual nonprofit cooperative corporations.

The scope of the permissible profit-making activities of diversified management companies can be readily obtained from the statement of policies required to be filed as a condition of registering under Section 8 of the Federal Investment Company Act of 1940. Under that act, each registering company must file a recital of policy concerning (among other things) (1) "engaging in the business of underwriting securities issued by other persons"; (2) "the purchase and sale of real estate and other commodities, or either of them"; (3) "making loans to other persons"; and (4) "portfolio turn over (including a statement showing the aggregate dollar amount of purchases and sales of portfolio securities, other than Government securities, in each of the last three full fiscal years * * *)."

It is clear to me that sound tax and fiscal policy demands that companies which can, and do, underwrite securities, and which can, and do, engage in the activity of buying and selling securities and property for speculative profit in competition with other underwriters and speculators, should not be accorded exemption from a State tax which all other profit corporations must pay.

Further, I note from the Federal Investment Company Act of 1940, that diversified management companies are required to have a degree of diversification in their portfolio of investments, but that there is no requirement of diversification in the stock ownership of such companies. That is, there is no assurance that the stock ownership of such companies will be spread over many small stockholders (one of the arguments in favor of the present bill) and there is the possibility that the effective ownership of such companies may be concentrated in the hands of a few persons or corporations. Therefore, a blanket tax exemption of diversified management companies would defeat the announced purpose of its proponents, which was to exempt only such companies, the shares of which are widely held by many small investors.

I am aware of the argument made by the proponents of this bill, that tax exemption is necessary to prevent a so-called triple tax on the small investor; that is, where income is taxed once to the corporation earning it, again to the diversified management company which receives a dividend from the first company, and again to the small investor, who owns stock in the diversified management company, on the receipt of the dividend from the diversified management company. On close analysis this argument falls for the following reasons:

(a) There is no certainty that the stockholder of the diversified management company will be a "small" investor;

(b) Section 8 (h) of the California Bank and Corporation Franchise Tax Act, and Section 7 (h) of the California Corporation Income Tax Act, already permit a corporation which receives a dividend to deduct from income a percentage of the dividend income taxed to the declarer corporation under either act. This fact eliminates one incidence of the so-called "triple tax" as far as taxation by this State is concerned;

(c) The income of diversified management companies is not limited to dividend income, but can, and does, arise from the speculative purchase and sale of securities and property, interest, etc.

In conclusion, I am also impressed by the fact that the United States Congress (despite the fact that it enacted the Federal Investment Company Act of 1940, regulating investment companies) has not deemed it proper to exempt from Federal taxation the complement of investment companies which would be exempt from State taxation by this bill and its companion, Senate Bill No. 339.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Senate Bill No. 338 ordered to unfinished business file

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 22, 1941

To the Honorable Members of the Senate
State Capitol, Sacramento, California

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 339, entitled "An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to corporations exempt from tax." This bill exempts so-called "diversified management companies" from all taxes under the Bank and Corporation Franchise Tax Act, just as its companion bill, Senate Bill No. 338, exempts such companies from all taxes under The Corporation Income Tax Act of 1937.

My objections to this bill are as follows:

It has the effect of singling out a group of privately owned corporations operating for profit and granting them exemptions heretofore accorded only to eleemosynary and like corporations, and which have never been accorded even to mutual nonprofit cooperative corporations.

The scope of the permissible profit-making activities of diversified management companies can be readily obtained from the statement of policies required to be filed as a condition of registering under Section 8 of the Federal Investment Company Act of 1940. Under that act, each registering company must file a recital of policy concerning (among other things) (1) "engaging in the business of underwriting securities issued by other persons"; (2) "the purchase and sale of real estate and other commodities, or either of them"; (3) "making loans to other persons"; and (4) "portfolio turn-over (including a statement showing the aggregate dollar amount of purchases and sales of portfolio securities, other than Government securities, in each of the last three full fiscal years * * *)".

It is clear to me that sound tax and fiscal policy demands that companies which can, and do, underwrite securities, and which can, and do, engage in the activity of buying and selling securities and property for speculative profit in competition with other underwriters and speculators, should not be accorded exemption from a State tax which all other profit corporations must pay.

Further, I note from the Federal Investment Company Act of 1940, that diversified management companies are required to have a degree of diversification in their portfolio of investments, but that there is no requirement of diversification in the stock ownership of such companies. That is, there is no assurance that the stock ownership of such companies will be spread over many small stockholders (one of the arguments in favor of the present bill) and there is the possibility that the effective ownership of such companies may be concentrated in the hands of a few persons or corporations. Therefore, a blanket tax exemption of diversified management companies would defeat the announced purpose of its proponents, which was to exempt only such companies, the shares of which are widely held by many small investors.

I am aware of the argument made by the proponents of this bill, that tax exemption is necessary to prevent a so-called triple tax on the small investor; that is, where income is taxed once to the corporation earning it, again to the diversified management company which receives a dividend from the first company, and again to the small investor, who owns stock in the diversified management company, on the receipt of the dividend from the diversified management company. On close analysis this argument falls for the following reasons:

- (a) There is no certainty that the stockholder of the diversified management company will be a "small" investor;
- (b) Section 8 (h) of the California Bank and Corporation Franchise Tax Act, and Section 7 (h) of the California Corporation Income Tax Act, already permit a corporation which receives a dividend to deduct from income a percentage of the dividend income taxed to the declaror corporation under either act. This fact eliminates one incidence of the so-called "triple tax" as far as taxation by this State is concerned;
- (c) The income of diversified management companies is not limited to dividend income, but can, and does, arise from the speculative purchase and sale of securities and property, interest, etc.

In conclusion, I am also impressed by the fact that the United States Congress (despite the fact that it enacted the Federal Investment Company Act of 1940, regulating investment companies) has not deemed it proper to exempt from Federal taxation the complement of investment companies which would be exempt from State taxation by this bill and its companion, Senate Bill No. 338.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Senate Bill No. 339 ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 22, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith without my signature Senate Bill No. 907, entitled "An act relating to the payment of interest on and principal of bonds, and the holding of funds for such payment." My objections to this bill are as follows:

This bill attempts to provide a method whereby a corporation or public body which has issued bonds and paid the principal and interest due thereon to a trustee, can recover unclaimed funds in the hands of the trustee.

The bill is ambiguous in that it does not clearly specify at what time the duty evolves upon the trustee to return such funds. Section 5 of the bill reads as follows:

"Whenever the time for the payment of the interest and principal of all bonds issued and outstanding has passed and the obligation to make such payment is barred by the statute of limitations, all moneys held by the trustee for the payment of the principal of and interest on such bonds shall be returned to the person issuing the bonds."

It is not clear what "obligation to make such payment" is referred to, there being two obligations involved. The first obligation is of the corporation or public body to pay the trustee, and the second obligation is that of the trustee to pay the bondholder. The statute of limitations affecting a suit against the corporation or public body by the trustee would commence to run from the due date of the bond. The statute of limitations affecting a suit against the trustee by a bondholder for the payment of moneys in the hands of the trustee would not commence to run until the trustee had refused on demand to pay such moneys.

It would be possible to so construe this bill to permit a corporation or public body to delay making payments to a trustee until a few months or days before the statute would run against the corporation. The trustee immediately upon the expiration of that period would be forced to return the moneys even though no reasonable time within which the bondholders might claim the moneys would have been available.

A number of similar inequities could probably be cited. For example, assume a minor or incompetent held a bond. Should the trustee be forced to return the moneys set aside to pay off this bond, during the period of minority or incompetency? It has always been the policy of the law to suspend statutes of limitations during such periods.

It would seem to me that unclaimed moneys in the hands of a trustee for the payment of principal or interest on outstanding bonds would be in the same category as unclaimed bank deposits, and a procedure for the escheat of such moneys similar to that applicable to unclaimed bank deposits should be set up.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Senate Bill No. 907 ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 23, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty-second day of April, 1941, at 8.50 p.m., Senate Bill No. 907 was returned without my signature and, together with a statement of my objections thereto, was delivered to Hon. Joseph A. Beek, Secretary of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 23, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty-second day of April, 1941, at 8.50 p.m., Senate Bill No. 338 was returned without my signature and, together with a statement of my objections thereto, was delivered to Hon. Joseph A. Beek, Secretary of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 23, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty-second day of April, 1941, at 8:50 p.m., Senate Bill No. 339 was returned without my signature and, together with a statement of my objections thereto, was delivered to Hon. Joseph A. Beek, Secretary of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2574

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill No. 2574—An act to amend Section 13350 of the Health and Safety Code, relating to cleaning establishments.

Referred to Committee on Public Health and Safety.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 747

Senate Joint Resolution No. 20

Senate Bill No. 930

Senate Joint Resolution No. 21

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 59

Senate Bill No. 256

Senate Bill No. 409

Senate Bill No. 1078

Senate Bill No. 1206

And reports the same correctly re-engrossed.

RICH, Chairman

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 29: By Senator Breed—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of April, 1941.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 29, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 29

Senate Concurrent Resolution No. 29—Approving certain amendments to the charter of the City of Oakland, a municipal corporation

in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Slater, Swing, Wagy, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 212—An act to amend Sections 1640 and 1671 of, and to add Section 1671.2 to, the Insurance Code, relating to insurance and insurance agents, brokers, and solicitors.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies; to prohibit devices and subterfuges to evade this act; to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 5 of the printed bill, as amended, strike out all of line 26, and insert "and elsewhere within and without the county within a radius of 100 miles from its principal place of business".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 857—An act to amend Section 3 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to credit unions, the licensing, regulation and powers thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

The title of the printed bill is hereby amended to read as follows:

"An act to add Section 3.5 to an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to credit unions, the licensing, regulation and powers thereof."

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "3", and insert "3.5".

Amendment No. 3

On page 1, line 2, of the printed bill, strike out "amended", and insert "added".

Amendment No. 4

On page 1 of the printed bill, strike out all of lines 3 to 26, inclusive; and on page 2, strike out all of lines 1 to 16, inclusive, and insert

"SEC. 3.5. Gifts or donations by a credit union are prohibited unless first authorized by a resolution of the board of directors and approved by the vote of the majority of the members of the credit union."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1272—An act to add Section 13.21 to the Building and Loan Association Act, relating to building and loan associations, the Building and Loan Commissioner, the rights of investors and creditors of any such association in the possession of the commissioner (unless the proceeding provided for by Section 13.12 of this act shall have been commenced and no judgment which shall have become final shall have been rendered therein, or unless the time within which such proceeding may be commenced has not expired, or unless a proceeding under Section 13.16d of this act is pending) to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to exchange investment certificates, or other rights or claims for property or for securities issued by a corporation organized to hold or liquidate such property, and to continue to hold as a legal investment any property or securities so received.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 4, line 9, of the printed bill, as amended, strike out "act", and insert "section".

Amendment No. 2

On page 4 of the printed bill, as amended, strike out lines 13 to 18, inclusive, and insert "mine the value of each asset of such association, and the value of the claims of the investment certificate holders and unsecured creditors of such association. For the pur-".

Amendment No. 3

On page 4, line 30, of the printed bill, as amended, strike out "or".

Amendment No. 4

On page 4 of the printed bill, as amended, strike out line 30, and insert "or petitioners, and greater than the appraised value of such asset, the property shall be sold to the person making the highest offer; and".

Amendment No. 5

On page 6, line 4, of the printed bill, as amended, strike out "withdrawn".

Amendment No. 6

On page 7, line 27, of the printed bill, as amended, strike out "I", and insert "H".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1312—An act to amend Sections 218 and 219 of the Penal Code, relating to the wrecking of trains.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 13, of the printed bill, strike out "to", and insert "in".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 895—An act to add Section 738a to the Code of Civil Procedure, relating to making the State of California a party to quiet title actions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 11, of the printed bill, after "State," insert "or any of his deputies,".

Amendment No. 2

On page 1, line 12, of the printed bill, after "State", insert ", or any of his deputies".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 335—An act to add Section 6102.5 to the Business and Professions Code, relating to attorneys convicted of crimes involving moral turpitude.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 6, inclusive, and insert "6102.5. There shall be a final judgment of conviction within the meaning of Section 6102 whenever an order is made granting the defendant probation, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such attorney to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 256—An act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen.

Bill read second time, and ordered to third reading.

Senate Bill No. 733—An act to amend Section 45 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments and the recording of certificates of sale of the property, and validating certificates of sale of property sold to irrigation districts for delinquent assessments, collectors' deeds issued pursuant to the certificates, and other acts, the validity of which depends upon the validity of the certificates or deeds.

Bill read second time, and ordered to third reading.

Senate Bill No. 863—An act to add Section 4455.5 to the Health and Safety Code, relating to the fouling or pollution of water.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 639—An act to amend Section 7101 of the Labor Code, relating to safety in employment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1804—An act to add Sections 6953, 6954, 6955 and 6956 to the Labor Code, relating to the use of safety glass on electric cars and electric locomotives.

Bill read second time, and ordered to third reading.

Assembly Bill No. 3—An act to add Section 1197.5 to, and to amend Section 1199 of, the Labor Code, relating to minimum wages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "age", insert "and less than 55 years of age".

Amendment No. 2

On page 1, line 20, of the printed bill, as amended, after "wage", and before the period, insert ", but any action to recover unpaid wages shall be filed within 60 days after termination of employment either by (a) filing a claim with the Industrial Welfare Commission or (b) filing an action for recovery in any court of competent jurisdiction".

Amendment No. 3

On page 2, line 11, of the printed bill, as amended, strike out "this chapter", and insert "Section 1197.5 and subdivision (c) of this section".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Assembly Bill No. 851—An act to add Section 2958a to the Civil Code, and to amend Section 2971 thereof, relating to chattel mortgages on aircraft.

Bill read second time, and ordered to third reading.

Assembly Bill No. 832—An act to amend Section 3166 of the Civil Code, relating to the time of payment of negotiable instruments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 860—An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer.

Bill read second time, and ordered to third reading.

Assembly Bill No. 156—An act to amend Section 517 of the Code of Civil Procedure, relating to claim and delivery of personal property and the steps to be followed in obtaining possession of such property in a building or inclosure.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1114—An act to amend Section 384a of the Penal Code, relating to the unauthorized removal of plants and other substances from public or private lands or rights of way.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 15, of the printed bill, strike out "One", and insert "Except in the case of Christmas trees, one".

Amendment No. 2

On page 2 of the printed bill, between lines 17 and 18, insert

"In the case of Christmas trees the written permit required by this section shall show, by section, township, and range, the locality at which the cutting is authorized by it. The permit shall be carried by the person in charge of, and exhibited upon demand of any officer authorized to enforce the provisions of this section at all times during, the cutting and transportation of such trees. Upon any sale of Christmas trees, whether at wholesale or retail, a bill of sale shall be delivered to the purchaser which bill of sale shall show the number of trees involved and contain an appropriate and accurate reference to the permit by which the cutting of the trees was authorized, with names, dates, and description of the land involved in such permit."

Amendment No. 3

On page 2, line 35, of the printed bill, after "fires", insert "nor to products cut or removed from National forest lands when such products are accompanied by a Federal sale contract or permit signed by an officer of the United States Forest Service".

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 59—An act to amend Section 305 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended April 21, 1941, strike out "thirty", and insert "twenty-eight".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 409—An act to add a new section to the Agricultural Code to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read third time.

Motion to Amend

Senator Biggar moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in the Senate April 21, 1941, commencing in line 8, strike out "used in all classifications", and insert "derived from fluid milk".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 728—An act to amend Sections 1081, 1083, 1083.1, 1083.2, 1083.5, 1086, 1088 and 1089, and to repeal Section 1081.1, of the Agricultural Code, relating to commercial feeding stuffs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 21—Relative to State sales taxes and the Federal Government.

Resolution read.

Motion to Amend

Senator Tickle moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 10 and 11, of the printed measure, strike out "for the Governments for the", and insert "for the Federal".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to refrain Senate Constitutional Amendment No. 8 on third reading file until the next legislative day.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Seawell moved that Senate Bill No. 190 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Seawell moved that Senate Constitutional Amendment No. 16 be placed on the inactive file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2547 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 2548 on third reading file until the next legislative day.

Motion to Take Bill from the Inactive File

Senator Metzger moved that Assembly Bill No. 192 be taken from the inactive file and placed on the second reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 10—Relative to memorializing the President and the Congress to provide for the submission to the several States for their ratification of an amendment to the United States Constitution to provide for the direct election of the President and Vice President of the United States.

Resolution read.

Previous Question

Senator McBride moved the previous question.

Motion carried.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Carter, Dillinger, and Garrison—3.

NOES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Gordon, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—28.

Assembly Bill No. 2021—An act to add Section 435 to the Political Code and to repeal an act entitled "An act to provide for the reversion of unexpended balances of certain appropriations," approved May 18, 1921, relating to the reversion of unexpended balances of certain appropriations, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gordon, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Judah, Luckey, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 142—An act to amend Section 2540 of the Elections Code, relating to parties qualified to participate in primary elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2050—An act providing for Citizenship Day and the observance thereof.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "one member of the Ameri-"; and strike out all of lines 12 to 15, both inclusive, and insert "and such other persons as they may appoint."

Amendment No. 2

On page 1, line 20, of the printed bill, strike out "received", and insert "acquired, or will acquire,".

Amendment No. 3

On page 1, line 21, of the printed bill, strike out "year preceding", and insert "calendar year in which the ceremony is held".

Amendment No. 4

On page 2, line 15, of the printed bill, after "acquired", insert "or will acquire".

Amendment No. 5

On page 2, line 16, of the printed bill, strike out "year preceding", and insert "calendar year in which such ceremony is held,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO RECONSIDER

Senator Crittenden moved to reconsider the vote whereby Assembly Bill No. 2021 was passed.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2021 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 44—Relative to Sacramento River north from Chico Landing.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 45—Relative to flood and seepage conditions along the Sacramento River and its tributaries in Northern California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 31—Relative to approving three certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the first day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 673—An act to add Sections 802.6 and 828.53 to, and to amend Sections 828.1, 828.45 and 829.15 of the Agricultural Code, relating to containers for grapes, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 31c of Article IV thereof, relating to ownership of stock by school districts.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCor-

mack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 413—An act to amend Section 2112 of the Business and Professions Code, relating to the directory under the chapter on medicine thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 502—An act to amend Section 2458 of, and to add Sections 2455.3 and 2455.6 to, the Business and Professions Code, relating to fees and certificates under the chapter on medicine thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503—An act to amend Section 2286 of the Business and Professions Code, relating to medical examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504—An act to add Section 2454.5 to the Business and Professions Code, relating to the use of the addressing facilities of the administrative board under the chapter on medicine thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505—An act to amend Section 2120 of the Business and Professions Code, relating to reports under the chapter on medicine thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1583—An act to amend Section 155 of the State Civil Service Act, relating to reinstatements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—28.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2098—An act to repeal an act entitled "An act making an appropriation to be expended by and under the direction of the Department of Public Works for the purpose of rectifying, improving and protecting the channel of the Pajaro River," approved May 28, 1929, and to abolish the Pajaro River Flood Control Fund, which is created thereby.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Tickle—29.

NOES—Senator Ward—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1971—An act accepting a retrocession of jurisdiction from the United States of America over certain rights of way granted to the State of California over a certain road in the Presidio of San Francisco Military Reservation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Ward:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 392 of the Penal Code, relating to the running of railroad trains with passenger cars ahead of freight cars.

Respectfully submitted.

SENATOR WARD

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
DEUEL
BREED
MYHAND

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bills were introduced, and read the first time:

Senate Bill No. 1323: By Senator Ward—An act to amend Section 392 of the Penal Code, relating to the running of railroad trains with passenger cars ahead of freight cars.

Referred to Committee on Public Utilities.

Senate Joint Resolution No. 22: By Senator Carter—Relative to memorializing the President and the Congress to provide for the deferment from military service of members of fire departments.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senators Kenny, Ward, Phillips, and McBride:

Senate Resolution No. 97

WHEREAS, The members and attaches of the California Legislature and their guests who attended the Legislative Ball on April 22, 1941, were most enjoyably entertained by talent supplied by Mr. Y. Frank Freeman, president, and Mr. Edward Mannix, vice president of the Association of Motion Picture Producers and Distributors of America; and

WHEREAS, The features presented by Kathryn Grayson, Douglas McPhail and Betty Jaynes constituted entertainment of a particularly high class and gratifying nature; now, therefore, be it

Resolved by the Senate of the California Legislature, That Mr. Y. Frank Freeman, Mr. Edward Mannix, Kathryn Grayson, Douglas McPhail and Betty Jaynes be

and each of them is hereby thanked for their generous cooperation and efforts and the contribution they made to the evening's festivities; and be it further

Resolved, That the Secretary be and he is hereby directed to have appropriately illuminated copies of this resolution prepared and to present the same to the association and individuals hereinabove enumerated.

Resolution read, and unanimously adopted.

EXPLANATION OF VOTE ON ASSEMBLY JOINT RESOLUTION NO. 10

I voted for this resolution in the Senate Elections Committee, and on the floor of the Senate, after a majority of the Assembly Committee, and the Assembly, had approved it.

The resolution contains no language advocating abrogation of the State unit, directly or otherwise. It was my understanding in committee, and still is, that it merely urges the abandonment of the cumbersome, expensive and useless device of the Electoral College. I have long believed that this useless procedure serves no useful purpose and should be abandoned.

H. E. DILLINGER

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 28 Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at a special election held therein on the eighth day of April, 1941

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-third day of April, 1941, at 4 p.m.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Senate Bill No. 1123

Has had the same under consideration, and reports the same back with the recommendation: Be referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bill re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Joint Resolution No. 42

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 100

Assembly Bill No. 665

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 227

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and place on the inactive file.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.10 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 24, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, April 24, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Luckey, on motion of Senator Swan.

Senator Metzger, on motion of Senator Gordon.

Senator Powers, on motion of Senator Keating.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ralph Stanfield, chairman, Board of Supervisors, Riverside County, of Corona.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. John Minasian and Miss Minasian of Merced, and Mrs. S. Charleson of Modesto.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary J. Judge and Marguerite Romack of Sacramento.

On request of Senators Swan and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lyman D. La Tourette of Los Angeles.

On request of Senator Gordon, in behalf of Senator Metzger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lester G. Engelson, Earl Danley, Mrs. Iver Lausten, Mrs. Lawrence Urrutia, and the following students of the Maxwell Union High School, Maxwell: Dolly Azevedo, Horace Gordon, Bonnie Hagan, Wanda Lausten, Hugh Smith, John Pacque, Henry Mellow, Bruce Day, John Gobel, Clarice Gregory, Murray Haase, Eleanor Lausten, Robert Roper, Edgar Wells, Barbara Yarbrough and Ernest Moore.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl D. Jacobsen, Grand Master of the Independent Order of Odd Fellows, of San Francisco.

On request of Senator Waggy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. C. H. Waggy of Bakersfield.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Edna E. Curtis and Mrs. Chris G. Steiner of Richmond.

On request of Senators Phillips and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Brodie Hamilton, manager Tejon Ranch, and J. A. McNaughton, general manager Los Angeles Union Stock Yards of Los Angeles.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Nancy Hamburger, Ellis Schuler, Karl O. Bayless, teachers, and the following eighth grade pupils from Lincoln Union Grammar School, Lincoln, Placer County: Dorothy Alspaugh, Barbara Baker, Buck Baker, Marilee Berry, Belmira Bettencourt, Gerarda Carranza, Raymond Chiostrri, Katherine Clampitt, Cuca De Arcos, Jesus Franco, Mary Franovich, Marion French, June Gallup, Mae Goodall, Joe Jiminez, Alton Jones, William Kondo, Earl Lehnem, Bernice Lucas, Lillian Ludovina, Edwin Maloney, Edna Mae McGuire, Pearl Miller, James Marcus Miner, Robert Munster, Eugene Nodohara, Carol Nelson, Vincent Noyes, Manuel Padilla, Dale Petty, George Petty, Elmer Price, Harold Rankin, Salvador Robles, Evelyn May Russell, Marshall Serna, Otilia Serna, Alberta Shane, Leroy Stevens, Stella Silva, Walter Silva, Marceline Taylor, Marceline Vasion, Gerald Webster, Melba Fern Wilson, Martha Lou Wiswell, Nao Yabumoto and Tada Yabumoto.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jerry Lanphier of Sacramento.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Hermine Hecht and Miss Evelyn Fromm of Berkeley.

On request of Senator Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Aida Koopman, teacher, and the following fifth to eighth grade students of the Robbins Grammar School, Sutter County: Hallie Hensley, Hermina

Schreiner, Bette Mae Honig, Nadine Allen, Helen Fox, Carrol England, Tony Olvera, Bob England, Modesto Olvera, Rex Robbins, Glenn Hinton, Donna Mae Williams, Lorraine Shipley, Alice Orecchia, Leola Pickler, Betty Benner, Amelia Schreiner and Roy Lytle.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Kennedy, principal, Mrs. Murie, Mr. Hill, teachers, and the following students of the Willow Glen School, San Jose: Carol Benelisha, Adele Chase, Barbara Perryman, Nancy George, June Fischer, Yvonne McCosh, Dean Wendt, John Wasson, Dick Webster, Bob Miller, Richard Hitchcock, Keith Jones, Stanley Gould, Dick Bischoff, Alon Montgomery, Lorin Paull, Eugene Muzzio, Conrad Smith, Elroy Shank, Walter Nelson, Dale Le Mar, Raymond Sommers, Bob King, Bob Skewes, Richard Savoni, Wiley Jackson, Keith Reid, Marion Steinagel, Martha Craft, Nonda Lee, Lynne Ekstrand, Marcia Renee, Audrey Guglieri, Patty Greer, Jaqueline Sparks, Lucille Nelson, Winifred Bothwell, Joy Combs, Glenna Swain, Muriel Trusecott and Lois Hein.

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Lillian Hathaway, teacher, Mrs. E. B. Hinkle, Mrs. Wayne Ross, Mrs. John Davidson, and the following students of Redding Seventh Day Adventist School, Redding: Shirley Sindorf, Elvia Lunt, Emma Boyce, Evelyn Kirkpatrick, Joe Snipes, Norman Wilson, Hazel Archer, Betty Dillabo, Bill Henry, Nancy Ross, Bill Pierson, Baye Howe, Veryl Kegley and Lois King.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth F. Declusin, teacher, Mesdames Otto Billigmeir, George Weigum, George Knoll, Messrs. Tobias Weigum and John Declusin, and the following seventh and eighth grade students of Victor School, San Joaquin County: Barbara Fairchild, La-June Heinle, Doris Schmidt, Florence Wagemann, Wanda Weigum, Robert Fairchild, Carl Fade, Tommy Garlow, Ellwood Linley, Elmer Meyer, Jungi Sasaki, Beverly Billigmeir, Eleanor Fandrick, Lillie Mae Harrison, Lorraine Hirtel, Rosie Lehr, Lodovisa Massoni, Betty Wagemann, Patricia Weigum, Donald Amos, Roy Christman, Loren Hirtel, Hillard Knoll, Richard Neer, George Sakoi, Howard Schmieder and Richard Weigum.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 29

Senate Joint Resolution No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolutions ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 98

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor the Secretary of the Senate in the sum three hundred fifty dollars (\$350) for postage for the Senate and the Treasurer is directed to pay the same.

RICH, Chairman

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Mayo, McBride, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, and Waggy—26.

NOES—None.

WITHDRAWAL OF MOTION TO RECONSIDER BILL

Senator Crittenden moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 2021 was passed.

Motion carried.

Assembly Bill No. 2021 ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 100—An act to amend Section 481 of the Fish and Game Code, relating to the pollution of waters.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "of"; and strike out lines 5 to 13, inclusive, and insert "petroleum or by products of petroleum; any coal tar, oil, or by products of coal; any sawdust, slabs, bark, edgings or sawmill refuse; any refuse, liquid or solid, from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind; any lime, acid, slag, cyanide, metallic salts, brine, chlorine or ammonia; any tailings or effluent from any mechanical placer mining operation unless adequate settling ponds and clarifiers that remove suspended solids and slimes are installed and operated in a manner that prevents said solids and slimes from unduly increasing the turbidity of said waters; or any substance deleterious to fish, mollusks, crustaceans, fish foods, plant life, bird life or mammals."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 227—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Pro-

gram, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 2, line 32, of the printed bill, as amended, insert "(c) The Director of Public Health; and".

Amendment No. 2

On page 2, line 33, of the printed bill, as amended, strike out "(c)", and insert "(f)".

Amendment No. 3

On page 3, line 21, of the printed bill, as amended, after "expenditures", insert "as may be appropriated for those purposes and".

Amendment No. 4

On page 3, line 32, of the printed bill, as amended, strike out "three thousand dollars (\$3,000)", and insert "five thousand dollars (\$5,000)".

Amendment No. 5

On page 6, line 13, of the printed bill, as amended, strike out "ten thousand dollars (\$10,000)", and insert "twenty-five thousand dollars (\$25,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 665—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Fresh abalone", and insert "Abalone".

Amendment No. 2

On page 1, line 4, of the printed bill, following the period, strike out balance of bill, and insert "Meal made from abalone trimmings by a reduction process, and chowder made from abalone trimmings canned in not less than No. 10 size cans, may be transported out of the State."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 192—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—Garrison—1.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 409—An act to add a new section to the Agricultural Code to be numbered Section 735.3-1, relating to market milk and cooperative marketing associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 861—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, McBride, Mixter, Myhand, Seawell, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 212

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 335

Senate Bill No. 1312

Senate Bill No. 857

Senate Bill No. 855

Senate Bill No. 895

Senate Bill No. 1272

Senate Joint Resolution No. 22

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 59

Senate Joint Resolution No. 21

Senate Bill No. 409

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 17

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 406

Assembly Bill No. 144

Senate Bill No. 873

Assembly Bill No. 235

Senate Bill No. 1307

Assembly Bill No. 1148

Assembly Bill No. 2349

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 542

Assembly Bill No. 1967

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Senate Bill No. 972

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

MOTION TO RE-REFER COMMITTEE REPORT AND SENATE BILL NO. 972

Senator Seawell moved that the report of the Committee on Business and Professions and Senate Bill No. 972 be re-referred to the Committee on Local Government.

Roll Call Demanded

Senators Seawell, Phillips and Garrison demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Foley, Keating, Kuebel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Quinn, Seawell, Shelley, and Ward—18.

NOES—Senators Biggar, Carter, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Phillips, Slater, Swan, Swing, and Wagy—15.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to retain Senate Bill No. 1000 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 876—An act to add Section 7.4 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Seawell, Slater, Wagy, and Ward—25.

NOES—Senators Carter, DeLap, Dillinger, Kenny, Quinn, and Swan—6.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16b, relating to building and loan associations when the commissioner shall be in possession and whether or not he shall be liquidating their affairs; relating to the rehabilitation, readjustment or reorganization of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from certain provisions of the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16b, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 749—An act to amend Section 960 of, and to add Sections 960.1, 960.2, 960.3 and 960.4 to, the Streets and Highways Code, relating to the abandonment and vacation of county highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mixer, Myhand, Parkman, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 876 was passed.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 876 was passed.

The roll was called, and Senate Bill No. 876 reconsidered by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—Senators Breed, and Mixer—2.

RECONSIDERATION OF SENATE BILL NO. 876

Senate Bill No. 876—An act to add Section 7.4 to the Unemployment Insurance Act, relating to unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Slater, Swing, Wagy, and Ward—25.

NOES—Senators Carter, Collier, DeLap, Dillinger, Foley, Kenny, Quinn, Seawell, Shelley, and Swan—10.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, April 18, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 133—An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502 and 2557 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 and 2636, and Article 7, comprising Sections 2650 to 2658, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code, and repealing acts and parts of acts specified herein: relating to the relief of hardship and destitution, irrespective of cause: the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the relief commission and relief administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administration to the State Department of Social Welfare and transferring relief cases to county administration;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on March 28, 1941, be further amended as follows:

Amendment No. 1

In line 6 of the title of the printed bill, as amended, strike out "and 2557", and insert ", 2557 and 2558".

Amendment No. 2

In line 9 of the title of the printed bill, as amended, strike out "and"; and strike out all of line 10, and insert "to 2641, inclusive, and Article 7, comprising Sections 2650 to 2659".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 9 and 10, and insert "State hospitals or other State or private institutions."

Amendment No. 4

On page 2, line 17, of the printed bill, as amended, after "ineligible", insert "under Section 2562".

Amendment No. 5

On page 2, line 21, of the printed bill, as amended, strike out "by the"; and strike out all of line 22, and insert "once for one continuous period, which period shall not exceed 90 days. The relief, if granted, shall be granted by the county of presence and shall be at State expense."

If relief is necessary more than once or for more than 90 days, the county of presence may grant such relief and the direct costs thereof shall be entirely a county charge."

Amendment No. 6

On page 2, lines 23 and 24, of the printed bill, as amended, strike out "direct costs of the relief granted to such needy persons and for all".

Amendment No. 7

On page 2, line 25, of the printed bill, as amended, strike out "them", and insert "needy persons and their dependents".

Amendment No. 8

On page 2, line 29, of the printed bill, as amended, after "section.", insert "The county may determine the amount and scope of relief within the limits of this chapter that it grants at its own expense under this section."

Amendment No. 9

On page 3 of the printed bill, as amended, strike out lines 14 to 17, inclusive.

Amendment No. 10

On page 3, line 22, of the printed bill, as amended, after "California", insert "on or".

Amendment No. 11

On page 3, line 33, of the printed bill, as amended, after "State.", insert "Medical, dental, surgical or hospital care may be received within the applicable period provided in subdivision (a) without such care constituting a disqualification by reason of this subdivision."

Amendment No. 12

On page 4, line 26, of the printed bill, as amended, after "2557.", and before "Notwithstanding", insert "(1)".

Amendment No. 13

On page 4, line 28, of the printed bill, as amended, strike out "may", and insert "shall".

Amendment No. 14

On page 4, line 29, of the printed bill, as amended, after "of", insert "all of".

Amendment No. 15

On page 4, line 34, of the printed bill, as amended, after "Commission.", insert "This subdivision (a) does not include persons who received relief under subdivision (c) of Section 10 of Chapter 45 of the Statutes of 1940 or subdivision (c) of Section 9 of Chapter 12 of the Statutes of 1940."

Amendment No. 16

On page 4, line 40, of the printed bill, as amended, before "The", insert "(2)".

Amendment No. 17

On page 5 of the printed bill, as amended, between lines 3 and 4, insert

"(3) County residence imputed to a person by Subdivision (2) of this section may be lost (i) by absence from the county for three years or (ii) residence in another county for one year. All changes in residence for any person to whom this section applies shall be determined in accordance with Sections 2556 and 2558.

Sec. 8.5. Section 2558 is hereby added to said code, to read as follows:

2558. County residence once acquired is presumed to continue and no person shall be deemed to have lost his residence in any county unless (i) he has been absent therefrom for three years or (ii) he has resided in another county for one year.

If any needy person removes from one county to another county, the county to which he has removed shall be responsible for his relief upon the first day of the first month beginning after the date upon which he attains a residence of one year therein, unless the day upon which he attains one year of residence is the first day of the month in which event the transfer of costs shall take effect upon that day.

The county to which the person has removed shall provide relief and other necessary care, the same as though he were a resident of that county, during the period of presence before residence has been acquired therein and the former county residence lost. The county providing this assistance may demand payment thereof from the county of residence in an amount not in excess of the actual cost thereof and it shall be a proper charge and duty of the county of residence to pay the costs of such assistance."

Amendment No. 18

On page 5, line 12, of the printed bill, as amended, strike out "from time to time".

Amendment No. 19

On page 5, line 17, of the printed bill, as amended, strike out "him", and insert "a needy person".

Amendment No. 20

On page 5, line 19, of the printed bill, as amended, after "requirements", insert "in the community in which he lives".

Amendment No. 21

On page 6, line 10, of the printed bill, as amended, after "illegally", and before "subsequent", insert "on or".

Amendment No. 22

On page 6 of the printed bill, as amended, strike out all of line 22, and insert "included in determining the family budget, except that his resources, not necessary for his maintenance and the maintenance of those who are ineligible for relief under this section, shall be considered in determining the whole budget of the case."

Amendment No. 23

On page 6 of the printed bill, as amended, between lines 41 and 42, insert

"2564. No relief under this chapter shall be granted any person who is, or any member of whose family is, making payments upon any chattel mortgage or conditional sales contract for personal property, other than payments for essential food, essential clothing or essential housing, in excess of five dollars (\$5) per month, when the debt, secured by the chattel mortgage or conditional sales contract, was incurred while relief was being received under this chapter."

Amendment No. 24

On page 7, line 5, of the printed bill, as amended, after "rates", insert ". rents".

Amendment No. 25

On page 7, line 14, of the printed bill, as amended, strike out "agent of the county administering his case", and insert "county welfare director upon his own investigation".

Amendment No. 26

On page 7, line 21, of the printed bill, as amended, after "article", insert "2.5, except as to need".

Amendment No. 27

On page 8, line 49, of the printed bill, as amended, strike out "and 2636", and insert "to 2641, inclusive".

Amendment No. 28

On page 9 of the printed bill, as amended, between lines 20 and 21, insert

"2637. The department shall maintain a master file of persons applying for and receiving relief under this chapter. Every county shall supply the department regularly with the information and data the department requires for the maintenance of the file. The department shall supply every county with all the information and data it has available in the file concerning every person applying for or receiving relief under this chapter about whom the county requests information and data.

2638. The department shall secure from the California Employment Commission and supply the counties with information concerning unemployment insurance benefits under the Unemployment Insurance Act which may be available for or are being paid to persons applying for or receiving relief under this chapter.

2639. The department and every county is authorized to make grants to, and to receive and expend funds made available to both or either from, the Federal Government or any agency or department or board thereof for relief, work relief, rehabilitation or cooperation with the Federal Government for the relief of persons in need, and in this connection the department and every county shall cooperate with the Federal Government.

Every county grant under this section constitutes a direct relief expenditure for which the State shall be responsible to the same extent as it is responsible for the direct relief costs in that county under subdivision (b) of Section 2652.

2640. Except as otherwise provided in this section, until budgets and standards are prepared by the department under Section 2559 and approved by the board of supervisors for the county, the board of supervisors may determine its own policies with reference to the resources and amount of relief a person may be permitted to have.

When budgets and standards under Section 2559 are prepared by the department for the county, they shall be submitted to the board of supervisors and, within 30 days after the date of submission, the board of supervisors shall approve or reject in whole or in part such budgets and standards. Those budgets and standards approved by the board of supervisors shall take effect upon the date of approval. All budgets and standards not approved within 30 days shall be deemed rejected.

If any budgets and standards are rejected by the board of supervisors, and the department and the board of supervisors can not agree upon modifications, a relief standards board of three members for the particular county shall be established as follows: The department shall select a member of the Social Welfare Board, an officer or employee of the department to represent the department upon the relief standards board. The board of supervisors shall select a member of the board of supervisors, an officer or employee of the county to represent the county upon the relief standards board. The representative of the department and the representative of the county shall select an impartial third person, other than a public officer or employee, to act as chairman of the relief standards board. Neither the representative of the department nor the county shall receive any compensation for his services as a member of the relief standards board but he shall be entitled to his expenses if otherwise entitled thereto by law. The chairman of the relief standards board shall be paid twenty-five dollars (\$25) per day with a minimum of one hundred dollars (\$100), from the day the relief standards board convenes until the disputed budget and standards are taken under submission. While the budgets and standards are under submission, the chairman shall receive no compensation. He shall receive his actual and necessary expenses in an amount not to exceed eight dollars (\$8) per day. All expenses of the relief standards board shall be borne 50 per cent by the State from the money available for expenditure under this chapter and 50 per cent by the county from county funds. Expenses incurred by a county for a relief standards board shall not be a county relief expenditure for which reimbursement may be had from the State.

The disputed budgets and standards shall be submitted to the relief standards board for hearing and decision. The relief standards board may approve, reject or modify the disputed budgets and standards. It may make its decisions by a majority vote and its decision shall take effect immediately, shall be final and shall be binding upon the department and the county.

If the budgets and standards rejected by the board of supervisors are not agreed upon by negotiation or settled by the relief standards board within 60 days after submission to the board of supervisors, the department may put them into effect in the form submitted or modified by the department at any time after the expiration of 60 days from the date upon which the budgets and standards were submitted to the board of supervisors, and, if put into effect, shall be binding upon the county. If the department does put into effect any budgets and standards without the approval of the board of supervisors and it subsequently appears when the budgets and standards are finally determined, either by negotiation or by decision of the relief standards board, that higher direct relief costs have been imposed upon the county than would have been imposed had such budgets and standards as finally determined been in effect from the date upon which the budgets and standards determined by the department were imposed, the State shall reimburse the county for the full amount of the difference borne by county funds.

2641. The provisions of Sections 114, 115 and 116 of this code do not apply to relief activities or to appropriations for expenditure under this chapter. The department and the counties may enforce the rights and obligations and powers and duties granted or imposed upon one or the other under this chapter and this code by appropriate actions at law or suits in equity."

Amendment No. 29

On page 9, line 21, of the printed bill, as amended, strike out "2658", and insert "2659".

Amendment No. 30

On page 10 of the printed bill, as amended, strike out lines 28 to 32, inclusive, and insert

"2651. Until a county residence is acquired in the case of needy persons having no county residence but who are State residents, and until the period provided therefor has elapsed in the case of needy persons eligible for relief at State expense under Section 2501, State money may be expended for home relief, medicines, medical, surgical, hospital and other treatment, nursing care and corrective appliances.

In the case of needy persons having a county residence, State money may be expended for home relief, when matched by the required share of county money. Necessary medicines, medical, surgical, hospital and other treatment, nursing care and corrective appliances for needy persons having a county residence shall be an obligation and duty of the county to be performed at county expense and the county shall be the sole determinant of the standards thereof. The county may furnish medicines, medical, surgical, hospital and other treatment, nursing care and corrective appliances for nonresidents whom it is authorized to assist under this chapter.

Home relief includes money, food, housing, clothing, fuel, light, water, household equipment, commodities and services."

Amendment No. 31

On page 10, line 37, of the printed bill, as amended, after "residence", insert "to the extent permitted by Section 2501".

Amendment No. 32

On page 10, line 39, of the printed bill, as amended, after "of", and before "relief", insert "home".

Amendment No. 33

On page 10, line 43, of the printed bill, as amended, after "indigent", and before "relief", insert "home".

Amendment No. 34

On page 11, line 6, of the printed bill, as amended, after "quarter", insert "for home relief".

Amendment No. 35

On page 11, line 25, of the printed bill, as amended, after "county", insert "for home relief".

Amendment No. 36

On page 11, line 36, of the printed bill, as amended, strike out "shall", and insert "may".

Amendment No. 37

On page 11 of the printed bill, as amended, strike out lines 49 to 52, inclusive, and insert

"2657. Each county shall send to the department records and reports in such manner and form and at such times as the department may prescribe concerning:"

Amendment No. 38

On page 12, line 5, of the printed bill, as amended, after "2658", insert "County claims for the costs of medicines, medical, surgical, hospital and other treatment, nursing and corrective appliances for which the State is responsible under Section 2651 shall be filed separately and distinct from claims for home relief, in the manner prescribed by the department.

Payments of such claims shall be made subsequent to the furnishing of such assistance, monthly or later as determined by the department, and shall be paid after audit and settlement by the department and the Controller from the money available for expenditure under this chapter.

2659."

Amendment No. 39

On page 12 of the printed bill, as amended, strike out lines 27 to 31, inclusive.

Amendment No. 40

On page 12, line 39, of the printed bill, as amended, after "and", and before "four", insert "within the time otherwise provided by law but not later than".

Amendment No. 41

On page 13, line 9, of the printed bill, as amended, strike out "April 1, 1942", and insert "the first day of the first month beginning 90 days after the effective date of this act".

Amendment No. 42

On page 13, line 42, of the printed bill, as amended, strike out "January 1, 1942, after which date", and insert "The first day of the first month beginning 60 days after the effective date of this act, on and after which day".

Amendment No. 43

On page 14, lines 2 and 3, of the printed bill, as amended, strike out "after January 1, 1942", and insert "on and after the first day of the first month beginning 60 days after the effective date of this act".

Amendment No. 44

On page 14, line 14, of the printed bill, as amended, strike out "April 1, 1942", and insert "the first day of the first month beginning 90 days after the effective date of this act".

Amendment No. 45

On page 14 of the printed bill, as amended, strike out lines 16 to 22, inclusive.

Amendment No. 46

On page 14, line 32, of the printed bill, as amended, after "enacted," insert "and while it remains in force,".

Amendment No. 47

On page 14, line 46, of the printed bill, as amended, after "enacted," insert "and while it remains in force,".

Amendment No. 48

On page 15, line 7, of the printed bill, as amended, after "records", insert "(including the files containing the records)".

Amendment No. 49

On page 16 of the printed bill, as amended, strike out line 11, and insert "of 1941 is in effect and provides (i) that the State shall bear not less than two-thirds and the counties not more than one-third of the costs of aid under the Old Age Security Law after the deduction from such costs of the amount of the Federal grant and (ii) an appropriation for such costs and unless the Public Works Act of 1941 is in effect."

PHILLIPS

WAGY

Senate Committee on Conference

DALEY

WOLLENBERG

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYLES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—27.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Kenny, McBride, Shelley, and Swan—9.

Minority Report

The following minority report was submitted by Senator Shelley, and ordered printed in the Journal:

The undersigned of the Committee on Conference concerning Senate Bill No. 133 dissent from the report made by the majority of the committee, and as reasons for their difference with other members of the committee set forth the following points:

The first thing to be borne in mind in connection with Senate Bill No. 133 is the difference of opinion as to whether relief can be better administered by and through State Relief Administration or by and through county administration. The supporters of the position of State administration of relief, amongst whom are the signers of this minority report, have always contended and repeat here that Relief Administration requires a single centralized State unit, because of the interchangeability of our population, especially transient workers, amongst whom the need for relief so greatly exists in certain periods of the year.

We feel that a return to county administration as is proposed under Senate Bill No. 133 will set up 58 different methods of handling relief and open the door to a more widespread suffering and hardship. We can not agree with the majority of the committee's recommendation of Senate Bill No. 133, because we feel the bill does not set up any definite minimum relief standard to which 58 different counties must adhere.

We call your attention to Section 2559, Article 2.5, on page 5 of the printed bill which says that "The department may fix for each county maximum relief case budgets and minimum standards of relief within the range of which the board of supervisors may establish its own policy."

We feel that this and other provisions of the bill will open the door to possible use of 58 different types of political expediency in the handling of relief problem, and will, no doubt, result in the large metropolitan areas having to absorb a relief load which have, by one means or another been pushed into these counties.

We call your attention to Section 2651 which we feel would set up 58 different standards of medical aid for needy persons.

We call your attention to the provisions set forth in Section 2640, page 10 of the printed bill, for setting up an Arbitration Board for the purpose of deciding any existing disputes between the State department and a county, and point out that in the event of the board's being unable to agree on a neutral chairman, there is not provision for deciding this deadlock; the result thereby being that the county can continue to maintain its position and the State is denied the right to shut off any aid to bring about a determination of the issue.

Until 24 hours ago the county supervisors of California had refused to take any stand on this matter. Despite the action of the Executive Committee of the County Supervisors' Association yesterday indorsing the provisions of Senate Bill No. 133, we believe that every metropolitan county and many of the smaller counties are still opposed to take over this burden.

We believe that even the Supervisors' Executive Committee would have refused to take action, had there not been pressure and coercion from certain elements in the Legislature, who are offering as bait a State subsidy for aged aid, which will relieve the counties of approximately \$15,000,000 of their present financial burden per biennium, in that category of assistance.

This huge sum of State money is, in our opinion, little less than a legalized form of bribery, and offered without any consideration whatsoever of the State's ability to contribute, or the counties' need for assistance.

We could point out at length technical objections to this bill. We are content to rest our case, however, on our fundamental belief that decentralization of the administration of the unemployment relief is unwise.

A. F. HAWKINS, Assemblyman
JOHN F. SHELLEY, Senator

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 747—An act to amend Sections 1071 and 1074 of the Streets and Highways Code, relating to highway work on county roads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1206—An act to add Article 6.5 to Chapter 7 of Part 2 of Division 6 of the Health and Safety Code, relating to use of county assessment rolls for sanitary district taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuebel, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 23, 1941

*To the Honorable Members of the Senate
State of California, State Capitol
Sacramento, California*

GREETINGS: On April 21st I approved Senate Bill No. 264 entitled "An act to amend Sections 3101, 3105, and 3110 of the Revenue and Taxation Code, relating to

property taxation and to the registration of vessels to enforce the payment of property taxes, to take effect immediately." The sections of the Revenue and Taxation Code affected by this bill are contained in Article 1 of Chapter 6 of Part 5 of Division 1 of the Revenue and Taxation Code, which article requires the registration of boats to facilitate the collection of taxes thereon.

The effect of this bill is to broaden the requirements of said article so that hereafter all types of boats which are subject to local taxation in this State, including the smallest rowboats and canoes will have to be so registered.

Your attention is called to Section 3112 of the Revenue and Taxation Code, which reads as follows:

"3112. Every person who operates a boat which is not registered is guilty of a misdemeanor."

Under this language, a person who rents a rowboat and uses it, would be guilty of a misdemeanor, if the owner thereof had not registered the boat, and I am sure that such is not a desirable provision. But for the fact that the same criticism could have been made of the existing law, in so far as the boats which were affected by the existing law were concerned, I would have felt it my duty to veto the measure on this ground. However, as this undesirable provision was already in the existing law, I did not deem it as justifying the veto that this bill would extend this provision to boats formerly not covered.

I suggest that you give further consideration to this problem and would recommend that Section 3112 at least be amended so that its application would be limited to the defaulting taxpayer. It might even be well to repeal the section, as it is not customary to impose a criminal penalty solely upon a failure to pay taxes, and the only purpose of the registration of boats is to enforce such payment.

Your attention is also called to Section 3108 of the Revenue and Taxation Code requiring every boat to carry its certificate. It might be well to consider the practicability of such a provision when applied to rowboats, canoes, and the like.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Revenue and Taxation.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution No. 20—Relative to memorializing the President and the Congress of the United States to abolish tax-exempt bonds.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—24.

NOES—Senators Cunningham and Deuel—2.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 21—Relative to State sales taxes and the Federal Government.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Myhand, Parkman, Quinn, Rich, Shelley, Slater, Swan, Swing, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 212—An act to amend Sections 1640 and 1671 of, and to add Section 1671.2 to, the Insurance Code, relating to insurance and insurance agents, brokers, and solicitors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Garrison, Judah, Kenny, Kuchel, Mayo, McBride, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies; to prohibit devices and subterfuges to evade this act; to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "provision", and insert "provisions".

Amendment No. 2

On page 2, line 24, of the printed bill, as amended, strike out "such incorporated", and insert "the"; and after "limits", insert "of an incorporated city or cities".

Amendment No. 3

On page 2, line 27, of the printed bill, as amended, after "city", insert "or cities".

Amendment No. 4

On page 3, line 6, of the printed bill, as amended, strike out "principal", and insert "face"; and in line 7, after "loan", strike out "advanced to the borrower".

Amendment No. 5

On page 4, line 41, of the printed bill, as amended, after "discount", insert "bona fide", and after "receipts", strike out "bona fide".

Amendment No. 6

On page 5, line 29, of the printed bill, as amended, strike out "hypothecated", and insert "hypothecated".

Amendment No. 7

On page 5, line 37, of the printed bill, as amended, strike out "under"; and in line 38, before "trustees", insert "or"; and after "trust", insert "under".

Amendment No. 8

On page 13, line 10, of the printed bill, as amended, after "loan", insert a semi-colon.

Amendment No. 9

On page 13, line 20, of the printed bill, as amended, before "charges", insert "maximum".

Amendment No. 10

On page 13, line 42, of the printed bill, as amended, strike out "principal", and insert "face".

Amendment No. 11

On page 13, line 46, of the printed bill, as amended, after "pledge," insert "trust receipt,"; and after "mortgage", insert "or deed of trust".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1272—An act to add Section 13.21 to the Building and Loan Association Act, relating to building and loan associations, the Building and Loan Commissioner, the rights of investors and creditors of any such association in the possession of the commissioner (unless the proceeding provided for by Section 13.12 of this act shall have been commenced and no judgment which shall have become final shall have been rendered therein, or unless the time within which such proceeding may be commenced has not expired, or unless a proceeding under Section 13.16d of this act is pending) to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to exchange investment certificates, or other rights or claims for property or for securities issued by a corporation organized to hold or liquidate such property, and to continue to hold as a legal investment any property or securities so received.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Swan, Wag, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1312—An act to amend Sections 218 and 219 of the Penal Code, relating to the wrecking of trains.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wag, and Ward—30.

NOES—Senators Kenny, and Shelley—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 895—An act to add Section 738a to the Code of Civil Procedure, relating to making the State of California a party to quiet title actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wag, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 335—An act to add Section 6102.5 to the Business and Professions Code, relating to attorneys convicted of crimes involving moral turpitude.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 256—An act concerning the ascertainment of principal and income and the apportionment of receipts and expenses among tenants and remaindermen.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An act to amend Section 45 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments and the recording of certificates of sale of the property, and validating certificates of sale of property sold to irrigation districts for delinquent assessments, collectors' deeds issued pursuant to the certificates, and other acts, the validity of which depends upon the validity of the certificates or deeds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 857—An act to amend Section 3 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to credit unions, the licensing, regulation and powers thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Gordon:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 10 and to repeal Section 10½ of the Highway Carriers' Act, relating to rates charged by motor vehicles using the highways for commercial purposes and excluding rates for transportation of live stock and agricultural commodities from regulation.

Respectfully submitted.

SENATOR GORDON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 24, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagdy, and Ward—30.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Keating:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 133 of the Civil Code, relating to entry of final judgment in divorce cases.

Respectfully submitted.

SENATOR KEATING

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 24, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYHAND
BREED

TICKLE
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagdy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1324: By Senator Gordon—An act to amend Section 10 and to repeal Section 10½ of the Highway Carriers' Act, relating to rates charged by motor vehicles using the highways for commercial purposes and excluding rates for transportation of live stock and agricultural commodities from regulation.

Referred to Committee on Public Utilities.

Senate Bill No. 1325: By Senator Keating—An act to amend Section 133 of the Civil Code, relating to entry of final judgment in divorce cases.

Referred to Committee on Judiciary.

Senate Concurrent Resolution No. 30: By Senators Biggar and Quinn—Relative to closing of trout fishing streams flowing into the Pacific Ocean.

Request for Unanimous Consent

Senator Biggar asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 30, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 30

Senate Concurrent Resolution No. 30—Relative to closing of trout fishing streams flowing into the Pacific Ocean.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagye, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1804—An act to add Sections 6953, 6954, 6955 and 6956 to the Labor Code, relating to the use of safety glass on electric cars and electric locomotives.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "of", insert "laminated".

Amendment No. 2

On page 1, line 4, of the printed bill, after "with", insert "laminated".

Amendment No. 3

On page 1, line 19, of the printed bill, after "with", insert "laminated".

Amendment No. 4

On page 1, line 22, of the printed bill, strike out "Safety", and insert "Laminated safety".

Amendments read and adopted.

Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 99

Resolved, That the following named person be stricken from the list of Senate attaches, and his name be stricken from the pay roll of the Senate, to take effect on completion of work April 23, 1941:

	<i>Per day</i>
Julian W. Lindsay, Assistant-at-Desk-----	\$5 00

Resolution read and adopted.

By Senator Tickle:

Senate Resolution No. 100

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work April 24, 1941:

	<i>Per day</i>
Bruce Stark, Page-----	\$2 50
Bud L. Stark, Page-----	2 50

Resolution read and adopted.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 59--An act to amend Section 305 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended, strike out "twenty-eight", and insert "twenty-nine".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Local Government**

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Senate Bill No. 1038

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 348

Senate Bill No. 696

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1321

Senate Bill No. 1064

Assembly Bill No. 1207

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

CUNNINGHAM, Vice Chairman

Above reported bills ordered to second reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 211

Senator Kenny moved that Senate Bill No. 211 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 211—An act to repeal Section 1151 of the Insurance Code, relating to insurance.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of lines 10 to 26, inclusive; and on page 2, strike out all of lines 1 to 13, inclusive, and insert

"1151. If, after a hearing, the commissioner is satisfied that an insurer is carrying upon its book any parcel or parcels of real estate at values exceeding the sound market value thereof, he may order the insurer to:

(a) Create an adequate contingency reserve against the book value of such parcel or parcels, or

(b) Reduce the book value of such parcel or parcels by a corresponding amount.

In case of real estate, not of a character described in subdivisions (a) or (b) of Section 1150 or acquired under subdivision (b) of Section 1150 as requisite or desirable in connection with real estate acquired under subdivision (a) or (b), which has been held by the insurer for more than five years, the commissioner may order the insurer to dispose of such real estate within six months if, after a hearing, the commissioner is satisfied that:

(1) The insurer has refused reasonable offers for the sale of such real estate, or

(2) Such real estate may be disposed of without undue hardship to such insurer.

For the purpose of enabling him to determine upon the issuance of an order pursuant to this section, the commissioner, if he is not satisfied with the appraisal furnished at his request by the insurer, may appraise such real estate at the expense of the insurer.

The commissioner may suspend or revoke the certificate of authority of an insurer failing to comply with any order issued under the provisions of this section."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 880

Senator Kenny moved that Senate Bill No. 880 be withdrawn from Committee on Financial Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 880—An act to add Section 42 to the Insurance Code, relating to loans or advancements of credit by persons transacting insurance.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Article 8, comprising Section 1270, to Chapter 2, Part 2, Division 1, of", and insert "Section 1100.1 to".

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 3, 4 and 5, and insert "investments, and advancements of credit by insurers."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1, 2, and 3, and insert

"SECTION 1. Section 1100.1 is hereby added to the Insurance Code, to read as follows:

1100.1. Every admitted incorporated insurer may under a certificate of authority issued pursuant to the provisions of Article 3 of this chapter of this code, engage in this State in the type of loan transactions otherwise permitted by law without obtaining any other license or certificate.

SEC. 2. This act is not intended to change existing law but is intended to be declaratory thereof."

Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of lines 5 to 25, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

ADJOURNMENT

At 5.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., April 25, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED TENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, April 25, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judith, Keating, Kenny, Kuebel, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—32.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Parkman, on motion of Senator Powers.

Senator Luckey, on motion of Senator Powers.

Senator Crittenden, on motion of Senator Fletcher.

Senator Swing, on motion of Senator Rich.

Senator Metzger, on motion of Senator Gordon.

Senator Shelley, on motion of Senator Ward.

Senator Collier, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Louis J. Lemstra, National President, American Legion Auxiliary, and Miss Louise Berndt, National Secretary, American Legion Auxiliary, both of Indianapolis, Mrs. Ruth Mathebat of Alameda, Past President of the American Legion Auxiliary of California and Ethel M. Flynn, Secretary, California American Legion Auxiliary, of San Francisco.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Henrietta Crawford, instructor, Mr. Ed Martini, and the following students of

the Lagunitas District School, Marin County: Janice Dillman, Edwin Gardner, Joe McCart, Virgilio Ramponi, Evelyn Affonso, Robert Thorson, Evelyn Howard, Pauline DeMartini, Bill Dougan, George Kidder, Gerald Dillman, Vernon Howard, Doris Peacock, Ola Hayden, Elaine Borkeim, Florence Dickson, Lorraine Rafferty, Constance Howard, Mary Vanderford, Jesse Vanderford, Roddy Waters, Lamont Kidder, Gladys Kidder, George Affonso, Ruth Oakley, Deloras Jordan, Patty Voyle, Emma Rourke, Arthur Marsh, Eddy Hayden, Ethel Dougan and Helen Beneken.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 100

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 59

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 34

Assembly Bill No. 1450

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 577

Assembly Bill No. 792

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1451

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 253

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Vice Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1247

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

PHILLIPS, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 64

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 620

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Vice Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 298

Senate Bill No. 665

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1309

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1969

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 484

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 850

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 2570

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1899

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 23, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1151

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill re-referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 133—An act to amend Sections 2500, 2555 and 2556 of, and to add Section 2557 and Article 2.5, comprising Sections 2560 to 2570, inclusive, Article 6, comprising Sections 2625 to 2632, inclusive, and Article 7, comprising Sections 2650 to 2654, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in

connection therewith; penalizing violations; declaring the urgency thereof, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 542—An act to add Section 3.693 to the School Code, relating to moral and religious instruction.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "district", insert "which maintains an elementary school".

Amendment No. 2

On page 1, line 5, of the printed bill, as amended, after "pupils", insert "in the elementary grades".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 7 to 15, inclusive, and insert "At times to be fixed by the board, it may excuse such pupils of the elementary grades whose parents or guardians so request, for".

Amendment No. 4

On page 1, line 16, of the printed bill, as amended, after "hour", insert "each week".

Amendment No. 5

On page 1, line 17, of the printed bill, as amended, strike out "places", and insert "place or places".

Amendment No. 6

On page 1, lines 18 and 19, of the printed bill, as amended, strike out "in accordance with the religious faith of said pupils."

Amendment No. 7

On page 1 of the printed bill, as amended, strike out lines 22 to 24, inclusive, and insert "section, and to make necessary and satisfactory arrangements with the respective authorized representatives of the several religious groups, churches, and/or denominations for the giving of the aforesaid moral and religious instruction and the reporting of attendance."

Amendment No. 8

On page 2, lines 3 and 4, of the printed bill, as amended, strike out "who for any reason fails", and insert "whose parent or guardian does not elect for him".

Amendment No. 9

On page 2 of the printed bill, as amended, strike out line 11, and insert a period.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 106—An act to add Chapter 7, consisting of Sections 4.40 to 4.44, inclusive, to Part 1 of Division 4 of the School Code, relating to giving the assent of the State to an act of Congress of the United States entitled "An act to promote the mining of potash on the public domain," approved February 7, 1927, and providing for the disposition of moneys received by the State thereunder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 873—An act to repeal Chapter 433 of the Statutes of 1929, and to add Article 2a to Chapter 3 of Part 1 of Division 1 of the School Code, relating to the board and lodging of pupils of high school districts and junior college districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1307—An act to amend Section 6.180 of the School Code, relating to sale or lease of school property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 17—An act to amend Section 758 of the Political Code, and to add thereto Section 758b, relating to the creation and establishment of one additional division of the District Court of Appeal for the Second Appellate District and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 22, of the printed bill, strike out "3" before "deputy", and insert "2".

Amendment No. 2

On page 1, line 23, of the printed bill, strike out "3", and insert "2".

Amendment No. 3

On page 1, line 24, of the printed bill, strike out "3 bailiffs", and insert "1 bailiff".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 25, and insert "(\$2,400 per annum."

Amendment No. 5

On page 2 of the printed bill, strike out all of lines 1 and 2.

Amendment No. 6

On page 2 of the printed bill, strike out all of line 11, and insert "Seventy-one thousand two hundred twenty-six dollars (\$71,226) for the".

Amendment No. 7

On page 2, line 13, of the printed bill, after "Appeal", insert "during the Ninety-third and Ninety-fourth Fiscal Years".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 1321—An act to amend Section 4253 of the Political Code, relating to compensation of county officers in counties of the twenty-fourth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1064—An act to amend Section 4254g of the Political Code, relating to compensation of the district attorney in counties of the twenty-fifth class.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 348—An act to amend Section 4242 of the Political Code, relating to boards of supervisors in counties of the thirteenth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "4242", insert "and 4242.2".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "boards of supervisors", and insert "the compensation for public services".

Amendment No. 3

On page 1, line 4, of the printed bill, strike out "two thousand four hundred dollars (\$2,400)", and insert "three thousand three hundred dollars (\$3,300)".

Amendment No. 4

On page 1, line 7, of the printed bill, strike out "shall be", and insert "is hereby".

Amendment No. 5

On page 1 of the printed bill, after line 17, insert

"In lieu of the mileage allowed members of the board of supervisors pursuant to Section 4242.3 of this code, each and every member of the board of supervisors shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep and maintenance of such automobiles shall be paid from county funds.

SEC. 2. Section 4242.2 of the Political Code is hereby amended to read as follows: 4242.2. [Auditor.] The auditor shall receive a salary of [four thousand two hundred dollars (\$4,200)] *five thousand dollars (\$5,000)* per annum."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 696—An act to amend Section 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "two thou-"; and strike out all of line 8, and insert "three thousand dollars (\$3,000) per annum."

Amendment No. 2

On page 1 of the printed bill, strike out lines 11 to 26, inclusive; and on page 2, strike out lines 1 to 4, inclusive, and insert

"(c) Each member of the board of supervisors, for all services required".

Amendment No. 3

On page 2, line 14, of the printed bill, after "board.", insert "It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in compensation of this office, and it is intended that the same shall apply immediately to the present incumbents."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1038—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 15, of the printed bill, strike out "second", and insert "last".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1967—An act to add Section 4.368-1 to the School Code, relating to school district funds, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, after "allocated", insert "or apportioned".

Amendment No. 2

On page 1, line 5, of the printed bill, after "thereof", insert a comma and "or by the State of California or any agency thereof,".

Amendment No. 3

On page 1, line 7, of the printed bill, after the first comma, insert "Superintendent of Public Instruction,".

Amendment No. 4

On page 1, line 22, of the printed bill, after "allocated", insert "or apportioned".

Amendment No. 5

On page 2, line 1, of the printed bill, strike out "shall", and insert "may".

Amendment No. 6

On page 2 of the printed bill, strike out lines 3 and 4, both inclusive, and insert "funds are received."

Furthermore, under existing provisions of law, certain of the funds allocated or apportioned by the State or its agencies may not be expended until the close of the school year in which such funds are received.

These conditions are detrimental to the Program of National Defense and the welfare of the pupils of the public schools and to correct such conditions this".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 144—An act to add Section 4.352 to the School Code, relating to the payment of wages of employees of school districts employed in positions not requiring certification qualifications.

Bill read second time, and ordered to third reading.

Assembly Bill No. 235—An act to amend Section 4.974 of the School Code, relating to school bonds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1148—An act to add a section, to be known as Section 1.124, to the School Code, relating to absence of pupils from school for dental services.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2349--An act to add Section 6.752 to the School Code, relating to the use of school buildings by members of the Communist Party or any organization advocating the overthrow of the Government by force and violence.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1207--An act to provide for the formation of districts within municipalities, for the providing of parking space for automobiles; for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public auto parks and public rights of way necessary or convenient therefor; for the condemnation of property or of any interest therein necessary or convenient therefor; for work in or upon any such places including property over which possession and right of use has been obtained under the provisions of Section 14, of Article I, of the Constitution in such districts; for the acquisition and construction of public improvements, works and equipment necessary or convenient therefor; for the maintenance of such districts and the public improvements, works, and equipment thereof; for the issuance, sale, and payment of bonds of such districts to meet the cost thereof; for the levy of assessments; and providing for aid from any county, municipality, State, or the Federal Government, or any department thereof.

Bill read second time, and ordered to third reading.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Keating moved that Senate Bill No. 1220 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM INACTIVE FILE

Senator Powers moved that Senate Bill No. 257 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Quinn moved that Assembly Bill No. 192 be placed on the inactive file.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1399

Senator Rich moved that Assembly Bill No. 1399 be withdrawn from Committee on Public Health and Safety, and referred to Committee on Financial Institutions.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Swan moved that Assembly Bill No. 1629 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 832—An act to amend Section 3166 of the Civil Code, relating to the time of payment of negotiable instruments.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Keating moved a call of the Senate.

Motion carried. Time, 11.25 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 2547—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations and the applicability thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Deuel, Dillinger, Fletcher, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.38 a.m., on motion of Senator Keating, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 832 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Phillips, Quinn, Rich, Seawell, Slater, Kenny, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1114—An act to amend Section 384a of the Penal Code, relating to the unauthorized removal of plants and other substances from public or private lands or rights of way.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 665—An act to amend Section 797 of the Fish and Game Code, relating to abalones.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Denel, Dillinger, Fletcher, Foley, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 11.50 a.m., on motion of Senator Quinn, the Senate recessed until 11.55 a.m., to hear from Mrs. Louis J. Lemstra, National President of the American Legion Auxiliary.

REASSEMBLED

At 11.55 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 11
Assembly Bill No. 14
Assembly Bill No. 67
Assembly Bill No. 180
Assembly Bill No. 379

Assembly Bill No. 556
Assembly Bill No. 679
Assembly Bill No. 842
Assembly Bill No. 1335
Assembly Bill No. 1475

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 11—An act to amend Section 6.771 of the School Code, relating to the use of school buildings or grounds.

Referred to Committee on Education.

Assembly Bill No. 14—An act to amend Section 17 of the Alcoholic Beverage Control Act, relating to sale of intoxicating liquors, and to provide that this act shall go into effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 67—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Referred to Committee on Business and Professions.

Assembly Bill No. 180—An act to add Section 5078 to the Welfare and Institutions Code, relating to the restoration to competency of persons committed to the care and custody of the psychopathic probation officer.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 379—An act to amend Sections 226 and 227a of the Civil Code, relating to adoption.

Referred to Committee on Judiciary.

Assembly Bill No. 556—An act to add Section 4015a to the Political Code, relating to justices of the peace.

Referred to Committee on Judiciary.

Assembly Bill No. 679—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add new sections numbered 1435, 1435.1, 1435.2, 1435.3, 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9 and 1435.10 to Division 4, Chapter 11 thereof, relating to the management, control and disposition of the community real property and the homestead property of insane or incompetent persons, and to repeal Sections 172b, 172c, 172d, 1269a, 1269b and 1269c of the Civil Code.

Referred to Committee on Judiciary.

Assembly Bill No. 842—An act to amend Section 5883 of the Elections Code, defining the word "clerk," and to add Sections 5899, 5933 and 7799 to the Elections Code, relating to absentee ballots for school district elections.

Referred to Committee on Elections.

Assembly Bill No. 1335—An act to add Section 38.1 to the State Civil Service Act, relating to the orders and decisions of the State Personnel Board and the enforcement of the provisions thereof.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1475—An act to amend Section 2193 of the Business and Professions Code, relating to applications for a physician's and surgeon's certificate by graduates of foreign medical schools.

Referred to Committee on Business and Professions.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 29—Approving certain amendments to the charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifteenth day of April, 1941;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of April, 1941, at 12 m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 17 Relative to memorializing Congress to enact legislation requiring Federal governmental agencies to comply with California minimum price laws for milk;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of April, 1941, at 12 m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 227

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 855

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, April 24, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 963

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and place on inactive file

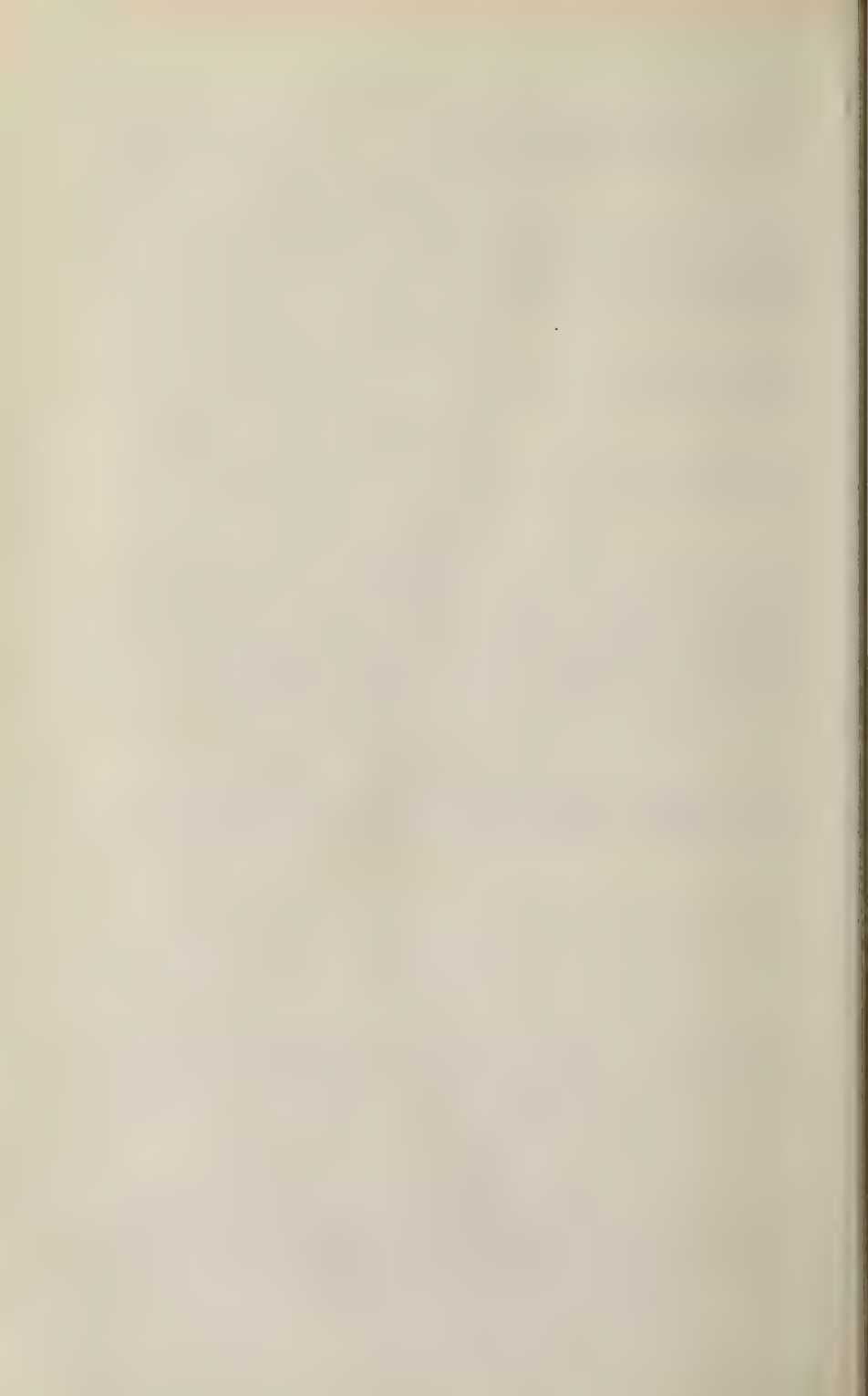
Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 12.05 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 28, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED THIRTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, April 28, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Collier, Deuel, Dillinger, Jespersen, Kuehel, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, and Wagy—18.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe Brennan, Port Director, San Diego, and Chas. K. Fletcher, president, Home Federal Savings and Loan Association, San Diego.

On request of Senators Crittenden and Rich, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. D. I. Waltz of Stockton, sister-in-law of Senator Rich.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Phil S. Gibson of Berkeley and Mrs. A. E. Snider of Sacramento.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harvey Atherton of San Diego.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 30

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1052

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 106

Senate Bill No. 873

Senate Bill No. 1064

Senate Bill No. 1307

Senate Bill No. 1321

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 348

Senate Bill No. 542

Senate Bill No. 696

Senate Bill No. 1038

And reports the same correctly engrossed

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Constitutional Amendment No. 18

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported resolution ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 875

Assembly Bill No. 663

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bills ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 435

Assembly Bill No. 436

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 307

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.15 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tinkle, Waggy, and Ward—38.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Luckey moved that Senate Bill No. 734 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Luckey moved that Senate Bill No. 755 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Jespersen moved that Senate Bill No. 1126 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Jespersen moved that Senate Bill No. 803 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Judah moved that Senate Bill No. 1064 be placed on the inactive file.

Motion carried.

COMMITTEE REPORT**Council of State Governments**

MR. PRESIDENT: Your Committee or Delegates chosen to represent the State Senate, at the Council of State Governments in Washington, D. C., January 21 to 23, 1941, pursuant to Senate Resolution No. 23, begs to report as follows:

Tuesday, January 21st—10 a.m.

The Fifth General Assembly of the Council of State Governments convened at 10 a.m., January 21st, at the Mayflower Hotel, in Washington, D. C., with Honorable Edgar A. Brown, State Senator of South Carolina, Chairman of the Board of Managers of the Council of State Governments presiding.

In addition to your two Delegates, Mr. C. J. Carey, Chief of the Bureau of Market Enforcements, State Department of Agriculture, registered as a representative of California. Honorable Harold E. Stassen, Governor of Minnesota and President of the Council of State Governments, gave the address of welcome to the Delegates assembled from 44 of the 48 States. An interesting portion of Governor Stassen's speech is quoted herewith, in the belief that it may be of some value in outlining the theme of the meeting and its purpose:

"We meet in this Fifth General Assembly of the Council of State Governments at our National Capitol in an hour of crisis. Government of free men and free women is being subjected to its greatest challenge since first the blueprint was drawn at Philadelphia, a century and a half ago.

The dictator-fanned flames of total war are threatening to turn all of the Liberty-lighted houses of Democracy into tragic black ruins.

It is well, therefore, that at the very opening of this Assembly, we reaffirm our abiding faith in our democratic way of life and our united determination that those who challenge it shall fail.

Our responsibility as representatives of the Governments of the several States seems clear.

First, and foremost as States of the Union, we must give united support regardless of geographical location or partisanship to the established foreign policy of the Federal Government.

Second, we must make every possible cooperative contribution to the effective and rapid building and production of the means of National defense.

Third, we must maintain strong and efficient State Governments as one of the safeguards of the future liberty of our people in face of the inevitable great concentration of Federal Executive power necessitated by the emergency.

The relationship between the Governments of the State and the Federal Government has been the subject of constant debate, of frequent adjustment, of numerous court decisions, almost from the day of the establishment of this unique structure of government. In fact the Articles of Confederation failed because of their weakness in providing for effective relationships between the Governments. From this failure arose the framework for the successful operation of the government embodied in the Constitution of these United States. The basic difference in concept between the Articles of Confederation and the Constitution is emphasized in the very opening of the Preamble of the Constitution, "We the people of the United States." It is this emphasis upon the people and their rights rather than upon the prerogatives of any particular machinery of government that has been the main key to success. This should continue to be the basis on which we approach our joint problems.

Through all of the years of consideration, there has never been any question but that it is the province of the Federal Government to conduct our foreign relations and to determine our foreign policy. This has been obviously sound from the viewpoint of the people since unity in foreign affairs is vital to their successful conduct.

This basic principle should be clearly recognized by all of the State Governments in the present critical hour. It should be the constant effort of the Governments of the several States to support the duly established foreign

policies of the Federal Government. Within our States we can do much to build that unity which will present to the world an unbroken front backed by a depth of solid determination.

In times such as these any policy of this Nation will carry with it risks and dangers and uncertainties. But none of these threats would be as great as would be the danger if we became divided and torn by controversy between the peoples of the several States."

The second notable address given this opening day, was by Honorable Herbert H. Lehman, Governor of the State of New York. In speaking on National defense, which seemed to overshadow all other topics at this Council of State Governments, Governor Lehman appropriately stated:

"Although defense is primarily the responsibility of the Federal Government, many governmental programs may be initiated at State and local levels to supplement Federal activities."

And Governor Lehman gave the Delegates a comprehensive outline of the State Council of National Defense in the State of New York. One significant statement of Governor Lehman's may be pertinent to California, inasmuch as the Legislature is now considering the establishment of the State Council of Defense, and we quote:

"New York Council does not execute, but acts in an advisory and consulting capacity. All action by the State in defense has been taken through our existing governmental agencies. A number of local councils of defense have also been organized in New York. These local councils of defense associate and cooperate with the State Council and maintain a necessary liaison between activities on a State and local level."

Tuesday, January 21st, 2 p.m.

GENERAL SESSION ON RELIEF AND TAXATION: Honorable Leverett Saltonstall, Governor of Massachusetts, presiding. This session dealt with the question of relief more generally than taxation, which of course both are interrelated. For the purpose of brevity we submit the report of the Special Committee of the Council, as follows:

"Your Committee on Relief has examined the situation with respect to general relief and public assistance through five regional conferences in which State Legislators and public officials concerned have participated.

Out of the discussions in these conferences and related information your committee has formulated certain proposals for the consideration of this Assembly.

These proposals cover only so much of the present system of administering public relief and assistance as in our opinion urgently requires simplification or revision at the present time. The proposals are:

1. Direct relief should be added as a category to the Federal Security Program to be administered by the States as a part of their General Shared Relief Program.

2. All work relief should be operated by the States as a part of the general shared relief programs. This means a transfer of administrative responsibility for work relief from the Federal Government to the States.

3. The relief of migratory workers or persons should be handled by the States as a part of their general relief programs, and should be reimbursable by the Federal Government. To facilitate this proposal the question of uniform State settlement laws should be dealt with at the earliest moment.

4. The same rate of Federal reimbursement should be applied to each shared program of public assistance within any State.

5. The rate of Federal reimbursement should vary among the States from a minimum of 50 per cent to a maximum of 75 per cent. The schedule upon which Federal reimbursement vary should be predetermined and publicly announced by the Federal agency concerned. In making up the schedule that agency should give consideration to such factors as the volume of unemployment, cost of living and per capita income in the several States.

6. All administrative costs of State and local welfare agencies operating the shared programs should be reimbursed by the Federal Government at the same rate as applies to other reimbursements.

7. The distribution of surplus commodities in any State should be in accordance with plans developed and mutually agreed upon by the Federal Government and the State agency charged with public assistance in that State.

8. Occupational training of potentially employable persons should be intensified.

9. Rehabilitation through medical care and treatment of physical defects should be intensified and should be a part of the reimbursable program of general relief.

10. There should be a continuing Joint Congressional Committee working with State legislative and administrative groups in planning for new or modi-

fied legislation, and for the purpose of providing for research in public assistance.

11. This Assembly should provide a legislative counterpart to the Joint Congressional Committee by a continuing Committee on Relief of the Council of State Governments.

12. It is urged that all public officials recognize the crushing force of the soaring burden of all public relief on the taxpayer, and we recommend vigorous effort on their part for a more efficient and economical administration.

Your committee believes that these proposals if adopted would lead to:

- (a) Better service to the needy person
- (b) More efficient administration
- (c) Substantial savings to both the States and the Federal Government."

It may be noted that in the first preliminary report of the above committee it was recommended that relief be added to the categorical aids under "*Federal supervision*." Your Delegates, being mindful of the experience California has had with "*Federal supervision*" over shared social problems, protested that portion of the report, along with the Delegates of other States. In the final draft of this report the recommendation regarding Federal supervision of relief was omitted.

Tuesday, January 21st, 7.30 p.m.

An informal dinner was held at this meeting, with Honorable Burnett R. Maybank, Governor of South Carolina, presiding. An address by Honorable Robert H. Jackson, Attorney General of the United States, was read in the absence of the Attorney General, by the Honorable Francis Biddle, Solicitor General of the United States. The second address was given by Honorable Herbert R. O'Connor, Governor of Maryland. The topic of these two addresses was "Law Enforcement Problems of National Defense."

Wednesday, January 22d—10 a.m.

GENERAL SESSION ON DEFENSE: Honorable Frank M. Dixon, Governor of Alabama, presiding. The highlight of the Council was the address at this time on the subject of "Production for Defense" by the Honorable William S. Knudsen, Director of the Office of Production Management, Advisory Commission of the Council of National Defense. Mr. Knudsen outlined the background in setting up the Commission Council of Defense in the Office of Production Management. He gave an interesting and enlightening statement of facts, pointing out where the States, through their Legislature and executive departments, might render aid to the National Government on the matter of defense.

Mr. Knudsen pointed out that the States could render valuable aid through the State and local governments, in surveying and ascertaining plants and materials which might be able to produce National defense needs, and he pointed out that no plant, no matter how small, should be overlooked by the States in such a survey. Mr. Knudsen closed his address with the following, which we believe is worth repeating:

"I do not know of anything that could ever be accomplished on a large scale without the cooperation of everybody. If we have faith in one another, if we have confidence in one another, and if we are willing to spend a little sweat for a year or so, then we might save a little blood later on."

The second address on the topic of "Labor Supply and Training in Defense," by Honorable Sidney Hillman, Co Director with Mr. Knudsen, was read by Mr. Isadore Lubin, an assistant to Mr. Hillman. Mr. Hillman's address brought out that the several States' Employment Service should cooperate, and, if necessary, operate 24 hours a day, in supplying personnel to defense industries.

The third address, on the topic of "Health, Welfare and Total Defense," by Honorable Paul V. McNutt, Administrator, Federal Security Agency. Mr. McNutt briefly pointed out that in the great Program of National Defense, the health of the people must not be overlooked.

Wednesday, January 22d—2 p.m.

GENERAL SESSION ON DEFENSE: Senator Henry Parkman, Jr., presiding. Speakers at this session included the Honorable Charles E. Merriam, member of the National Resources Planning Board, and Honorable Daniel W. Hoan, Associate Director of the National Defense Commission, on National Defense. Mr. Hoan, a former mayor of the City of Milwaukee, spoke "on the part of the States and cities in the National Defense Program." He emphasized that preparation for National defense requires cooperative effort, with unity of purpose throughout the country. He reviewed the work of the Division of States and Local Cooperation for the National Defense Council and characterized its method of cooperation as the essence of the democratic way.

"The division gives no orders: The people themselves, through their representatives in the State Capitol or the town hall, solve their own problems, using the division personnel as a channel of information concerning Federal plans and policies and for technical advice of various fields."

Wednesday, January 22d—7.30 p.m.

DINNER SESSION: Governor Harold E. Stassen, of Minnesota, presiding. The speaker at this session was the Honorable Frank Knox, Secretary of the Navy, who declared that "the preservation of our liberty and the future of our form of Government is now at stake." He said in part:

"In this task of supporting President Roosevelt in this crucial hour, there should be and there must be a spirit of National unity which sweeps aside all vestige of personal feelings, of partisan differences, of sectional hatreds and of class distinctions. If we, as a Nation united, embrace the high aims and purposes of the hour, we shall all succeed together. Likewise, if we fail, we shall all go down together. We must not fail."

Secretary Knox concluded his address as follows:

"Almost literally, America stands at the crossroads. Whether we like it or not, the preservation of the sacred fire of liberty has become our responsibility. We can discharge this responsibility right now by an all-out program for production of supplies and munitions for the use of those who are actually fighting the battles for human liberty in Europe and Asia, and for our own defense. Or, we can shilly shally and talk and debate and conjure up idle forces that have no basis in fact until those who are fighting are overwhelmed and then we must take up the burden and fight ourselves, lest the sacred fires of liberty entrusted to our care shall go out. Or, we can adopt still a third choice and fail to help now and refuse to fight later, and then spend everything we have and that we can produce to build a wall around the United States and live within that wall, armed to the teeth, completely surrounded by totalitarian powers intent upon our final subjugation."

These are the three roads, and the only three roads, that converge at the point where we stand tonight. In such an hour, if we are worthy of what we have, if we are wise as the trustees of the institutions we have inherited, and finally, if we are merely shrewd and give way only to selfish considerations, we will implement, without delay, President Roosevelt's noble declaration: 'In the face of great perils never before encountered, our strong purpose is to protect and to perpetuate the integrity of Democracy. We do not retreat. We are not content to stand still. As Americans, we go forward, in the service of our Country, by the Will of God.'"

Thursday, January 23d—10 a.m.

GENERAL SESSION ON TRADE BARRIERS: Honorable Edgar A. Brown, Chairman of the Board of Managers of the Council of State Governments, presiding. Senator Robert C. Hendrickson, of New Jersey, vigorously attacked the growing Balkanization of this Country through the erection of barriers to interstate trade by the States themselves, and pointed out that the campaign which the Council of State Governments has waged on them during the past biennium has already had beneficial results. He pointed out that much remains to be done, and said, in conclusion:

"If we are to move from plurality toward unity from *ex uno plura* to *E pluribus unum* we must continue, to the end, in the destruction of these legal-economic frontiers within America."

"If we are to maintain a common defense on the home front in this crucial hour when 'National defense' is the keynote of every public utterance, and preserve free government for posterity, all interstate trade barriers of every nature and description must yield to that 'more perfect union.'"

In a statement which he was unable to deliver because of illness, Congressman Hutton W. Summers warned the Delegates that:

"It must be borne in mind, as a practical matter, that there is a natural law, universal in its operation, which will not permit power to do a thing to remain where that power is not properly exercised. There is no more important task for the State Governments, from the standpoint of their self preservation as the responsible agencies of democratic government—and the only ones which we have or can have in our system for general governmental purposes—than to demonstrate their ability, acting individually and in cooperation with each other, to remove the abuses arising from what are known as Interstate Trade Barriers."

Vigorous discussion of the situation in regard to trade barriers took place. Among the discussants were Brown of Pennsylvania, Ostertag of New York, Van der Vries of Illinois, Bolens of Wisconsin, York of Texas, and Rankin of North Carolina.

Thursday, January 23d—2 p.m.

Senator Edgar A. Brown convened the General Business Session of the Assembly at 2 p.m. Mr. Ellwood J. Turner presented the report of the Resolutions Committee. Copies of the resolutions and reports adopted are attached, together with the Report of the Executive Director, which was summarized by Frank Bane at this concluding session.

On the motion of Judge Hartshorne of New Jersey, reports of the Chairmen of the Cooperation Commissions were ordered to be filed for publication in proceedings. The Assembly adjourned at 4 p.m.

Conclusion

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: Your Resolution No. 23 also included a command that your Delegates "especially call the attention of the council to the requirements of the Social Security Act for a State plan of Old Age Assistance, relative to determination of need and personal standards." Your Delegates were unable to bring this matter before the council as the agenda was complete prior to our arrival and due to the overwhelming desire of the council to give as much time to National defense problems, it was impossible to present this matter for discussion to the council.

However, your Delegates wish to report the following action on their part. Your Delegates called upon Congressman Lea, Chairman of the California Delegation in Congress, and through his cooperation a conference was arranged between 16 of California's 20 Congressmen and two representatives of the Social Security Board, in which was discussed for three and one-half hours, the question of the so-called merit rating and personnel standards, which the Social Security Board is attempting to impose on the counties in California. Your Delegates emphatically opposed the policies of the Social Security Board in this matter and argued that such an imposition in California was contrary to the Constitution of this State. Your Delegates also pointed out to the representatives of the Social Security Board that this imposes upon California such arbitrary restriction designed to force California to, in effect, reduce its \$40 Aged Aid Program by limiting the privilege of recipients to earn \$15 from other sources, would simply provide fuel for the fires of the demagogue and purveyor of wild utopian schemes, which has had California in a social turmoil for several years. The net result of this conference was concluded by the statement from several members of the California Delegation that your Delegates return to California and adopt such laws dealing with the so-called merit system as the Legislature deems to comply with the Federal act and that our Congressmen would first attempt to secure approval of the Social Security Board and second, if necessary, they would try to amend the Federal statutes dealing with this matter.

MR. PRESIDENT AND GENTLEMEN OF THE SENATE: Your Delegates were given, pursuant to Senate Resolution No. 23, three hundred seventy-five dollars (\$375) each to defray the cost of attending the Council of State Governments. The following amounts have been returned to the Controller.

Senator Wagy—	
Advanced	\$375 00
Expenses	249 15
Balance returned to Controller.....	\$125 85
Senator Mayo—	
Advanced	\$375 00
Expenses	244 25
Balance returned to Controller.....	\$130 75
Respectfully submitted.	

JAMES I. WAGY
JESSE M. MAYO

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 101

Resolved, That the following named person be stricken from the list of Senate attaches, and her name be stricken from the pay roll of the Senate, to take effect on completion of work April 26, 1941:

Betty Rourke, Stenographer.....	<i>Per day</i> \$5 00
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Resolution read and adopted.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 620—An act to amend Section 6 of an act entitled "An act providing for a State exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 10 to,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "a State exhibit", and insert "State and county exhibits".

Amendment No. 3

In line 4 of the title of the printed bill, strike out "in 1939,".

Amendment No. 4

In line 6 of the title of the printed bill, strike out "creating a"; and strike out lines 7, 8 and 9 of the title, and insert "providing for the disposition or demolition of buildings, exhibits, and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibits and such building or buildings, defining its powers and".

Amendment No. 5

In line 13 of the title of the printed bill, after "Exposition," insert "abolishing the California Commission for the Golden Gate International Exposition and transferring its powers, duties, purposes, responsibilities and jurisdiction to the Department of Finance,".

Amendment No. 5.5

On page 1 of the printed bill, strike out lines 13 to 17, inclusive; on page 2, strike out lines 1 to 14, inclusive, and insert "mission in such manner as the commission deems proper. The commission".

Amendment No. 5.6

On page 2, line 16, of the printed bill, strike out "other".

Amendment No. 6

On page 2 of the printed bill, between lines 28 and 29, insert
"Sec. 2. Section 10 is hereby added to said act to read as follows:

Sec. 10. The California Commission for the Golden Gate International Exposition is abolished on and after the thirtieth day after the effective date of this section. Prior to said thirtieth day the commission shall submit a complete report of its transactions and affairs to the Governor as provided in Section 6 of this act. On and after said thirtieth day after the effective date of this section the Department of Finance shall succeed to and is hereby invested with all the powers, duties, purposes, responsibilities and jurisdiction of the California Commission for the Golden Gate International Exposition. The Department of Finance shall thereupon succeed to and have possession of all records, books, papers, equipment, supplies, moneys, funds, appropriations and all other property both real and personal now or hereafter belonging to, held by or for the benefit of said California Commission for the Golden Gate International Exposition and all such property is hereby trans-

ferred to the Department of Finance for the purposes of carrying out the provisions of any and all acts or statutes governing said California Commission for the Golden Gate International Exposition."

Amendment No. 7

On page 2, line 29, of the printed bill, strike out "Sec. 2", and insert "Sec. 3".

Amendment No. 8

On page 2 of the printed bill, strike out lines 41 and 42, and insert "field usable for defense purposes. In order to expedite the work of clearing Treasure Island as rapidly as possible and the winding up of the affairs of the commission it is necessary to vest authority in a single agency of the State and to eliminate the delay incident to the calling of meetings of the commission for the purpose of executing contracts and other agreements."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 298—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "103, 112 and 113", and insert "2140 and 2141".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "109 and 114 of", and insert "2023 and 2221 of, and to add Sections 2143 and 2144 to,".

Amendment No. 3

In line 3 of the title of the printed bill, strike out "the Department of Social Welfare", and insert "aid to the aged and the administration thereof".

Amendment No. 4

On page 1, line 1, of the printed bill, strike out "103", and insert "2140".

Amendment No. 5

On page 1 of the printed bill, strike out line 3, and insert "2140. The State Department of Social Welfare shall have the power to and shall prescribe the form of application [, the manner and form of all reports and such additional rules and regulations as are necessary for the carrying out of the provisions of this chapter; and not inconsistent therewith. Such rules and regulations shall be binding upon the boards of supervisors of the various counties.] The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

SEC. 2. Section 2141 of said code is hereby amended to read as follows:

2141. There is in the State Department of Social Welfare a division known as the Division of State Aid to the Aged. [The division shall supervise and pass upon the measures taken by the county boards of supervisors for the care of needy aged citizens, to the end that they shall receive suitable care and that there shall be throughout the State a uniform standard of records and method of treatment of aged persons based upon their individual needs and circumstances.]

SEC. 3. Section 2143 is hereby added to said code, to read as follows:

2143. The State Department of Social Welfare shall establish rules and regulations for the administration of this chapter and for the establishment of standards of care within each county for the treatment of aged persons based upon their individual needs and circumstances.

Except as otherwise provided in this section, no rules and regulations shall be binding upon any county unless approved by the board of supervisors. All rules and regulations in effect upon the effective date of this section and all new rules and regulations hereafter prepared by the State Department of Social Welfare and all modifications of rules and regulations previously approved by the board of supervisors shall be submitted to the board of supervisors and, within 30 days after the date of submission, the board of supervisors shall approve or reject in whole or in part such rules and regulations. Those rules and regulations approved by the board of supervisors shall take effect upon the date of approval. All not approved within 30 days shall be deemed rejected.

If any rules and regulations are rejected by the board of supervisors, and the department and the board of supervisors can not agree upon modifications, a standards board of three members for the particular county shall be established as follows: The department shall select a member of the Social Welfare Board, an officer or employee of the department to represent the department upon the standards board. The board of supervisors shall select a member of the board of supervisors, an officer or employee of the county to represent the county upon the standards board. The representative of the department and the representative of the county shall select an impartial third person, other than a public officer or employee, to act as chairman of the standards board. Neither the representative of the department nor the county shall receive any compensation for his services as a member of the standards board but he shall be entitled to his expenses if otherwise entitled thereto by law. The chairman of the standards board shall be paid twenty-five dollars (\$25) per day with a minimum of one hundred dollars (\$100), from the day the standards board convenes until the disputed rules and regulations are taken under submission. While the rules and regulations are under submission, the chairman shall receive no compensation. He shall receive his actual and necessary expenses in an amount not to exceed eight dollars (\$8) per day. All expenses of the standards board shall be borne 50 per cent by the State from the money available for the support of the State Department of Social Welfare and 50 per cent by the county from county funds. Expenses incurred by a county for a standards board shall not be a county expenditure for which reimbursement may be had from the State.

The disputed rules and regulations shall be submitted to the standards board for hearing and decision. The standards board may approve, reject or modify the disputed rules and regulations. It may make its decisions by a majority vote and its decisions shall take effect immediately, shall be final and shall be binding upon the department and the county.

If the rules and regulations rejected by the board of supervisors are not agreed upon by negotiation or settled by the standards board within 60 days after submission to the board of supervisors, the department may put them into effect in the form submitted or modified by the department at any time after the expiration of 60 days from the date upon which the rules and regulations were submitted to the board of supervisors, and, if put into effect, shall be binding upon the county. If the department does put into effect any rules and regulations without the approval of the board of supervisors and it subsequently appears when the rules and regulations are finally determined, either by negotiation or by decision of the standards board, that higher direct costs have been imposed upon the county than would have been imposed had such rules and regulations as finally determined been in effect from the date upon which the rules and regulations determined by the department were imposed, the State shall reimburse the county for the full amount of the difference borne by county funds.

SEC. 4. Section 2144 is hereby added to said code, to read as follows:

2144. The provisions of Sections 114, 115 and 116 of this code do not apply to activities or appropriations under this chapter. The department and the counties may enforce the rights and obligations and powers and duties granted or imposed upon one or the other under this chapter and this code by appropriate actions at law or suits in equity.

SEC. 5. Sections 2023 and 2221 of said code are hereby repealed."

Amendment No. 6

On page 1 of the printed bill, strike out lines 4 to 22; and on page 2, strike out lines 1 to 11.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 665—An act to add Section 57.6 to the Unemployment Insurance Act, relating to qualification for benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 28, inclusive, and insert "Sec. 57.6. An individual over 65 years of age shall not be eligible for unemployment insurance benefits for any week with respect to which he is receiving or has received remuneration in the form of monthly retirement benefits under the Old Age and Survivors Insurance Act, or any act of Congress or any State act or any employer's pension plan under which the employer is the sole contributor; provided, that if such remuneration is less than the benefits which would otherwise be due under this act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. This disqualification does not apply with respect to benefits computed solely on the basis of wages earned subsequent to the commencement of such retirement pay or pension."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1309—An act to provide for manufacture of tobacco products in institutions of the State of California, the sale of such products to State agencies, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, after "to", insert "add Article 7, comprising Sections 2800 and 2801, to Chapter 5 of Title 1 of Part 3 of the Penal Code, to".

Amendment No. 2

In line 2 of the title of the printed bill, after "institutions", insert "and prisons".

Amendment No. 3

On page 2 of the printed bill, after line 8, insert

"SEC. 4. Article 7, comprising Sections 2800 and 2801 is hereby added to Chapter 5 of Title 1 of Part 3 of the Penal Code, to read as follows:

Article 7. Manufacture of Tobacco Products

2800. The board may provide for the manufacture of tobacco products in any State prison and may provide the necessary facilities, equipment, and the employment of persons to supervise installation of equipment and the work of production.

2801. The tobacco products manufactured in the State prisons shall be for the exclusive use of prisoners in the State prisons, the inmates of State institutions and other wards of the State. The board is authorized to sell or dispose of such tobacco products to institutions or agencies for the use of inmates or wards of the State. Such sales shall be made at prices sufficient to cover only the cost of manufacture, including depreciation on equipment and cost of supervision, so that no profit will accrue to the board or the prison."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 963—An act to amend Section 5502 of, and to add Sections 5500.1 and 5502.5 to the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2, line 1, of the printed bill, after "that", insert "in the opinion of".

Amendment No. 2

On page 2, line 2, of the printed bill, strike out "feels that".

Amendment No. 3

On page 2, line 3, of the printed bill, after the comma, insert "Said superintendent may certify said opinion to the committing court. Unless, within 30 days after the receipt of such certification, said court shall order the return of said person to await the further action of the court with reference to the criminal charge against him,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 484—An act to repeal Section 5.1 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, both relating to exemption from retail sales taxes; to defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended in the Senate April 21, 1941, strike out "mentioned", and insert "exempted".

Amendment No. 2

On page 2, line 27, of the printed bill, as amended in the Senate April 21, 1941, strike out "to the satisfaction of the board".

Amendment No. 3

On page 2, line 35, of the printed bill, as amended in the Senate April 21, 1941, after "include", strike out "or", and insert "nor".

Amendment No. 4

On page 2, line 35, of the printed bill, as amended in the Senate April 21, 1941, after "litigation", strike out "unless", and insert "until after such decision, and then only if".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Senate Bill No. 1220—An act to amend Sections 2248, 2270 and 2312 of the Health and Safety Code, relating to mosquito abatement districts, including the expenses and powers of the district boards, and the withdrawal of district funds.

Bill read second time, and ordered to third reading.

Senate Bill No. 257—An act to amend Section 380.51 of, and to add Section 333.5 to, the Agricultural Code, relating to brands.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 34—An act to add Section 12700.5 to the Business and Professions Code, relating to public weighmasters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1450—An act to amend Section 1628 of, and to add Section 1628a to, the Business and Professions Code, relating to examinations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 577—An act to amend Sections 5510, 5514, 5515, 5518, 5519, 5520, 5521, 5522, 5523, 5524, 5525, 5540, 5550, 5551, 5552, 5553, 5556, 5570, 5571, 5573, 5574, 5575, 5577, 5600, 5601 and 5602, to repeal Sections 5511, 5512, 5513 and 5603 of, and to add Section 5603 to, the Business and Professions Code, relating to the practice of architecture.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "5510," and before "5514", insert "5513".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, strike out ", 5513".

Amendment No. 3

On page 1 of the printed bill, as amended, between lines 6 and 7, insert "SEC. 15. Section 5513 of the said code is hereby amended to read as follows: 5513. [The] Northern [district] *California* consists of all that portion of the State north of the northerly lines of the Counties of San Luis Obispo, Kern and San Bernardino and [the] Southern [district] *California* consists of all that portion of the State south of the northerly lines of these three counties."

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 3 and 4, and insert "5515."

Amendment No. 5

On page 2, lines 29 and 30, of the printed bill, as amended, strike out "The secretary shall also act as treasurer."

Amendment No. 6

On page 5, line 28, of the printed bill, as amended, strike out "secretary of the board", and insert "department".

Amendment No. 7

On page 5, line 30, of the printed bill, as amended, strike out "on the first day of April following", and insert "thereafter".

Amendment No. 8

On page 5 of the printed bill, as amended, strike out lines 31, 32 and 33 and insert "If the annual license fee is not paid before it becomes delinquent, a penalty of three dollars (\$3) shall be added to the amount thereof. If the annual license fee is not paid, together with any penalties due thereon, on or before the thirtieth day of June in the year in which it becomes due, the architect's certificate shall be automatically suspended and can only be reinstated by filing a new application with the board."

Amendment No. 9

On page 5, line 34, of the printed bill, as amended, strike out "secretary", and insert "department".

Amendment No. 10

On page 5, line 40, of the printed bill, as amended, strike out "On the last day", and insert "Within 10 days after the beginning".

Amendment No. 11

On page 5, line 41, of the printed bill, as amended, strike out "secretary", and insert "department for the month preceding".

Amendment No. 12

On page 6, line 10, of the printed bill, as amended, strike out ", 5513".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 792—An act to amend Sections 12605 and 12607 of the Business and Professions Code, relating to containers and their contents.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 12607", and insert ", 12607 and 12614".

Amendment No. 2

On page 1 of the printed bill, after line 26, insert

"SEC. 3. Section 12614 of the Business and Professions Code is hereby amended to read as follows:

12614. When a commodity in a container is sold and there is a discrepancy between the actual quantity of the commodities in the container and the net quantity of the contents thereof indicated on the container *or between the fill of the commodity in the container and the capacity of the container* there is no violation of this chapter:

(a) If such discrepancy is due to unavoidable leakage, shrinkage, evaporation, waste, or causes beyond the control of the seller acting in good faith.

(b) If the seller purchased the commodity in the container, in good faith, relying upon the indication of the net contents thereof, and sold the commodity in the container without altering the contents thereof or the indication of the contents thereof and the container had the name of a packer, manufacturer, wholesaler, or jobber thereon at the time the seller purchased it."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 64—An act to add Section 201.5 to the State Civil Service Act, prohibiting discrimination upon account of race, religion or color and prescribing means for the enforcement thereof.

Bill read second time, and ordered to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1451

Senator Shelley moved that Assembly Bill No. 1451 be re-referred to Committee on Business and Professions.

Motion carried.

Assembly Bill No. 1247—An act to add Section 172.5 to the Penal Code, relating to selling, giving away, or exposing for sale alcoholic beverages.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1969—An act to amend Section 3803 and 3804 of, and to add Sections 3793.5, 3793.6, 3807.5 and 3807.8 to, the Revenue and Taxation Code, relating to property taxation, including purchases from the State by taxing agencies and the division of the proceeds of the sales of such property, the allowing of deductions prior to division, termination of the right of redemption, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 850—An act to repeal Section 3616 of, to add Sections 3602.5, 3614.5 and 3616 to, and to amend Sections 3606 and 3615 of the Revenue and Taxation Code, relating to property taxation including redemption of tax-delinquent property and the termination of the right of redemption thereto, suits to quiet title to tax-delinquent property; declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2570—An act to amend Sections 2, 9, 11, 17, 18, 20, 21, 23, 26 and 28 of, to repeal Section 2.5 of, and to add Section 5.2 to the Retail Sales Tax Act of 1933; to amend Sections 2, 4, 7, 9, 10, 12, 14, 15, 17, 20 and 22 and to repeal Section 2.5 of the Use Tax Act of 1935; to declare the legislative intent with respect to the construction of said acts; to repeal Section 6 of Chapter 355, Statutes of 1935; to amend Sections 6006, 6010, 6455, 6481, 6487, 6511, 6514, 6561, 6701, 6702, 6738, 6757, 6776, 6777, 6811, 6812, 6901, 6902 and 7056 of, to repeal Section 6402 of and to add Section 6362 to the Revenue and Taxation Code, all relating to the levy, assessment and collection of retail sales and use taxes and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1899—An act to add Chapter 5.7, consisting of Sections 3618 to 3637, inclusive, to Part 6, of Division 1 of the Revenue and Taxation Code, relating to property taxation, including actions to contest the validity of tax deeds to the State and quieting title against tax deeds and the interests of taxing agencies and revenue districts, providing a procedure therefor, and the effect thereof, terminating

the right of redemption, and declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2, line 15, of the printed bill, as amended, strike out "a State Controller's district office", and insert "tax-deeded lands".

Amendment No. 2

On page 1, line 12, of the printed bill, as amended, after "description", insert "and special assessments collected on the roll".

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 863—An act to add Section 4455.5 to the Health and Safety Code, relating to the fouling or pollution of water.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Dillinger, Garrison, Seawell, and Swing—4.

NOES—Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Fletcher, Foley, Judah, Kenting, Kuchel, Luckey, McBride, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Tickle, Waggy, and Ward—22.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1052—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the Authority; authorizing the Authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein; declaring this act to be an urgency measure and providing that it shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1052?

Amendment No. 1

On page 3, line 44, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 3.3" and all of the balance of line 44 to line 52, inclusive; and on page 4, strike out all of lines 1 to 10, inclusive, and insert

"Sec. 3.3. The territorial jurisdiction of the authority is limited to the following sections in Townships 3, 4 and 5 South, Ranges 3 and 4 East, S. B. B. & M.: Sections 28, 29, 30, 31, 32, 33, 34 and 35, Township 3 South, Range 3 East, S. B. B. & M.

Sections 1 to 36, inclusive, Township 4 S., R. 3 E., S. B. B. & M.

Sections 3, 4, 5, 6, 7, and 8, Township 4 South, Range 4 East, S. B. B. & M.

Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, N $\frac{1}{2}$ 15 and N $\frac{1}{2}$ 16, Township 5 S., R. 3 E., S. B. B. & M.

The territorial limits of the authority shall not be diminished or decreased so long as any bonds issued under this act are outstanding and unpaid."

Amendment No. 2

On page 5 of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 4.4", being all of lines 28 to 42, inclusive, and insert

"Sec. 4.4. The authority may acquire, construct or complete roads, highways, trams, tramways, aerial cableways, up-skis, ski-lifts, parking areas, skiing areas, areas for tobogganing, coasting, snow shoeing, sledding, ice skating, ski huts, hotels, pensions, lodges, restaurants, buses, buildings, and all other works, properties and structures necessary, convenient or useful for the development of winter sports, and any other recreational facilities in Mount San Jacinto State Park and adjacent areas. It may also acquire or construct and operate and maintain water supplies, and power and drainage systems, necessary, convenient or useful to the project purposes of the authority, but only where water supply, power or drainage facilities are not then available from established private utilities operating under the jurisdiction of the California Railroad Commission; provided, that such facilities for auxiliary or standby service may be acquired, constructed, operated and maintained to supplement service from such established private utilities. It may operate and maintain said improvements and also all cars, engines, machinery, cables, tramways, buses, and other transportation facilities necessary or convenient to make accessible to the public the winter snow area of Mount San Jacinto, and may exercise all rights and privileges necessary or incidental thereto."

Amendment No. 3

On page 6, line 25, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 4.8" and all of the balance of said line; and strike out lines 26 to 35, inclusive, and insert

"Sec. 4.8. The authority may exercise the right of eminent domain for the condemnation of private property or any right or interest therein for its use. It may take any property necessary for the purposes set forth in this act, but lands belonging to the State of California, and private property already appropriated to public use, which use is available to the authority from an established private utility under the Rules and Regulations of the California Railroad Commission, shall not be subject to condemnation hereunder. The use of any property, or rights or interests therein, necessary or useful for the purposes of the authority, within and adjacent to Mount San Jacinto State Park is hereby declared to be a superior and permanent right and necessity, and a more necessary use and purpose than the use or purpose to which such property has already been appropriated or dedicated, except a public use or purpose already served by an established private utility or utilities operating under the jurisdiction of the California Railroad Commission."

Amendment No. 4

On page 8, line 8, of the printed bill, as amended in the Senate March 25, 1941, strike out the period and insert a comma after "act", and insert "provided that the total amount of bonds outstanding shall not be in excess of three million dollars (\$3,000,000) at any one time."

Amendment No. 5

On page 15, of the printed bill, as amended in the Senate March 25, 1941, strike out all of lines 13 to 37, inclusive, which includes all of Section 6.5.

Amendment No. 6

On page 15, line 38, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 6.6", and insert "Sec. 6.5".

Amendment No. 7

On page 16, line 11, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 6.7", and insert "Sec. 6.6".

Amendment No. 8

On page 16, line 24, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 6.8", and insert "Sec. 6.7".

Amendment No. 9

On page 16, line 34, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 6.9", and insert "Sec. 6.8".

Amendment No. 10

On page 16, line 42, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 6.10", and insert "Sec. 6.9".

Amendment No. 11

On page 16, line 46, of the printed bill, as amended in the Senate March 25, 1941, strike out "Sec. 6.11", and insert "Sec. 6.10".

Also:

Amendment No. 1

On page 7, line 31, of the printed bill, as amended, strike out "within and".

Amendment No. 2

On page 18 of the printed bill, as amended, strike out lines 38, 39 and 40, and insert "ing parties, but no such lease".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1052 by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Myhand, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 106—An act to add Chapter 7, consisting of Sections 4.40 to 4.44, inclusive, to Part 1 of Division 4 of the School Code, relating to giving the assent of the State to an act of Congress of the United States entitled "An act to promote the mining of potash on the public domain," approved February 7, 1927, and providing for the disposition of moneys received by the State thereunder.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 873—An act to repeal Chapter 433 of the Statutes of 1929, and to add Article 2a to Chapter 3 of Part 1 of Division 1 of the School Code, relating to the board and lodging of pupils of high school districts and junior college districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1307—An act to amend Section 6.180 of the School Code, relating to sale or lease of school property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel,

Luckey, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1321—An act to amend Section 4253 of the Political Code, relating to compensation of county officers in counties of the twenty-fourth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 348—An act to amend Section 4242 of the Political Code, relating to boards of supervisors in counties of the thirteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.
NOES—Senator McBride—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 696—An act to amend Section 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1038—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor.

Bill read third time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 25, of the printed bill, strike out "directors of", and insert "directors or".

Amendment No. 2

On page 2, line 4, of the printed bill, strike out "25", and insert "60".

Amendment No. 3

On page 2 of the printed bill, strike out lines 14 to 16, inclusive, and insert "published in the county in which the land contained in the district is located, and

if the land contained in the district is located in more than one county, then in at least one or more newspapers published in each county. The last publication shall not be less than 10 days before the date set for hearing."

Amendment No. 4

On page 2, line 26, of the printed bill, after the period, insert "Any person who is a creditor of the district shall file an objection to the dissolution."

Amendment No. 5

On page 2, line 29, of the printed bill, after "claims", insert "against the district presented by creditors who have filed objections to the dissolution of the district".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 100—An act to amend Section 481 of the Fish and Game Code, relating to the pollution of waters.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "by products", and insert "residuary products".

Amendment No. 2

On page 1, line 14, of the printed bill, as amended, after "coal", strike out "tar, oil", and insert "or oil tar".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1510—An act to provide for the taking of an oath by State employees not in the State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, Mayo, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 41—An act to add Section 7.3 to the Alcoholic Beverage Control Act, relating to licenses for sale of alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, and Tickle—21.

NOES—Senators Biggar, Judah, Myhand, Shelley, Swan, Swing, Wagy, and Ward—8.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 310—An act to amend Section 3935 of, and to add Section 3935.5, the Elections Code, relating to the order of names of candidates on primary ballots.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Waggy, and Ward—29.

NOES—Senators Myhand, Shelley, Swan, and Tickle—4

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2050

Senator DeLap moved that Assembly Bill No. 2050 be re-referred to Committee on Military and Veterans Affairs.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 348 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 639—An act to amend Section 7101 of the Labor Code, relating to safety in employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None

Bill ordered transmitted to the Assembly.

Assembly Bill No. 851—An act to add Section 2958a to the Civil Code, and to amend Section 2971 thereof, relating to chattel mortgages on aircraft.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 860—An act to amend Section 3090 of the Civil Code, relating to negotiable instruments payable to bearer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride,

McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Shelley, Slater, Swan, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 156—An act to amend Section 517 of the Code of Civil Procedure, relating to claim and delivery of personal property and the steps to be followed in obtaining possession of such property in a building or inclosure.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 42—Relative to memorializing the United States Department of Interior, Fish and Wild Life Service, to permit controlled feeding of migratory wild fowl on hunting clubs in the State of California, and to provide for the feeding of grain on migratory wild fowl refuges in this State, in order to relieve farmers from severe losses to grain crops caused annually by such wild fowl.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1967—An act to add Section 4.368-1 to the School Code, relating to school district funds, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 144—An act to add Section 4.352 to the School Code, relating to the payment of wages of employees of school districts employed in positions not requiring certification qualifications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235—An act to amend Section 4.974 of the School Code, relating to school bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2349

Senator Shelley moved that Assembly Bill No. 2349 be re-referred to Committee on Judiciary.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Mixer moved that Assembly Bill No. 1323 be taken from the inactive file, and placed on the second reading file.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 31: By Senator Jespersen—Approving five certain amendments to the charter of the City of San Luis Obispo, in the County of San Luis Obispo, State of California, voted for and ratified by the electors of said city at an election held therein on the seventh day of April, 1941.

Request for Unanimous Consent

Senator Jespersen asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 31, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 31

Senate Concurrent Resolution No. 31—Approving five certain amendments to the charter of the City of San Luis Obispo, in the County of San Luis Obispo, State of California, voted for and ratified

by the electors of said city at an election held therein on the seventh day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17800 to 17801, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair trade practice.

Bill read third time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "17801", and insert "17803".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "trade practice", and insert "competition".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "17801", and insert "17803".

Amendment No. 4

On page 1, line 22, of the printed bill, as amended, after "or", insert "private".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 1 to 20, inclusive, and insert "or private corporation, utilize the purchasing power of the enterprise to purchase or otherwise acquire any article, material, product or merchandise not handled in the regular course of the enterprise for the use of any other person, firm or private corporation, at a price lower than the prevailing retail price for which the same or similar articles were selling at the time of such purchase or acquisition in the usual and ordinary course of trade in the locality or vicinity in which such articles were purchased or acquired. This section does not apply to food, clothing, or tools or other equipment, furnished to and used by employees of such enterprise in the conduct of the enterprise.

17801. No State department, office, board, commission or bureau, and no political subdivision of the State shall sell or procure for sale or have in its possession or under its control for sale to any employees of the State or of any political subdivision thereof, any article, material, product or merchandise at a price or for a consideration different from that for which like articles, materials, products or merchandise are offered to the public. Nothing in this section applies to meals or food service, or to articles sold in any store or commissary operated in connection with the construction of any public work or improvement.

17802. Every violation of this chapter is an act of unfair competition, and is actionable at the suit of any person damaged thereby.

17803. Every violation of this chapter is a misdemeanor, punishable for each such violation by imprisonment in the county jail for not exceeding 30 days, or by a fine not exceeding twenty-five dollars (\$25) or by both such fine and imprisonment.

SEC. 2. As a guide to the interpretation and application of the chapter enacted by this act, the public policy of this State is declared as follows:

The practice of large firms and corporations utilizing their purchasing powers to secure merchandise for employees and friends of employees at a price less than the retail price inevitably tends to foster monopolies and injure retail merchants. The practice results in discriminations between purchasers of the same quantities, and has the same effect as a secret rebate, or an unearned discount. In many cases the wholesaler or manufacturer is deceived as to the true status of the purchaser.

The Legislature therefore declares that the public good and general welfare of the citizens of this State require that free competition be secured and protected by the enactment of this measure."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1345—An act to amend Section 15 of the "Reclamation Board Act," approved December 24, 1911, as amended, relating to assessments and to amend Section 5765 of the Water Code, relating to assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Kuchel:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 12 of the Municipal Water District Act of 1911, relating to the government and powers of municipal water districts.

Respectfully submitted.

SENATOR KUCHEL

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed Out)

RICH, Chairman
BREED
TICKLE

MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Waggy, and Ward—33.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Shelley:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act establishing recovery reserve sinking funds in the State Treasury, providing for deposits therein and credits thereto, and declaring the purposes for which such funds are intended.

Respectfully submitted.

SENATOR SHELLEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed Out)

RICH, Chairman

TICKLE

MYHAND

BREED

DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—33.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1326: By Senator Kuchel—An act to amend Section 12 of the Municipal Water District Act of 1911, relating to the government and powers of municipal water districts.

Referred to Committee on Local Government.

Senate Bill No. 1327: By Senator Shelley—An act establishing recovery reserve sinking funds in the State Treasury, providing for deposits therein and credits thereto, and declaring the purposes for which such funds are intended.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred,

Assembly Bill No. 139

Assembly Bill No. 212

Assembly Bill No. 198

Assembly Bill No. 1031

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 795

Assembly Bill No. 2081

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1220

And reports the same correctly engrossed.

RICH, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your committee on Transportation moved and unanimously carried a motion to adopt the report of the subcommittee of the Senate Transportation Committee on the Inclusion of Additional Roads into the State Highway System, and requests the report be printed in the Senate Journal.

McCORMACK, Chairman

The following report was ordered printed in the Journal:

**Report of the Subcommittee of the Senate Transportation Committee on
the Inclusion of Additional Roads into the State Highway System**

*To Senator Thomas McCormack, Chairman
Senate Transportation Committee*

Your Subcommittee of the Senate Transportation Committee has carefully and thoroughly investigated the various bills introduced in this Fifty-fourth Session of the California Legislature and pending before the Senate Transportation Committee, proposing additions to the State Highway System. After considering all pertinent facts and arguments with respect thereto, this subcommittee respectfully recommends that no additional road mileage be added to the State Highway System at this time, either by the Senate or the Assembly.

The roads proposed for addition to the State Highway System in the bills thus far introduced total 875 miles of which 693 miles are located in the North 45 County group and 182 miles in the South 13 County group. About 57 miles are within city limits.

In arriving at this decision, the members of this committee have attempted to evaluate this problem upon the basis of what would be best for the State as a whole rather than from any partisan or local consideration.

The large majority of the road mileage proposed for inclusion is of low-type improvement and carries relatively light traffic. Most of these roads are primarily for local service and will contribute little, if any, benefit to the solution of our pressing State-wide traffic problem.

Each road or street proposed for inclusion was subjected to the following critical yardstick. Firstly, would it rationally and definitely fit into the present connected and correlated State Highway System? This meant that the road should confer State-wide traffic benefit, for it is obvious that local benefit is, and should remain, a problem for local solution. Secondly, was the additional mileage involved either actually carrying, or potentially capable of carrying, sufficient State-wide traffic to warrant the immediate expenditure of highway funds for its improvement to standards commensurate with its use.

Otherwise, in our opinion, the mere act of including a road or street into the system will accomplish nothing toward its improvement, which actually is the primary purpose behind most attempts to transfer such facilities from local control to State control. This is obvious for the reason that each mile of new State highway must compete for allocation of funds with approximately 14,000 miles of the existing system on the basis of traffic needs. If the traffic is light and local in character on a particular road, its priority will be so low as to preclude any consideration of its improvement. Especially is this true when it is realized that many important and desirable improvements of high priority are being postponed each biennium due to lack of sufficient available funds.

After subjecting each of the projects proposed for inclusion in the State Highway System to this critical scrutiny and examination, it was our opinion that none of them properly qualify for consideration under the above standards.

Moreover, other and very compelling arguments have been developed as a result of our investigations which plainly indicate that present conditions are not propitious for considering an increase in our State highway mileage. The most important of these arguments are summarized briefly as follows:

1. The present National defense emergency has put an additional great strain upon the financial resources of the State Division of Highways due to the large number of Defense and Military Training Campments established in this State. Highway transportation facilities are a first essential for these developments.

It has been estimated that over \$28,000,000 will be required to construct the access roads alone, for these defense centers.

While Federal allocations to provide these facilities have been urged upon the Congress, no action has yet been taken, and there is a strong possibility existing Federal aid revenue may be earmarked by Congress for the construction of the most important of these roads in which event there would have to be eliminated approximately \$7,600,000 worth of projects from the present proposed highway construction budget for the ensuing biennium. The disastrous effect of such an action on the State Highway System does not require elaboration.

That this danger is a real one is evidenced by the fact that Congress has already diverted Federal Aid Feeder Road Funds to cover the survey and plan costs for these roads.

2. After years of effort, in 1933 the total secondary highway mileage was balanced between the northern and southern group of counties.

Indiscriminate additions of mileage will immediately upset this balance to the detriment of orderly planning, and will inevitably lead to the indefensible practice of proposing further unjustifiable additions under the argument it will restore the balance.

3. The most frequently overlooked or ignored consequence of the transfer of a road from local jurisdiction to State jurisdiction is the unfair transfer of financial obligation which results. That this is no minor matter may be perhaps better realized in view of the following facts:

The division of the Motor Vehicle revenue between State and county has remained unchanged since the inception of the gas tax; the State taking two thirds, of which it must in turn give one fourth to municipalities and the counties taking one-third without further obligations.

Accurate and reliable statistics show that of the entire road mileage of the State, 14 per cent is under State highway jurisdiction and 86 per cent under county jurisdiction. Before unjustified conclusions are drawn from this fact, these same statistics show that from the standpoint of traffic use, which is the correct measure since the motor vehicle operator "pays the freight" *the State Highway System, comprising only 14 per cent of the mileage, carries 80 per cent of the traffic, while 86 per cent of the mileage comprising county highways carry only 20 per cent.*

From these facts two obvious conclusions appear evident. First, that practically all, if not all, *important roads or streets*, are now included in the State Highway System.

The inequity of the policy of continually transferring county roads to the State without a commensurate increase in the State's share of the tax revenue is even more reprehensible, when consideration is given to the fact the inclusion of over 6,800 miles of the most important, and hence most expensive, county highways to the State Highway System in 1933 transferred a tremendous financial burden from the counties to the State, with no consequent adjustment of the tax revenues.

Moreover, it must also be admitted that the standard of maintenance demanded by the traveling public of State highways is much higher and more expensive than is usually provided on county roads; hence the maintenance expenditure by the State upon county road transfers are in a much higher ratio than the county provided, thus adding an increased burden on already overtaxed State highway revenues.

Finally, it is very seldom, if ever, that the roads and streets proposed for inclusion are of a character involving cheap construction costs. Improvements on roads of this nature can usually be secured from the local authorities. Usually the road or street advocated for inclusion will require a large expenditure to construct to adequate standards, and thus represents a "pig in a poke" as far as the State is concerned.

In view of all of these facts the conclusion seems inescapable to your committee that an adjustment in the division of the highway gas tax providing a larger share for the State Highway System should be made if any additional roads or streets are to be added to the State's burden.

4. Present day traffic is so great as to demand a much greater expenditure per mile for modern highway improvements. This has materially reduced the mileage of new improvement accomplished each year. As a result, there is definite evidence that obsolescence and depreciation are rendering a greater mileage of highways inadequate each year than can be replaced or improved with present revenue.

This inevitably requires an increase in the maintenance expenditure necessary to keep the roads passable which, in turn, reduces the amount available for construction, the net result being a constantly decreasing sum available for highway improvement.

Your subcommittee does not believe this problem should be further aggravated by increasing the financial burden through an increase in the highway mileage.

5. Finally, it must be recognized that the enormous increase in the mileage of the State Highway System in 1933, at which time the mileage was practically doubled, has resulted in imposing a tremendous burden upon the present motor vehicle tax funds allocated to highways. It must not be forgotten that subsequently, by legislative enactment, one-half cent of the State's share of two cents per gallon has been definitely allocated to maintenance and construction of highway routes and major city streets within municipalities.

A continuance of the policy of decreasing the revenues and increasing the obligations of the Division of Highways can not, in our opinion, be further maintained or defended in the light of existing facts, when the net result is being increasingly

reflected in lower standards of construction and a growing mileage of obsolete highways and bridges upon the primary highway transportation network of the State.

The State Highway System is too vital, both from the standpoint of our internal economy as well as for National defense in these trying times, to justify or excuse the imposition of a greater burden on present overtaxed financial resources.

For the above reason, your subcommittee wishes to unanimously recommend that the Senate Transportation Committee as a whole definitely go on record as recommending against the favorable consideration of any additions to the State Highway System at this time.

SUBCOMMITTEE OF THE SENATE TRANSPORTATION COMMITTEE

By ARTHUR H. BREED, JR., Chairman
JESSE M. MAYO, Member
E. GEORGE LUCKEY, Member

Dated April 11, 1941

INACTIVE FILE

Senate Bill No. 930—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Bill read.

Motion to Amend

Senator Collier moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended, after "receive", insert ", in addition to their actual and necessary traveling expenses,".

Amendment No. 2

On page 1, line 12, of the printed bill, as amended, strike out the period, and insert "over and above such traveling expenses."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

Senate Bill No. 190—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance policies and the writing of workmen's compensation insurance.

Bill read.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "negotiation", and insert "negotiating".

Amendment read and adopted.

Bill ordered printed, engrossed, and to inactive file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 40

Assembly Joint Resolution No. 48

Assembly Constitutional Amendment No. 43

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 53	Assembly Bill No. 636
Assembly Bill No. 97	Assembly Bill No. 690
Assembly Bill No. 162	Assembly Bill No. 728
Assembly Bill No. 202	Assembly Bill No. 780
Assembly Bill No. 203	Assembly Bill No. 785
Assembly Bill No. 204	Assembly Bill No. 787
Assembly Bill No. 325	Assembly Bill No. 791
Assembly Bill No. 357	Assembly Bill No. 793
Assembly Bill No. 385	Assembly Bill No. 825
Assembly Bill No. 395	Assembly Bill No. 880
Assembly Bill No. 400	Assembly Bill No. 895
Assembly Bill No. 211	Assembly Bill No. 928
Assembly Bill No. 431	Assembly Bill No. 1005
Assembly Bill No. 432	Assembly Bill No. 1054
Assembly Bill No. 626	Assembly Bill No. 1058
Assembly Bill No. 627	Assembly Bill No. 1204
Assembly Bill No. 628	Assembly Bill No. 1210
Assembly Bill No. 629	Assembly Bill No. 1219
Assembly Bill No. 630	Assembly Bill No. 1220
Assembly Bill No. 631	Assembly Bill No. 1268
Assembly Bill No. 635	Assembly Bill No. 1275

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 25, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1276	Assembly Bill No. 1845
Assembly Bill No. 1282	Assembly Bill No. 1859
Assembly Bill No. 1290	Assembly Bill No. 1942
Assembly Bill No. 1392	Assembly Bill No. 2063
Assembly Bill No. 1467	Assembly Bill No. 2109
Assembly Bill No. 1622	Assembly Bill No. 2128
Assembly Bill No. 1690	Assembly Bill No. 2151
Assembly Bill No. 1714	Assembly Bill No. 2338
Assembly Bill No. 1762	Assembly Bill No. 2543
Assembly Bill No. 1824	Assembly Bill No. 2490
Assembly Bill No. 1833	Assembly Bill No. 2568

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Joint Resolution No. 40—Relative to making citrus fruits available to the enlisted personnel of the Military and Naval Forces of the United States.

Referred to Committee on Military and Veterans Affairs.

Assembly Joint Resolution No. 48—Memorializing the President and the Congress to enact pending legislation to establish the 150th anniversary of the adoption of the Bill of Rights as a public holiday.

Referred to Committee on Military and Veterans Affairs.

Assembly Constitutional Amendment No. 43—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 23 to Article XX thereof, creating a State Park Commission and prescribing its powers and duties.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 53—An act to amend Section 7962 of the Elections Code, relating to the canvass and return of results at primary elections.

Referred to Committee on Elections.

Assembly Bill No. 97—An act to amend Section 1012 of the Code of Civil Procedure, relating to service by mail.

Referred to Committee on Judiciary.

Assembly Bill No. 162—An act to amend the title of, and Section 1 of an act entitled "An act providing for the creation of revolving funds in the counties of the State," approved May 9, 1923, as amended, relating to revolving funds in the counties of the State.

Referred to Committee on Local Government.

Assembly Bill No. 202—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications, and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 203—An act to amend Section 822 of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Assembly Bill No. 204—An act to amend Section 1269a of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Assembly Bill No. 211—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications, and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal court attaches.

Referred to Committee on Local Government.

Assembly Bill No. 325—An act to add Section 996 to the Civil Code, relating to property and other rights in and to fur bearing animals.

Referred to Committee on Judiciary.

Assembly Bill No. 357—An act to amend Section 202 of the Welfare and Institutions Code, relating to contracts for care of indigents; emergency services authorized; nonemergency services authorized; hospitals with which agreements may be made.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 385—An act to add Section 2671.5 to the Elections Code, relating to fees for filing declaration of candidacy.

Referred to Committee on Elections.

Assembly Bill No. 395—An act to add Chapter 3 to Division 4a of the Fish and Game Code, relating to trapping wild boar.

Referred to Committee on Fish and Game.

Assembly Bill No. 400—An act to add Article 3, consisting of Sections 22175 to 22181, inclusive, to Chapter 12 of Division 8 of the Business and Professions Code, relating to the marking of articles of merchandise made in whole or in part of gold or its alloys.

Referred to Committee on Business and Professions.

Assembly Bill No. 431—An act to add Sections 73c, 73d, 73e, 73f and 73g to the Code of Civil Procedure, relating to sessions of the superior court held in cities other than the county seat and the transfer of actions or proceedings to the same.

Referred to Committee on Judiciary.

Assembly Bill No. 432—An act to add Section 73h to the Code of Civil Procedure, relating to designation of assistants to the presiding judge and the furnishing of secretarial and stenographic services to such assistants.

Referred to Committee on Judiciary.

Assembly Bill No. 626—An act to amend Section 745 of the Welfare and Institutions Code, relating to the modification of commitment orders of juvenile delinquents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 627—An act to amend Section 869 of the Welfare and Institutions Code, relating to the liability of the committing county for maintenance of juvenile delinquents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 628—An act to amend Section 6700 of the Welfare and Institutions Code, relating to the transfer of inmates of State institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 629—An act to amend Section 6701 of the Welfare and Institutions Code, relating to the transfer of inmates at the request of relatives or friends.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 630—An act to add Section 6702 to the Welfare and Institutions Code, relating to the financial liability of transferred inmates.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 631—An act to add Section 6703 to the Welfare and Institutions Code, relating to the financial liability of transferred inmates.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 635—An act to repeal Sections 6622 and 6623 of the Welfare and Institutions Code, relating to dental services at State institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 636—An act to add Section 160.5 to the Welfare and Institutions Code, relating to the transportation of nonresident or alien criminal insane persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 690—An act to add Section 454.2 to the Vehicle Code, relating to the operation of vehicles owned by licensed physicians when traveling in response to emergency calls.

Referred to Committee on Transportation.

Assembly Bill No. 728—An act to amend Sections 541 and 542 of the Political Code, relating to State printing and the preparation of copy therefor.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 780—An act to amend Section 1145 of the Agricultural Code, relating to imported egg products.

Referred to Committee on Agriculture.

Assembly Bill No. 785—An act to add Section 12209.5 to the Business and Professions Code, relating to the duties of sealers of weights and measures.

Referred to Committee on Business and Professions.

Assembly Bill No. 787—An act to amend Section 12107 of the Business and Professions Code, relating to tolerances and specifications for commercial weighing and measuring apparatus.

Referred to Committee on Business and Professions.

Assembly Bill No. 791—An act to amend Section 12507 of the Business and Professions Code, relating to testing, correcting and repairing weighing or measuring instruments.

Referred to Committee on Business and Professions.

Assembly Bill No. 793—An act to amend Sections 12021 and 12022 of the Business and Professions Code, relating to falsity in weights and measures.

Referred to Committee on Business and Professions.

Assembly Bill No. 825—An act to add Sections 1266 and 1266.1 to Part 3, Title 7, of the Code of Civil Procedure, relating to eminent domain, including the taking of land by cities and counties for streets and highways.

Referred to Committee on Judiciary.

Assembly Bill No. 880—An act to amend and renumber Section 3045 of the Welfare and Institutions Code (as added by Chapter 916 of the Statutes of 1939), relating to aid to the needy blind.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 895—An act to amend Section 305 of the Agricultural Code, relative to meat inspection.

Referred to Committee on Agriculture.

Assembly Bill No. 928—An act to add Section 5.5 to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, and to add Section 9652.5 to the Revenue and Taxation Code, relating to computation of gross receipts.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1005—An act to amend Sections 5900, 5901, 5902 and 5904 of, to add Section 5930.5 to, and to repeal Section 5882 of, the Elections Code, relating to absent voting.

Referred to Committee on Elections.

Assembly Bill No. 1054—An act to amend Sections 2270 and 2274 of the Health and Safety Code, and to add Section 2292 thereto, relating to mosquito abatement districts.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1058—An act relating to National and local defense and public emergencies, authorizing extraterritorial activities by public agencies and providing that the privileges, immunities and benefits applicable to the activity of employees of such public agencies when acting within their territorial limits shall apply to them while engaged in any such work extraterritorially; declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1204—An act to add Article 7 to Chapter 1 of Part 5 of Division 3 of the School Code, relating to the establishment of courses in military science and tactics in the public secondary schools.

Referred to Committee on Education.

Assembly Bill No. 1210—An act to add Section 5567 to the Elections Code, relating to the conduct of elections.

Referred to Committee on Elections.

Assembly Bill No. 1219—An act authorizing the State Director of Finance, with the consent of the Board of Control, to grant, convey, and sell by deed, or any other proper legal conveyance, all the right, title, and interest of the State of California, in and to the abandoned channel of Petaluma Creek or River in and adjacent to the City of Petaluma, County of Sonoma, State of California.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1220—An act to amend Section 12710 of the Business and Professions Code, relating to public weighmasters and double draft weights.

Referred to Committee on Business and Professions.

Assembly Bill No. 1268—An act to amend Sections 372, 704 and 705, and to repeal Sections 702 and 703 of the Vehicle Code, relating to weight limitations imposed upon vehicles and combinations of vehicles, and the registration thereof.

Referred to Committee on Transportation.

Assembly Bill No. 1275—An act to add Section 164.7 to the Vehicle Code, relating to stolen or embezzled vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1276—An act to amend Section 374 of the Vehicle Code, relating to exemptions from registration fees on vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1282—An act to amend Section 24204 of the Health and Safety Code, relating to air pressure tanks.

Referred to Committee on Transportation.

Assembly Bill No. 1290—An act to add a new section, to be numbered 660, to the Vehicle Code, relating to the sale of used vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1392—An act to amend Section 1030 of the Political Code, relating to office hours.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1467—An act to amend Sections 821, 822, 823, 826 and 827 of, and to add Sections 821.1, 821.15, 821.2, 821.25, 821.3, 821.35, 821.4, 821.45, 821.5, 821.55, 821.6, 821.65, 821.7, 821.75, 821.8 and 824.5 to, the Agricultural Code, relating to apples.

Referred to Committee on Agriculture.

Assembly Bill No. 1622—An act to add Section 5.331 to the School Code, relating to authorization of service in schools of the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1690—An act to amend School Code Sections 3.730, 3.731, 3.732, 3.733, 3.734, 3.735, 3.736, 3.737 and 3.738, and to add Sections 3.735-1 and 3.735-2 to said code, all relating to physical education and related activities in the public schools.

Referred to Committee on Education.

Assembly Bill No. 1714—An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to standardization requirements.

Referred to Committee on Agriculture.

Assembly Bill No. 1762—An act to amend Section 3812 of the Elections Code, relating to election ballots.

Referred to Committee on Elections.

Assembly Bill No. 1824—An act to add Section 661.9 to the Political Code, relating to the repayment of money borrowed from the Emergency Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1833—An act to amend Sections 1771, 9700, 11060, 11103 and 11121 of, and to add Section 9482 to, the Elections Code, relating to municipal elections, including procedure in the referendum and recall.

Referred to Committee on Elections.

Assembly Bill No. 1845—An act to amend Section 12422 of the Insurance Code, relating to mortgage insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1859—An act to amend Section 161 of the Fish and Game Code, relating to Game Refuge 4B.

Referred to Committee on Fish and Game.

Assembly Bill No. 1942—An act to add Division 6 to the Public Resources Code, thereby consolidating and revising the law relating to the natural resources of the State, including the administration, management, leasing, and disposition of public lands and other lands, and the oil and gas and other mineral deposits within or upon such lands, owned by the State, by counties, or by cities, and to add Sections 10012 and 10013 to said code, repealing certain acts and parts of acts specified therein.

Referred to Committee on Natural Resources.

Assembly Bill No. 2063—An act providing for the publication and distribution of a State Blue Book.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2109—An act to add Section 140.1 to "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, relating to police officers of municipal corporations.

Referred to Committee on Local Government.

Assembly Bill No. 2128—An act to amend Sections 39, 382 and 623 and to add a new Section 168 to the Vehicle Code.

Referred to Committee on Transportation.

Assembly Bill No. 2151—An act to amend Section 6.224 of the School Code, relating to the sale of property of a school district.

Referred to Committee on Education.

Assembly Bill No. 2338—An act to amend Section 374b of the Penal Code, relating to disposal of garbage and refuse upon public

and private highways and roads, and providing penalties for the violation thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 2490—An act to amend Section 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to a county peace officers' retirement system.

Referred to Committee on Local Government.

Assembly Bill No. 2543—An act to add Section 604.10 to the Vehicle Code, relating to the transportation, care and treatment of persons injured upon the highways.

Referred to Committee on Transportation.

Assembly Bill No. 2568—An act to amend Sections 883 and 924 of the Fish and Game Code, relating to gill nets and round haul nets.

Referred to Committee on Fish and Game.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Garrison:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 737xx, 4248d, and 4248h, and to repeal Sections 4248a, 4248b, 4248c, 4248e, 4248f, 4248g, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248q, 4248t, 4248u and 4248v of the Political Code, relating to compensation of public officers.

Respectfully submitted.

SENATOR GARRISON

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYHAND
DEUEL
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS
(RESUMED)**

The following bill was introduced, and read the first time :

Senate Bill No. 1328: By Senator Garrison—An act to amend Sections 737xx, 4248d, and 4248h, and to repeal Sections 4248a, 4248b, 4248c, 4248e, 4248f, 4248g, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248q, 4248t, 4248u and 4248v of the Political Code, relating to compensation of public officers.

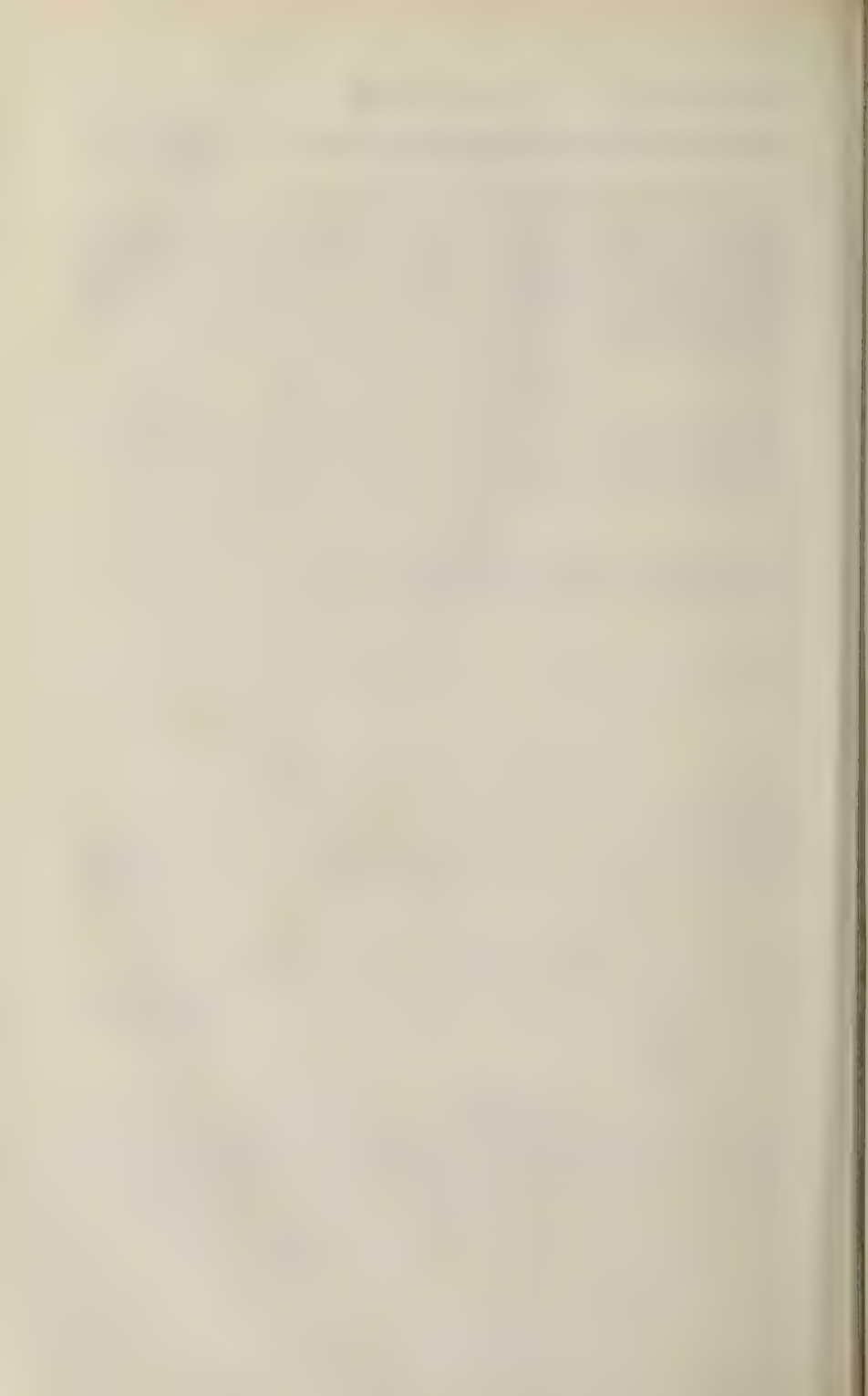
Referred to Committee on Local Government.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 21, 1941; Tuesday, April 22, 1941; Wednesday, April 23, 1941; Thursday, April 24, 1941; Friday, April 25, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

ADJOURNMENT

At 4.27 p.m., on motion of Senator Rich, the president declared the Senate adjourned until 2 p.m., April 29, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FOURTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, April 29, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Swing, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Joseph Brennan and Mrs. T. F. Carter of San Diego.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis F. Gates of Ceres.

On request of Lieutenant Governor Patterson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Warden Clyde I. Plummer of Folsom and Ray George of Los Angeles.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney John F. Dockweiler of Los Angeles.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following members of the Saint Ives Law Club of the University of San Francisco: Jack M. O'Brien, Richard J. Fenton, Roy E. Esposto, Richard D. Blake, Jr., Vernon A. Capurro, Eugene S. Clifford, Paul C. Diebels, Richard W. Keegan, Don R. Martinez, James M. McCabe, Trude F. Spearman, Anthony J. Tarantino, Arthur C. Zief, Charles P. Carver, Raymond S. Ciccone, Eugene J. Dunn, Edward P. Flores, Mark L. Golden, Robert I. McCarthy, Eugene F. O'Meara, George F. Whelan, John M. Trimbur, Edward J. Boessenecker, Russell Berti, and George Cronin.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Arnold Lantz and Mrs. Mildred Parsons of Richvale.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Luther, teacher, and the following eighth grade students of the Richvale School: Leslie Anderson, Cecil Evans, Lawrence Grell, Frances Edwards, Mervin Parsons, Dorothy Lantz, Jack Reid, and Eleanore Lofgren.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1234

Assembly Bill No. 711

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 906

Assembly Bill No. 1547

Assembly Bill No. 1633

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 46

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 711—An act to add Section 311a to and to amend Sections 311, 312, 313 and 314 of the Penal Code, relating to public morals.

Referred to Committee on Judiciary.

Assembly Bill No. 906—An act transferring to the United States of America an easement over certain lands of the State of California for lighthouse purposes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1234—An act to amend Section 395 of the Military and Veterans Code, relating to absence of public employees in Military or Naval Service.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1547—An act to amend Section 113 of the Vehicle Code, relating to the members of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 1633—An act to add Section 222 to the Welfare and Institutions Code, relating to the payment of county warrants issued for aid to indigents, needy children, to the needy blind and the needy aged.

Referred to Committee on Welfare and Institutions.

Assembly Joint Resolution No. 46—Relative to a bonus for men drafted into the Military Forces of the United States.

Referred to Committee on Military and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 665

Senate Bill No. 298

Senate Bill No. 963

Senate Bill No. 620

Senate Bill No. 1309

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 100

Senate Bill No. 1038

Senate Bill No. 190

Senate Bill No. 1000

Senate Bill No. 930

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 293

Senate Bill No. 715

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1325

Assembly Bill No. 679

Assembly Bill No. 1618

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1322

Assembly Bill No. 347

Assembly Bill No. 1016

Assembly Bill No. 1781

Assembly Bill No. 350

Assembly Bill No. 1473

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 820

Assembly Bill No. 1443

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 2574

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

(Signed out)

METZGER, Chairman

PARKMAN

CARTER

PHILLIPS

SWAN

BIGGAR

KEATING

FOLEY

COLLIER

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 28, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor relative to tax-deeded lands in California, dated April 22, 1941, and a message from the Controller relating to the above subject and also dated April 22, 1941, has had the same under consideration and respectfully recommends that said communications be printed in the Senate Journal.

RICH, Chairman

COMMUNICATIONS

Pursuant to the report of the Committee on Rules, the following communications were ordered printed in the Journal:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, April 22, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I transmit to you herewith copies of the preliminary report received by the Director of Finance from his staff of accountants upon the findings of their investigation so far conducted into the manner in which tax-deeded lands have been administered by the State Controller. This report was referred to in my communication to you on this subject dated March 4, 1941.

I have asked the Attorney General to review the legal aspects involved in the Controller's administration of tax-deeded lands in California.

In the preliminary report received from the Department of Finance which I am submitting herewith I direct your attention to the attached summary of findings.

It has been pointed out by the Director of Finance that possible public hearings, calling witnesses, and requiring testimony under oath, appears to be the proper means of eliciting complete factual information on this important subject.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Summary of Investigation Made by Department of Finance of Tax-Deeded Lands

In extension of a preliminary report on progress of audit of the "Redemption Tax" Division of the Office of the State Controller, a proportionately small sample of examples of properties and transactions concerned was investigated.

The sample was extensively heterogeneous, if proportionately small. Costs attendant upon effort expended, and the opinion that extension of investigation should be preceded by determination:

- a. Is the purpose of further investigation development of information as a basis for legislation, initiation of action to remedy past error, administrative change to improve future achievement, some other end, or a combination?
- b. Specifically or categorically, what further information is required? For what purpose? Is the probable utility worth the probable cost?
- c. Who can best direct and who best perform any further investigation to serve the most public interests best at least cost?

have inspired confinement of our investigation near a minimum required by the investigators for estimation of the nature of problems involved. Quantitative estimation in any exact measure or terms was not practicable.

In consequence of extreme minimization of effort while endeavoring to make such effort as was expended provide as comprehensive coverage as we were able, and in consequence of the variety of source and approach utilized, developed data is lacking in uniformity of pattern and degree of completeness. Several attempts at systematization, summation, and comparative statement were dropped incomplete as impracticable to provide results worth effort entailed. They tended to detract value. Because we estimate all requirements prior to the heretofore requested determinations can be adequately served by presentation of the investigator's notes, photographs, maps, documents and comments without restatement, refinement, or extension except in response to specific questions which may be inspired, it is requested that this communication and the appended volumes of investigators comment and indexed field notes, illustrations and maps be accepted as a report for present purposes.

Available data can be marshaled, extended, restated as necessary and submitted in a report suitable to such purpose(s) as may be defined. Endeavor to submit a polished all purpose report of presently available data is thought probable to be inadvisable.

Epitome

The statutes give the Controller exclusive authority to administer, especially to let, maintain and conserve, real property deeded to the State in consequence of non-payment of taxes.

The Controller and his subordinates have appeared to observe normal restrictions upon State administrative acts; including restrictions in matters of civil service, contract, purchase, insurance, receipt and disbursement of funds, delegation of discretion, etc., mainly in order to circumvent them by devious procedure or non-feasance. Motivation probably included accommodation of administration to concepts of equity, justice and economy relatively little trammelled by statutory law, and endeavors to avoid issues resolution of which was probable to disturb tenure or investiture of interest of the Controller, his subordinates, or his supporters for mutual benefit. Inadequate knowledge of circumstances, tolerance for omission of duties assigned by law, magnitude of the problem and capability of personnel, and inertia affected results.

Results have also been affected by involvement of law, procedure and practice of political subdivisions, including special districts, cities and counties, and of the State in most matters relating to tax assessment, collection and delinquency; to recordation, transfer, acquisition, and retention of title to real property; and to default, bankruptcy or insolvency, trusteeship, and entail.

The examples investigated appeared to indicate that the manner of administration has inequitable benefited special interests including irrigation districts, tax dodgers, sharpers-at-law, and connivers at and contrivers of acquisitive intrigue in public business, and coincidentally, numerous persons who received benefits without quest or action on their part.

It is confidently estimated that the net revenue to the State would have been greater; return of tax-deeded property to private ownership and taxation faster; the average and aggregate volume of tax deeds and delinquencies smaller; and the adjustment of legislation to requirements of public interest, equity, and individual justice faster and better, if administration had adhered as closely and diligently as was practicable to all directions and restrictions which a lay reader would interpret the Constitution and statutes to incorporate.

Evaluation or quantitative estimation is difficult, but it seems probable to the investigator that administration of laws as faithful and diligent as practicable would have conserved or produced benefits worth to the general public several million dollars more than such administration would have cost.

It is estimated that administration of small residence properties may have the greatest general social importance. Investigated examples are cited extensively, and pertinent items include pages 8, 9, 15, 17, 19, 21-22, 36, 52, 53, 54 and 55, of comment and pages 7-23, 35, 60-61 and 127 of field notes.

In aggregate of financial importance of leasing transactions, properties leased or deeded to irrigation districts may loom largest. Comment and notes include, among others pages 17, 23-30 of comment and pages 164-207 of field notes.

Commercial properties, including hotels, apartments, athletic and fraternal club buildings, etc., were an important problem, comment concerning which includes: Pages 9, 10, 11, 12, 13, 14, 15, 18-19, 20-25, 39-42 of comment and pages 1-5, 12, 19, 22, 25-28, 62-71, 75, 142, 162 of field notes.

Comment on agricultural properties other than those in irrigation districts, includes pages 16, 17, 18 of comment and pages 45, 47-48, 101, 143, 149-151, 154-157, 159-161 of field notes.

Comment on large private residential properties includes pages 14, 16, 56, 57 of comment and pages 49, 75, 90, 122 of field notes.

Comment on examples involving letting of numerous parcels to one person or organization at a rent so low that subletting showed a large apparent profit, in addition to comment on irrigation district, includes pages 15, 16, 17, 20, 21 of comment and pages 78, 38, 51, 57, 73-74, 152-153 of field notes. One oil property is referred to on pages 15 and 58 of comment.

An extraordinary selection of properties upon which special action to clear title was sought is referred to on pages 13 and 14, of comment and pages 109, 140, 141 of field notes.

Extensive ameliorations partly prompted by knowledge of, and possibly slightly assisted by, audit and preliminary investigation undertaken by the Department of Finance have already occurred. Earnest, public interested legislative, administrative, judicial and informative efforts which may be directed toward California tax delinquency and attendant property ownership problems are almost certain to achieve proportionately great benefit.

Introduction

All State functions affecting real property which has been deeded to the State in consequence of nonpayment of taxes have been assigned to the State Controller by Section 3773 of the Political Code. Thereunder the Controller is given sole authority and discretion in rental and conservation of such properties, together with the duties of maintaining records of properties and transactions, fixing and collecting rents, etc., and generally promoting return of such properties to normal ownership and taxation.

The records maintained were too lacking in completeness and currency to permit even approximate verification of the number, valuation or description of properties involved. Employees of the Controller expressed the estimate that approximately 250,000 parcels are subject to such control by the Controller. Assessed valuation of some individual parcels amounted to hundreds of thousands of dollars. Hotels, athletic and fraternal club, apartment, factory, home and farm properties are included.

Examination of records, documents and files pertaining to letting of tax-deeded property, collection of rents and disposition thereof; and survey of records of properties not recorded as rented by the Controller; disclosed that records did not reflect numerous particulars concerning use or occupancy of properties, related agreements, or even the number, kind and condition of properties with respect to which the Controller had duties and authority. Despite meagerness, incompleteness, and unsuitability, in the opinion of the auditors, to requirements for administrative information or evidence of fidelity and diligence, records disclosed numerous actions and transactions difficult of reconciliation with restrictions which the statutes and Constitution appear to provide.

The auditors reported to the Director of Finance their estimate that there existed numerous circumstances of use, occupancy, and finance pertaining to properties during periods they were tax-deeded and hence subject to administration by the State Controller, which circumstances merited study but were not reflected adequately or at all in records presented by the Controller for audit. Pursuant to Section 654 of the Political Code, which provides in part: " * * * the Department of Finance * * * shall whenever it deems it necessary * * * institute * * * such investigations and proceedings as may be deemed proper to conserve the rights and interests of the State." The Director of Finance requested that audit findings be supplemented by preliminary investigation adequate to permit determination whether a formal administrative or legislative investigation should ensue.

Such a preliminary investigation has been undertaken, and is reported herein. The magnitude of the subject and limitations of funds, staff and time prompted confinement of the scope of the investigation to selection of examples very limited in number in proportion to those comprising the field. Nevertheless, indications of: (a) evasion of legal restrictions by devious procedure, (b) avoidance of deter-

mination or adjudication of pertinent legal questions by administration calculated to be so extremely lenient that no person would be so adversely affected as to litigate any point of divergent interest or interpretation, or agitate for amendment of statutory provisions of questioned suitability; (c) letting of property for amounts markedly lower than it was currently possible to obtain as rent for such property; (d) lack of any endeavor whatsoever to collect rent from users or occupants of some properties and frequent acceptance of a small portion of an amount such as ordinary commercial practice would require as full settlement for unnegotiated prior occupancy or use by persons with whom agreements for current and future use and occupancy were negotiated; (e) and many other acts far from incontrovertibly consistent with the purpose of returning property to normal ownership and taxation expressed by statute; all were so very frequently encountered in examples investigated that it is confidently estimated that extension of the investigation to cover any increased proportion of tax-deeded properties would augment the number of similar discoveries, but not materially alter the impression of the whole gained from the examples investigated.

The auditors confidently, if inexactely, estimate that, as a result of the manner in which the Controller has exercised or in many instances failed to exercise the exclusive control over tax-deeded land vested in him by Section 3773 of the Political Code, persons and organizations other than the State have received from such property as rentals, returns, or profits of kinds which statutes seem to intend to belong to the State, sums in excess of the State's returns by a sum almost certainly over \$1,000,000, very probable over \$2,000,000, and quite possibly much larger.

To conserve funds, staff, and time, investigation of each item was minimized as far as was deemed consistent with development of information of primary significance in relation to such item. In consequence summation and tabular presentation and comparison of the partially complete information concerning the properties investigated would be both difficult and probable to give a misleading impression of completeness. Therefore, exposition of what are deemed the more significant particulars of examples of individual transactions and properties will be relied upon to communicate what was discovered by the investigation, and relatively few tabulations and summaries presented. In addition to the particulars stated in this report, there is submitted herewith an indexed volume of over 200 pages of related field notes, maps, illustrations, etc., which contains added particulars concerning some properties and transactions set forth herein, and in addition particulars of numerous similar items.

The investigator's estimate, that almost irrespective how far the investigation might be extended, the nature and significance of findings would remain closely similar to that thought to be typified by citation of examples in the pages which follow, is again emphasized here. If requested amplification of this report of discoveries resulting from this preliminary investigation, or extension of the quantitative or qualitative scope of the investigation will be undertaken. It would, however, be our recommendation that full consideration be given the advisability of having further investigation which may be required conducted under formal legislative or gubernatorial auspices.

Comprehensive Qualification

The extent, variety, and complexity of problems involved, incompleteness of even directly pertinent factual data (leaving out of consideration data of kinds necessary to orientation and proportion with reference to government, society, and economy in general), occasioned by the preliminary nature of our investigation, have insured exclusion from our report of substantially all opinions except attempts to generalize concerning the data of which examples were investigated, and to estimate the probable nature of uninvestigated data from the proportionately very small basis of data known.

We rely upon all statements of facts in this report and the accompanying supplement of investigator's notes, and have developed them independently or verified them to the extent permitted by available time and staff. It has been our aim in selecting examples for exposition in this report, to present without reinforcement by more than minimum citation of similar examples where numerous examples of closely similar nature were encountered, such facts as were known and estimated to be typical as might permit a reader to form for himself the administrative evaluation required, and yet realize the incompleteness of the basis therefor provided by this preliminary investigation.

All persons consulted have expressed opinions that procedures required by existing laws are cumbersome. Interests and equities differ from those which affect similar properties while normally owned and taxed. This has affected administration, and may be accorded such consideration as is deemed merited in any judgment of deviation from or "tempering of" laws by administration.

Extension of Investigation

In connection with possible extension of investigation of matters pertaining to tax-deeded land, several aspects may merit consideration. The purpose should be determined. If that be remedial legislation, the investigation should be done under

legislative auspices. If remedies for past transactions are sought, it should be determined what remedies for situations such as those described are available, what information is requisite, and whether the Legislature, Governor, Attorney General, or Department of Finance should conduct the investigation. If administrative change of policies and procedures be sought, that might be achieved by collaboration between the Governor, Attorney General, Controller, and Department of Finance upon the basis of data now available. It is probable that legislation will be deemed necessary. For that reason, conduct of any further investigation under legislative auspices might best meet combined requirements.

Evasion of and Deviation From Laws

Practices and policies of the Controller which appeared difficult of reconciliation with existing law were numerous. Disposition of questions by adjudication or any normal means, such as written opinions of the Attorney General, had been avoided.

The Controller sought to employ leasing representatives on a commission basis. Civil service provisions in the Constitution and statutes appeared possible to preclude appointments of individuals desired on terms desired. The Controller leased, with right to sublet, all land in several counties to several individuals for "\$1 (per year) and such additional consideration as the lessor (the State of California acting by and through the State Controller) shall approve." With some exceptions, all in the "lessee's" favor, the "Lessor" (Controller) approved 75 per cent of amounts collected from "sublessees" as the "additional consideration," and so achieved, to all intents and purposes, employment of representatives selected without reference to civil service, and allowance of 25 per cent commissions, which had aggregated approximately \$70,000 to December 31, 1939, as remuneration for their services.

Especially in Los Angeles and San Diego Counties, technical questions relating to assessment of taxes cast some doubt upon validity and effect of deeds to the State in consequence of nonpayment of taxes. Instead of welcoming determination of legality and validity of tax deeds by test adjudication it appeared that the Controller so leniently administered rental provisions, especially whenever a dispute arose, that former owners and lessees were thereby induced to refrain from litigation.

Extensive further comment on matters of law appears on pages 1 to 7 of the investigator's comments.

There are appended to the original of this communication one 58-page volume of investigator's comments and one 294-page volume of field notes, illustrations, maps and memoranda. Return thereof for retention with audit working papers is requested.

We shall be glad to marshal, extend and state as necessary for such purpose(s) as the determination(s) requested at the outset of this communication may require the data requisite thereto, and submit an appropriate report in finished form, when such determination(s) may be communicated to us.

STATE OF CALIFORNIA, OFFICE OF THE CONTROLLER

SACRAMENTO, April 22, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: The Governor, in a letter to your honorable body on March 4th, announced that at his direction an investigation of the State Controller's administration of tax-deeded property had been made by the Director of Finance.

A report on this investigation, which he had made public six days earlier, was given by the Governor as the basis for a proposal that control of this distressed property be lifted from the independently-elected State Controller and handed over to a commission dominated by the Administration.

Neither the Governor nor the Director of Finance discussed the report with me before it was made public or provided me with a copy of it as required by law. When, 10 days after its publication, I had not been furnished a copy I so notified your honorable body.

Not until March 12th, two weeks after its public release, did I receive a copy of the report.

Accusations of a serious nature are made in that report. Detailed statements and financial schedules purporting to show huge financial loss to the State through the Controller's handling of specified parcels of tax deeded property are included.

I have studied the report of the Department of Finance carefully. Civil service employees of the Controller, in an effort to learn the facts concerning the rental and administration of each parcel of property, examined records which had been equally available to the Department of Finance auditors and consulted qualified and independent authorities on property values, rentals and management.

A detailed report of our findings has been furnished to the Director of Finance and to the chairman of the Assembly's Governmental Efficiency and Economy Subcommittee on Tax-deeded Lands, and is now submitted for the consideration of your honorable body. The report is documented by photostatic copies of deeds, correspondence and other official records together with statements of appraisals from

authorities. I am now prepared to go into the matter fully with the Legislative Committee to which it has been referred.

The evidence indicates that the Department of Finance report made under the Governor's direction is based upon careless investigation, inaccurate reporting and irresponsible accounting, obviously prepared for the purpose of placing control of the distressed holdings of unfortunate property owners in the hands of the State Lands Commission which the Governor dominates.

By employing false statements the report creates the impression that huge losses have been suffered by the State through the Controller's handling of tax-deeded property.

The Department of Finance report reads:

"The auditors confidently, if inexactly, estimate," . . . (losses in a sum) . . . "almost certainly over \$1,000,000, very probably over \$2,000,000, and quite possibly much larger."

That statement and others of an equally serious nature are not supported by the facts as disclosed by our own civil service employees.

Glaring errors of fact are contained in the Governor's report:

(1) Asserted losses were computed on property not involved in this problem. In San Diego and elsewhere the Department of Finance auditors listed property which was not tax-deeded and over which the Controller never had jurisdiction.

(2) In many instances, false deed dates were used. Accountability for rent of 18 properties was charged for a five-year period during which each was privately owned. False dates were used although the correct ones were known to the auditors.

(3) Incorrect property income figures were used on commercial property. The auditors ignored costs of operation and upkeep and used gross revenue figures as rental value of property.

(4) Erroneous property descriptions were used. As a result accountability was charged to the Controller for rent on entire properties, of which the State actually owned only a small portion.

(5) Accountability likewise was charged to the Controller on property which had previously been removed from the Controller's jurisdiction by redemption proceedings.

(6) Inaccurate appraisals of rental values were made on acreage to support charges of asserted losses.

The Governor's Department of Finance report appears to be based upon the fallacy that the primary object of the Tax Deeded Land Program is to squeeze the last drop of money from the unfortunate property owners who are struggling to hold their homes or business property.

Actually the main purpose of the Controller's program is the return of property to the tax rolls in order that individuals may salvage their holdings and cities and counties may regain their tax bases.

Success of our program is proved by the fact that \$7,500,000 worth of nontax-producing property has been returned to the rolls in the last three years alone.

To keep custody of and retain in good repair the unfortunately large volume of tax-deeded property until the financially embarrassed owner can redeem it is of prime concern. Rather than allow buildings to remain unused and to fall to pieces for lack of care the Controller has rented them under terms which require the tenant to bear the expense of maintenance and repair in addition to rental. Preservation of the property thus has been assured without expenditure of public money.

Taxpayers' money likewise has been saved for instance through an agreement between the Controller and the Los Angeles County board of supervisors whereby low value urban property has been used for housing of indigents whose care otherwise would have been a drain on public funds.

Rental of tax-deeded property is difficult because of its nature. The bulk of it unfortunately is almost worthless from an income point of view. To secure tenants willing to pay for use of property which over a period of many years had produced insufficient money to pay even the taxes is difficult and in many cases impossible.

In commercial property this is particularly true. Unless a tenant can be assured of making a small profit or at least of breaking even through operation of a property he will not lease it.

Because the record owner of property can take possession at any time he chooses to start redemption through payment of a small portion of the delinquent taxes, the Controller is legally unable to guarantee a renter tenancy for a month, a week or even a day.

Merchants, business operators, farmers and working people alike are reluctant to occupy or install equipment or plant crops on property from which they can be ejected on a moment's notice. Under these conditions it obviously is impossible to obtain the same rental from tax-deeded property as from normal productive property in which a tenant securely can invest his money with assurance of tenure.

Because of this it is especially difficult to rent farm lands or hotels, clubs, apartment houses and other commercial property, the operation of which require furniture and equipment. Outsiders refuse to risk an investment on insecure tenancy.

thus the owner of furniture or equipment which may have outfitted a property when it became tax-deeded is the only person to whom the property can be rented.

Allowance must be made for this situation in determining what rent can be obtained from commercial property.

Questionable validity of tax deeds makes it impossible to collect more than a nominal rental in some cases. In Los Angeles and San Diego counties the court held that the taxing procedures were invalid with the result that tax deeds issued in those particular years are of doubtful value. The Controller was thereby prevented from collecting any rent on some properties.

The threat of court action to invalidate the tax deed has in some instances forced the Controller to accept whatever rental the tenant was willing to pay rather than none at all. In certain cases the Attorney General advised the Controller to follow that course.

The Governor's report questions legality of the system adopted by the former Controller for management of tax-deeded property by representatives who received as compensation a commission amounting to 25 per cent of rentals collected. Nothing was paid them for the handling of the property redeemed through their efforts, which amounted to as much as 70 per cent of the property managed. It must also be realized that the full cost of maintaining office facilities and employees to carry on this work was borne by the agents themselves.

The plan for the commission agents was discussed with and approved by Department of Finance attorneys and by the Attorney General before being placed in operation.

Criticism by the Department of Finance that the 25 per cent commission for property management was excessive seems odd in view of the fact that the Department of Finance itself, under authority of Section 662 of the Political Code, has for years paid and is today paying a 50 per cent commission for the collection of delinquent property taxes due the State.

Although I had and continue to have complete faith in the integrity of the gentlemen who served the State as agent, I requested funds with which to hire full-time civil service employees to carry on this function. As soon as the Department of Finance made the requested appropriation available I immediately employed a full-time civil service staff.

The Department of Finance report specifically mentions the administration of tax-deeded property in Los Angeles County by the former Controller's agent, Hayden F. Jones. Our investigation indicates that his operations were entirely in conformity with the former Controller's agreement previously approved by the Department of Finance. We commend Mr. Jones for the manner in which he handled a difficult problem.

There are not now and have not been for nearly a year any commission agents handling tax-deeded property for the State Controller.

The Department of Finance investigation, started in October, 1939, has involved the expenditure of public funds to pay salaries and traveling expenses of a crew of auditors over a period of 18 months. It would be interesting to know what the compilation of this information, much of it wholly inaccurate and leading to erroneous conclusions, has cost the taxpayers of the State.

During the course of the investigation, the Department of Finance auditors removed without authorization official records and documents of the State Controller, some of which have not been returned.

The Controller firmly believes that every agency of Government should be audited periodically and completely. The records of this office are open to examination at all times. As a protection to the taxpayers of the State and to the office, I feel good business practice demands such examination. I welcome any sincere audit, but object strenuously to the misuse of such a function.

The report of the Department of Finance illustrates graphically the urgent need of an independent means of auditing all State departments.

Respectfully,

HARRY B. RILEY, Controller

RESOLUTIONS

The following resolution was offered:

By Senator Swan:

Senate Resolution No. 102

WHEREAS, On this twenty-ninth day of April, 1941, Thomas Patrick Scollan was summoned to an eternal rest by the Divine Ruler of the Universe; and

WHEREAS, Tom Scollan, a former member of this Senate and one-time Council man and Mayor of the City of Sacramento, distinguished himself throughout his life by his unstinting public service and by the cheer and happiness he brought to many hearts and many homes; and

WHEREAS, His memory will linger long in the minds of his associates; now, therefore, be it

Resolved by the Senate of the State of California, That the members thereof do sincerely regret the untimely passing of Thomas Patrick Scollan, and extend their heartfelt sympathy to his family and to others near and dear to him; and be it further

Resolved, That when this Senate this day adjourns, it do so in respect to the memory of Tom Scollan; and be it further

Resolved, That the Secretary of the Senate is hereby directed to prepare and forward to the bereaved family of Thomas Patrick Scollan a suitably engrossed copy of this resolution.

Resolution read, and unanimously adopted by a rising vote.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 35

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 35—Relative to the passing of former Senator Thomas P. Scollan, and to adjournment in respect to his memory.

Request for Unanimous Consent

Senator Swan asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 35, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 35

Assembly Concurrent Resolution No. 35—Relative to the passing of former Senator Thomas P. Scollan, and to adjournment in respect to his memory.

Resolution read, and unanimously adopted by a rising vote.

Resolution ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Fletcher moved that Senate Bill No. 2 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1220

Senator Keating moved that Senate Bill No. 1220 be re-referred to Committee on Public Health and Safety.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Metzger moved that Assembly Bill No. 2085 be taken from the inactive file, and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 972

Senator Jespersen moved that Senate Bill No. 972 be withdrawn from Committee on Local Government for purpose of amendment.

Motion carried.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 27, of the printed bill, after "San Luis Obispo", insert ", Santa Barbara, Ventura".

Amendment No. 2

On page 2, lines 40 and 41, of the printed bill, strike out "counties of Santa Barbara, Ventura and", and insert "county of".

Amendment No. 3

On page 2, line 52, of the printed bill, strike out "effective", and insert "operative".

Amendment No. 4

On page 3 of the printed bill, strike out lines 1 to 4, inclusive, and insert "their terms. On or after the date when this section becomes operative, the Governor shall appoint a board member from the fifth district who shall hold office until the first Monday after the first day of January in 1947, and until his successor has qualified. In the event a".

Amendment No. 5

On page 3 of the printed bill, after line 13, insert

"(f) The provisions of this section shall become operative on February 1, 1943."

Amendments read and adopted.

Resolution ordered printed, engrossed, and to third reading.

Senate Bill No. 875—An act to amend Sections 9 and 36 of the California Water Storage District Act, relating to voting in California water storage districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Bill read second time, and ordered to third reading.

Senate Bill No. 755—An act to add Sections 3.5 and 3.75 to "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Bill read second time, and ordered to third reading.

Senate Bill No. 1126—An act to amend Sections 799 and 800, and to add Section 802.8 to the Fish and Game Code, relating to abalones.

Bill read second time, and ordered to third reading.

Senate Bill No. 803—An act to amend Section 1457 of the Penal Code, relating to the disposition of fines.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 663—An act to amend Section 3463 of the Political Code, relating to the lien of assessments for reclamation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 435—An act to amend Section 1394 of the Labor Code, relating to the hours and places of work of minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor :

Amendment No. 1

On page 1, line 15, of the printed bill, after "minor", insert "between the ages of 8 and 18 years".

Amendment No. 2

On page 1, line 18, of the printed bill, after the last comma, insert "or".

Amendment No. 3

On page 1, line 19, of the printed bill, strike out ", or any place of amusement,".

Amendment No. 4

On page 1 of the printed bill, following line 28, insert "(e) The appearance of any minor in any radio or television broadcasting exhibition, where the minor receives no compensation directly or indirectly therefor, and where the engagement of the minor is limited to a single appearance lasting not more than one hour, and where no admission fee is charged for the radio broadcasting or television exhibition."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 436—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor :

Amendment No. 1

On page 1, line 4, of the printed bill, after "obtained," insert "or if such consent is not required for radio or television by the provisions of subdivision (e) of Section 1394,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 307—An act to amend Sections 351, 352, 354 and 356, and to repeal Section 353 of, and to add Section 353 to, the Labor Code, relating to tips and gratuities.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 2 of the printed bill, strike out lines 11 to 14, inclusive, and insert "353. Tips and gratuities shall not constitute wages within the meaning of that term as used in the Unemployment Insurance Act nor shall tips and gratuities constitute earnings within the meaning of that term as used in Division 4 of this code, relating to Workmen's Compensation and Insurance."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Labor.

Assembly Bill No. 139—An act to amend Section 2825 of the Streets and Highways Code, relating to special assessments and public improvements, including the preparation of reports on proposed improvements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 198—An act to add Part 3, consisting of Chapters 1 and 2 consisting of Sections 8300 to 8308 and 8320 to 8324, to Division 9 of the Streets and Highways Code, relating to the vacation of city streets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 212—An act to amend Sections 6621, 6622 and 6623 of the Streets and Highways Code, relating to the foreclosure and cancellation of street improvement bonds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1031—An act to amend Section 500 of the Vehicle Code, relating to negligent homicide.

Bill read second time.

Motion to Amend

Senator Kuchel moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "of," insert "or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 795—An act to add Section 22140 to the Streets and Highways Code, relating to assessments levied to defray the cost of the planting, maintenance and removal of trees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "22140", and insert "22141".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "22140", and insert "22141".

Amendment No. 3

On page 1, line 3, of the printed bill, strike out "22140", and insert "22141".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2081—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2 of the printed bill, as amended in the Assembly on March 19, 1941, insert

"(h) A motor vehicle, owned by the State, and operated by a regularly employed special agent or investigator of the Attorney General's Office in the performance of his duties under Section 476 of the Political Code."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1323—An act to add Sections 802.3 and 802.4 to the Agricultural Code, relating to grapes, declaring the urgency thereof, and that this act take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 59—An act to amend Section 305 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, Waggy, and Ward—31.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Carter asked for, and was granted, unanimous consent to retain Senate Joint Resolution No. 22, on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 542—An act to add Section 3.693 to the School Code, relating to moral and religious instruction.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 3 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RECESS

At 3.05 p.m., on motion of Senator Kenny, the Senate recessed until 3.10 p.m. to hear from District Attorney John F. Dockweiler of Los Angeles.

REASSEMBLED

At 3.10 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 257—An act to amend Section 380.51 of, and to add Section 333.5 to, the Agricultural Code, relating to brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 348—An act to amend Sections 633 and 641 of the Welfare and Institutions Code, relating to term of office, compensation, powers and duties of probation officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1207—An act to provide for the formation of districts within municipalities, for the providing of parking space for automobiles; for the laying out, opening, extending, widening, straightening, establishment or change of grade, in whole or in part, of public auto parks and public rights of way necessary or convenient therefor; for the condemnation of property or of any interest therein necessary or convenient therefor; for work in or upon any such places including property over which possession and right of use has been obtained under the provisions of Section 14, of Article I, of the Constitution in such districts; for the acquisition and construction of public improvements, works and equipment necessary or convenient therefor; for the maintenance of such districts and the public improvements, works, and equipment thereof; for the issuance, sale, and payment of bonds of such districts to meet the cost thereof; for the levy of assessments; and providing for aid from any county, municipality, State, or the Federal Government, or any department thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 34—An act to add Section 12700.5 to the Business and Professions Code, relating to public weighmasters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby Assembly Bill No. 348 was passed.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 348 was passed, was continued until the next legislative day.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.22 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 3.24 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1450—An act to amend Section 1628 of, and to add Section 1628a to, the Business and Professions Code, relating to examinations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny,

Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Waggy—34.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 577—An act to amend Sections 5510, 5514, 5515, 5518, 5519, 5520, 5521, 5522, 5523, 5524, 5525, 5540, 5550, 5551, 5552, 5553, 5556, 5570, 5571, 5573, 5574, 5575, 5577, 5600, 5601 and 5602, to repeal Sections 5511, 5512, 5513 and 5603 of, and to add Section 5603 to, the Business and Professions Code, relating to the practice of architecture.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 577:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
 SACRAMENTO, March 28, 1941

*To the Honorable Members of the Senate
 Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 577

"An act to amend Sections 5510, 5514, 5515, 5518, 5519, 5520, 5521, 5522, 5523, 5524, 5525, 5540, 5550, 5551, 5552, 5553, 5570, 5571, 5573, 5574, 5575, 5577, 5600, 5601, 5602 and 5603, to repeal Sections 5511, 5512, 5513 and 5603 of, and to add Section 5603 to, the Business and Professions Code, relating to the practice of architecture,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34, of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 577 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Waggy—32.
 NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2547—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations and the applicability thereof; And appointed Messrs. Cronin, Johnson and Desmond as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By FRANK REED, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Rules has appointed Senators Swan, Quinn and Breed as a Committee on Conference concerning Assembly Bill No. 2547, to meet a like Committee from the Assembly.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

And appointed Messrs. Cronin, Johnson and Desmond as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Rules has appointed Senators Swan, Quinn and Breed as a Committee on Conference concerning Assembly Bill No. 2548, to meet a like Committee from the Assembly.

RICH, Chairman

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 792—An act to amend Sections 12605 and 12607 of the Business and Professions Code, relating to containers and their contents.

Bill read third time.

Motion to Amend

Senator Swan moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, after "filled", insert " , wholly or partially,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 64—An act to add Section 201.5 to the State Civil Service Act, prohibiting discrimination upon account of race, religion or color and prescribing means for the enforcement thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Wagye—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1247—An act to add Section 172.5 to the Penal Code, relating to selling, giving away, or exposing for sale alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Luckey, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Swan, and Wagye—25.

NOES—Senators Biggar, Cunningham, Quinn, and Tickle—4.

Bill ordered transmitted to the Assembly.

Statement by Senator Phillips

I am apparently recorded as voting "aye" on Assembly Bill No. 1247. I voted against this bill in committee and my vote on the floor should also have been recorded as "no." The error was probably my own due to a misunderstanding as to which bill was before us.

Assembly Bill No. 2570—An act to amend Sections 2, 9, 11, 17, 18, 20, 21, 23, 26 and 28 of, to repeal Section 2.5 of, and to add Section 5.2 to the Retail Sales Tax Act of 1933; to amend Sections 2, 4, 7, 9, 10, 12, 14, 15, 17, 20 and 22 and to repeal Section 2.5 of the Use Tax Act of 1935; to declare the legislative intent with respect to the construction of said acts; to repeal Section 6 of Chapter 355, Statutes of 1935; to amend Sections 6006, 6010, 6455, 6481, 6487, 6511, 6514, 6561, 6701, 6702, 6738, 6757, 6776, 6777, 6811, 6812, 6901, 6902 and 7056 of, to repeal Section 6402 of and to add Section 6362 to the Revenue and Taxation Code, all relating to the levy, assessment and collection of retail sales and use taxes and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagye—32.

NOES—None.

Bill ordered transmitted to the Assembly.

INACTIVE FILE

Senate Bill No. 151—An act to create a Department of Corrections to administer the penal system of this State, to transfer to it certain correctional institutions, to repeal the acts specified herein, and to abolish the Board of Prison Terms and Paroles and the Advisory Pardon Board.

Bill read.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert "correctional institutions and the functions of the Board of Prison Terms and Paroles, and to repeal acts and parts of acts specified herein."

Amendment No. 2

On page 2, line 10, of the printed bill, as amended, strike out "nor", and insert "now".

Amendment No. 3

On page 3 of the printed bill, as amended, strike out line 5, and insert "such other divisions and bureaus as may later be determined to be necessary. The board may estab-".

Amendment No. 4

On page 3, line 9, of the printed bill, as amended, after "sentence", insert "; and the board may cooperate with or assist any existing public or private agency organized for that purpose".

Amendment No. 5

On page 3, line 15, of the printed bill, as amended, strike out "psychiatrics".

Amendment No. 6

On page 3, lines 26 and 27, of the printed bill, as amended, strike out "and each of whom shall serve at the pleasure of the board".

Amendment No. 7

On page 7 of the printed bill, as amended, strike out lines 3 to 7, inclusive.

Amendment No. 8

On page 7, line 8, of the printed bill, as amended, strike out "(b)", and insert "Sec. 15. (a)".

Amendment No. 9

On page 7, line 15, of the printed bill, as amended, strike out "(c)", and insert "(b)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 620—An act to amend Section 6 of an act entitled "An act providing for a State Exhibit at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, in 1939, providing for the construction of a State Building or buildings therefor and the gardening and improvement of the surrounding grounds, creating a California Commission for the Golden Gate International Exposition to have charge and control of said State Exhibit and building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 27 and 28 of the title of the printed bill, as amended, and insert "ment of Finance."

Amendment No. 2

On page 3 of the printed bill, as amended, strike out lines 14 to 33, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was introduced:

Senate Concurrent Resolution No. 32: By Senator Garrison—Relative to approving certain amendments to the charter of the City of Modesto, County of Stanislaus, State of California, voted for and ratified by the electors of said City of Modesto, at a general municipal election held therein on the eighth day of April, 1941.

Request for Unanimous Consent

Senator Garrison asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 32, at this time for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 32

Senate Concurrent Resolution No. 32—Relative to approving certain amendments to the charter of the City of Modesto, County of Stanislaus, State of California, voted for and ratified by the electors of said City of Modesto, at a general municipal election held therein on the eighth day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagye—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Governmental Efficiency**

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 94

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 128

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 398

Assembly Bill No. 1613

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2582

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1335

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 14

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 824

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1390

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Senate Bill No. 794

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

DELAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 880
Assembly Bill No. 1399
Assembly Bill No. 1408

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 569	Assembly Bill No. 1513
Assembly Bill No. 1402	Assembly Bill No. 1515
Assembly Bill No. 1512	Assembly Bill No. 1517

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

DE LAP, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 875

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 133—An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502, 2557 and 2558 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 to 2641, inclusive, and Article 7, comprising Sections 2650 to 2659, inclusive, to Chapter 2 of Division 4 of the Welfare and Institutions Code and repealing acts and parts of acts specified herein; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administration to the State Department of Social Welfare and transferring relief cases to county administration;

Senate Bill No. 1052—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the Authority; authorizing the Authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for Winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein; declaring this act to be an urgency measure and providing that it shall take effect immediately;

Senate Concurrent Resolution No. 30 Relative to closing to trout fishing of streams flowing into the Pacific Ocean;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of April, 1941, at 3 p.m.

RICH, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.54 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 542 passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Dillinger, Foley, Garrison, Jespersen, Kenting, Luckey, Mayo, McBride, Metzger, Mixter, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Waggy—21.

NOES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Judah, Kenny, McCormack, Parkman, Rich, Tickle, and Ward—15.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Cunningham moved to reconsider the vote whereby Assembly Bill No. 1247 was passed.

Postponement of Reconsideration

On motion of Senator Cunningham, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1247 was passed, was continued until the next legislative day.

ADJOURNMENT

At 3.56 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., April 30, 1941, out of respect to the memory of the late former Senator Thomas P. Scollan.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

FIFTY-NINTH LEGISLATIVE DAY

ONE HUNDRED FIFTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, April 30, 1941

The Senate met at 2 p.m.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Kuchel, on motion of Senator Powers.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Bellon, Chairman, Board of Supervisors, and Victor Winnek, Deputy District Attorney, of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Farewell of Sacramento.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Earl W. Peterson, Pres., Stanislaus-Merced Counties Seedless Grape Growers Ass'n., and Harold L. Rogers, Pres., California Pharmacy Board, of Modesto, and John H. Arkelian, Pres., Consolidated Packing Company, of Turlock.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Polhemus, Mr. Ingraham, Miss Kirchgater, teachers, and the following students of the Elk Grove Union Grammar School, Elk Grove: Evelyn Lucinski, Robert Long, Kenneth Caples, Dudley Robbins, Betty Dart, Kaho Nakatani, Roland Litz, Maydelle Reese, Alex Olsen, Jim Gray, Tony Martinez, Joe Miyamoto, Sue Taniguchi, Nobuko Yamaguchi, Miyoko Urokogota, Shirley Mae Novak, Catherine Montgomery, Dick Mahon, Alvin Spitzer, Larry Leverton, Larry Derr, Rudy Solorio, Bob Stetson, Leonard Smith, Bob Van Doren, Barbara Polhemus, Lillian Henderson, Eugene Hironymous, Masaiki Koyama, Joseph Fukuda, Jim Evangelista, Harry Solorio, Dan Botto, Lena Sawamura, Mary Maeda, Tokiye Mayeda, Mary Higgins, Ernestine Hironymous, Vernon Wiemeyer, Jimmie Polhemus, Jessie Cervantes, Le Roy Adam, Pearl Ehnisz, Donald Lindsay, Florence Kammerer, Eleanor Eisenbach, Joe Sellers, Tokio Kanemoto, Tom Sugimoto, Robert Mitchell, Roberta Batey, Kenneth Schmidt, Dolores Miller, Grace Sagara, Patricia Richardson, Patsy Polhemus, Loraine Johnson, Mart Baker, Margaret Shiizaki, Kikuye Hiashida, Jiro Okazaki, Fritz Wagner, Jimmie Young, Janet Kingsley, Bill Kitchel, Betty Harder, Elmerine Bader, Violet Rader, Otto Amstutz, Marley Royle, Billie Hall, Beatrice Casasos, Barbara Peyton, Florence Batey, Sally Asada, and Mabel Ahl.

SCHEDULE OF COMMITTEE MEETINGS FOR MAY

Senator Swing moved the adoption of the following schedule of committee meetings for May:

Schedule of Committee Meetings for May

9 a.m.	10.30 a.m.	8 p.m.
	Thursday, May 1st	
Education	Local Government	Governmental Efficiency
Natural Resources		Business and Professions
	Friday, May 2d	
Public Utilities	Water Resources	-----
	Monday, May 5th	
Labor	Transportation	Judiciary
	Tuesday, May 6th	
Public Health and Safety	Governmental Efficiency	Agriculture
Financial Institutions		
	Wednesday, May 7th	
Finance	Judiciary	Revenue and Taxation
	Fish and Game	Welfare and Institutions
	Thursday, May 8th	
Education	Local Government	Governmental Efficiency
	Elections	Business and Professions
	Friday, May 9th	
Military and Veterans Affairs	Water Resources	-----
	Monday, May 12th	
Labor	Transportation	Judiciary
	Tuesday, May 13th	
Public Health and Safety	Governmental Efficiency	Agriculture
Financial Institutions		
	Wednesday, May 14th	
Finance	Judiciary	Revenue and Taxation
	Fish and Game	Welfare and Institutions
	Thursday, May 15th	
Education	Local Government	Governmental Efficiency
Natural Resources		Business and Professions
	Friday, May 16th	
Public Utilities	Water Resources	-----
	Monday, May 19th	
Labor	Transportation	Judiciary
	Tuesday, May 20th	
Public Health and Safety	Governmental Efficiency	Agriculture
Financial Institutions		
	Wednesday, May 21st	
Finance	Judiciary	Revenue and Taxation
	Fish and Game	Welfare and Institutions
	Thursday, May 22d	
Education	Local Government	Governmental Efficiency
	Elections	Business and Professions
	Friday, May 23d	
Military and Veterans Affairs	Water Resources	-----
	Monday, May 26th	
Labor	Transportation	Judiciary
	Tuesday, May 27th	
Public Health and Safety	Governmental Efficiency	Agriculture
Financial Institutions		
	Wednesday, May 28th	
Finance	Judiciary	Revenue and Taxation
	Fish and Game	Welfare and Institutions
	Thursday, May 29th	
Education	Local Government	Governmental Efficiency
Natural Resources		Business and Professions
	Friday, May 30th	
Public Utilities	Water Resources	-----

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 18

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 151

Senate Bill No. 620

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 395

Assembly Bill No. 2568

Assembly Bill No. 1859

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Joint Resolution No. 1

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported resolution ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1325—An act to amend Section 133 of the Civil Code, relating to entry of final judgment in divorce cases.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1322—An act to add Section 651 to the Penal Code, relating to traffic in Federal order stamps, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 820—An act to repeal Sections 203, 204, 204a, 204b, 204c, 204d, 204e, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220 and 221 of, and to add Sections 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214 and 215 to, the Code of Civil Procedure, relating to jurors and jury commissioners.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "An act to", strike out the balance of the line; and strike out lines 2 to 6, inclusive, and insert "amend Sections 204c, 204e and 261a of the Code of Civil Procedure, relating to jury commissioners and employees of the superior court."

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Section 204c of the Code of Civil Procedure is hereby amended to read as follows:

204c. It shall be the duty of the jury commissioner diligently to inquire and inform himself in respect to the qualifications of persons resident in his county or city and county who may be liable under the provisions of the laws of this State to be summoned for jury duty. He may require any person to answer, under oath to be administered by him, all such questions as he may address to such person, touching his name, age, residence, occupation and qualifications as a juror, and also all questions as to similar matters concerning other persons of whose qualifications for jury duty he has knowledge. The commissioner and his assistants as provided under Section 204e shall have power to administer oaths. He and his assistants as provided for in Section 204e shall be allowed [his] actual traveling expenses incurred in the performance of [his] their duties while visiting the respective townships in the county, such traveling expenses to be audited, allowed and paid out of the general fund of the county.

SEC. 2. Section 204e of the Code of Civil Procedure is hereby amended to read as follows:

204e. In any county or city and county where there is a secretary of the judges of the superior court in said county, or city and county, a majority of the said judges may in their discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be six hundred dollars (\$600) per month, except in counties, or cities and counties, having a population of less than 500,000, as ascertained and determined in the manner provided by Section 4005c of the Political Code, in which counties, or cities and counties, the salary of the secretary shall be five hundred dollars (\$500) per month.

On the authorization of the judges in such a case, the secretary shall have [two] three assistant secretaries, who shall assist also in the performance of the duties of jury commissioner and one whose salary shall be three hundred dollars (\$300) per month and the [other] others two hundred fifty dollars (\$250) per month each. The salaries herein authorized shall be paid out of the same fund that salaries of county officers are paid.

SEC. 3. Section 261a of the Code of Civil Procedure is hereby amended to read as follows:

261a. In each county, or city and county, having a population of 900,000 inhabitants and over, the judges of the superior court in and for such county, or city and county, a majority thereof concurring therein, to assist the court in the transaction of the judicial business of said court, may appoint the following employees: [Two] Three stenographic secretaries at a salary of one thousand nine hundred twenty dollars (\$1,920) per annum; 15 stenographers, at a salary of one thousand six hundred eighty dollars (\$1,680) per annum; two assistant stenographers, each at a salary of one thousand five hundred dollars (\$1,500) per annum; two investigators of domestic relations cases, each at a salary of two thousand four hundred dollars (\$2,400) per annum [and necessary expenses incurred while engaged in the discharge of the duties of their office,]; two messengers, each at a salary of one thousand twenty dollars (\$1,020) per annum. All of the employees provided in this section shall be allowed actual traveling and necessary expenses incurred while engaged in the discharge of the duties of their office.

The salaries and expenses in this section provided for shall be paid in monthly installments out of the salary fund of the county, or city and county, or if there be no salary fund, then out of such fund as other salary demands against the county, or city and county, are paid, and shall be allowed and audited in the same manner as other salary demands against the county, or city and county, are required by law to be allowed and audited."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 23, inclusive; and strike out pages 2 to 6, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 293—An act to add Section 1192.5 to the Code of Civil Procedure, relating to liens.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 13 to 28, inclusive, and insert

"1192.5. The owner or any person claiming an estate in any one or more parcels of real property in any county or city and county may file for record with the county recorder of such county or city and county a notice that he will not be responsible for any work or improvement constructed, altered or repaired thereon unless he or his agent shall first have received written notice of such construction, alteration or repair or work or labor, as provided in this section. The notice so filed for record shall describe the parcel or parcels of property, and shall contain the name and address of the owner and the name and the address of the agent, if any, of such owner.

After such notice has been filed for record the owner of the parcel or parcels described therein shall not be deemed to have any knowledge of any construction, alteration or repair or work or labor on any such parcel unless the same was done or performed pursuant to his order or with his consent or unless he or his agent receives notice thereof as provided in this section.

The notice of such work or improvement, construction, or alteration or repair may be personally served upon either the owner or his designated agent, if any, or may be served by registered mail, return receipt requested, addressed to such owner or agent at the address contained in the notice filed for record as provided in this section.

Nothing in this section shall affect the provisions of Section 1192 except that, as to an owner who complies with this section, the 10-day period within which the owner or his agent may post a notice of nonresponsibility shall commence to run from the date of personal service of notice as provided herein, or, if such notice is served by registered mail, from the date of receipt of such notice as shown by the return receipt."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 715—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "and generally fit for the"; and strike out all of line 9 except the period.

Amendment No. 2

On page 1, line 15, of the printed bill, after "work", insert "as such work and satisfactory completion thereof shall be defined by the examining committee".

Amendment No. 3

On page 1, line 16, of the printed bill, after "years", insert a comma.

Amendment No. 4

On page 1, line 16, of the printed bill, after "and", insert "in this latter case have".

Amendment No. 5

On page 1, line 16, of the printed bill, strike out "a four year".

Amendment No. 6

On page 1 of the printed bill, strike out all of line 17, after "school"; strike out all of lines 18 and 19; and strike out all of line 20 up to and including "achievement", and insert "or have passed a comprehensive examination of the college entrance examination board in English, American History and in one additional subject to be selected by the applicant from the list of subjects in which the college entrance examination board gives comprehensive examinations".

Amendment No. 7

On page 2, line 47, of the printed bill, strike out "and the Supreme Court".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 2—An act to amend Section 19562 of the Business and Professions Code, relating to California bred horses.

Bill read second time, and ordered to third reading.

Senate Bill No. 972—An act to amend Section 5262 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 12 to 20, inclusive, and insert "Upon a request made by any county, pursuant to a resolution of its board of supervisors, the department before issuing a permit shall notify the county of any applications, other than renewal applications, for permits to construct advertising structures within that county, and shall withhold the issuance of a permit for a period of 15 days. Such permit, if the application is otherwise in order, shall be issued at the expiration of said 15 days unless the application has been withdrawn, or unless the county has notified the department that court proceedings have been commenced by the county to abate such structure as a public nuisance pursuant to an ordinance of such county or to enjoin the erection thereof. No notice need be sent nor shall the issuance of a permit be delayed as required herein in the event written evidence signed by the clerk of the board of supervisors that the structure applied for does not violate any county ordinance is presented with the application."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

Senate Bill No. 151—An act to create a Department of Corrections to administer the penal system of this State, to transfer to it certain correctional institutions and the functions of the Board of Prison Terms and Paroles, and to repeal acts and parts of acts specified herein.

Bill read second time, and ordered to third reading.

Senate Bill No. 94—An act to amend Section 4 of the Central Valley Project Act of 1933, relating to units.

Bill read second time.

Motion to Amend

Senator Deuel moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, between lines 5 and 6, insert "(8) A conduit or canal, equipped with all necessary dams, pumping plants, and other appurtenant works, extending from the Sacramento River at or near the

City of Red Bluff, Tehama County, California, southerly through Tehama, Butte and Sutter Counties. Said unit shall be designated as the Tehama Butte Conduit and shall be of such capacity as shall be determined by the authority to be necessary to furnish an adequate supply of water for industrial, agricultural, domestic and other beneficial uses in the area to be served by it."

Amendment No. 2

On page 3, line 6, of the printed bill, strike out "(8)", and insert "(9)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 824—An act to amend Sections 51a, 51c, 51g and 52 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 398—An act to add Section 154.5 to the State Civil Service Act, relating to medical examinations of State employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "an employee or".

Amendment No. 2

On page 1, line 5, of the printed bill, after "employment", insert "or any employee".

Amendment No. 3

On page 1, line 7, of the printed bill, following the period after "condition", insert "The appointing power may require such examination only where there is reason to believe that the employee or person certified is afflicted with a communicable disease, heart or mental disease, or impairment of eyesight or hearing."

Amendment No. 4

On page 1 of the printed bill, following line 15, insert

"Nothing in this section shall impair an employee's right to hearing before the State Personnel Board as provided in Section 173 of this act nor shall anything in this section be construed to impair any employer's rights under the provisions of the State Employees' Retirement Act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 569—An act to amend Section 15 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 880—An act to add Section 1100.1 to the Insurance Code, relating to investments and advancements of credit by insurers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "relating", insert "to".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 794—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance on the group plan.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 28 and 29, and insert "(d) If organized or incorporated prior to January 1, 1941, it shall have been in existence for a period of at least two years. If organized or incorporated after December 31, 1940, it shall have been in existence for a period of at least five years.

(e) It does not in the solicitation of applicants for membership advertise, offer, or hold out as an inducement to membership that membership in the association or corporation will reduce the cost of workmen's compensation insurance.

The commissioner shall not approve for issuance to an approved group master or individual policies which provide for extensions of credit for periods beyond those which are reasonable and customarily allowed in the case of policies not issued to approved groups. If any member of an approved group or the association or corporation to which the group belongs fails to pay the premiums for workmen's compensation insurance as provided in the master or individual policies issued to the association or individual members of the group, the insurer shall within five days thereafter notify the commissioner of that fact.

If a master policy is issued to an approved group, the master policy shall provide that each member of the group may designate his own insurance agent or broker to participate in such commissions, if any, as may be allowed by the insurer with respect to that member's insurance. Such commissions shall in no event be less than those which the insurer would have paid with respect to that member's insurance if that member had not availed himself of the right so to designate his own insurance agent or broker.

If the commissioner after hearing upon reasonable notice finds that a group which has been found by him to be an approved group no longer constitutes such an approved group by reason of noncompliance with any of the provisions of this section, or by reason of failure to meet the premium payment requirements of the policy or policies issued to the group or its members, he shall revoke his approval of that group and order the insurer to cancel the contract of insurance and, in the case of individual policies issued to each member of the group, order such individual policies canceled.

Upon receipt of an order to cancel insurance issued pursuant to this section, the insurer to whom it is issued shall cancel it in accordance with the provisions of the policy or policies involved.

It is the intent of this section that where coverage is effected by a master policy or by individual policies, the failure of one member or policyholder to meet the premium payment requirements of the policy and the failure of the association or corporation to meet its guarantee of such payment, shall render the entire group ineligible for further treatment as an approved group."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Financial Institutions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 679—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add new sections numbered 1435, 1435.1, 1435.2, 1435.3, 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9 and 1435.10 to Division 4, Chapter 11 thereof,

relating to the management, control and disposition of the community real property and the homestead property of insane or incompetent persons, and to repeal Sections 172b, 172c, 172d, 1269a, 1269b and 1269c of the Civil Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1618—An act to amend Section 1034 of the Political Code, relating to date of receipt of communications by mail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1016—An act to amend Section 2931a of the Civil Code, relating to certain actions pertaining to real property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 350—An act to amend Section 1871 of the Code of Civil Procedure, relating to expert witnesses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 347—An act to amend Section 726 of the Welfare and Institutions Code, relating to serving of notice of hearing by mail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1781—An act to add Section 4154a to the Political Code, relating to the defense of county officers and employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1473—An act to amend Section 16d of the Bank Act, relating to orders stopping the payment of checks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1443—An act to amend Sections 3669c and 3669cc of the Political Code, relating to the revival and restoration of corporate powers, rights and privileges heretofore suspended or forfeited for nonpayment of taxes and penalties due the State.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

On page 4 of the printed bill, after line 31, insert

"SEC. 3. Section 3669c of the Political Code is hereby amended to read as follows:

3669c. [The corporate rights, privileges and powers of any domestic insurance company heretofore suspended pursuant to the provisions of this code shall be incapable of being exercised for any purpose or in any manner, except to defend any action brought in any court against said company, until such corporate rights, privileges and powers are restored as hereinafter provided. A foreign insurance company whose right and privilege to transact intrastate business in this State have been forfeited may be relieved from such forfeiture and its right and privilege to transact intrastate business in this State restored as hereinafter provided.

The certified copies of lists of corporations which have failed to pay the taxes imposed upon insurance companies heretofore transmitted by the State Controller to

county clerks and county recorders for filing in their respective offices, or any copy of such lists certified by the Controller shall be received in evidence in any court in lieu of the original record of suspension or forfeiture on file with the Controller and shall be prima facie evidence of the truth of all statements contained therein.

Every person who attempts or purports to exercise any of the rights, privileges or powers of any suspended domestic corporation or attempts to transact any intrastate business in this State in behalf of any forfeited foreign corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not less than fifty days nor more than five hundred days, or by both such fine and imprisonment. The jurisdiction of such offense shall be held to be in the county in which any part of such attempted exercise of such powers or any part of such transaction of business was had or occurred. Every contract made in violation of this section is hereby declared to be void.]

All corporate powers, rights and privileges suspended or forfeited *prior to June 12, 1939*, may be revived and restored to full force and effect by the payment of all accrued taxes due to the State under Sections 3694b and 3694b.1 of this code *as they read prior to their repeal*, together with the penalties thereon, and also, in addition thereto, a sum of money equal to the tax last assessed under the provisions of said sections of this code, [for each year succeeding the year in which such tax was levied, and to the time of such revivor. "Year" within the meaning of the preceding sentence is hereby defined as the period between the first Monday in March of any calendar year and the first Monday in March of the following calendar year.] *together with the penalties thereon. Application for restoration shall be made by any stockholder, or by any member or partnerholder of the corporation if the corporation is a nonstock company, or any creditor of the corporation or by a majority of the surviving trustees or directors of the corporation, and the application shall be filed with the State Controller.*

Upon payment of all such taxes and penalties the State Controller shall issue a certificate under his seal evidencing such payment and restoration, which certificate when recorded in the office of any county recorder shall constitute a release of all existing liens for such taxes upon the property of such corporation. Each county recorder shall keep an index of all such Controller's certificates recorded by him. Upon presentation of such Controller's certificate of revivor to any county clerk said officer shall make a record thereof in his office in a book kept for such purpose. The record so made by said county clerk shall be prima facie evidence of the restoration to such corporation of all previously suspended or forfeited rights, powers and privileges unless it appears from the records in the office of such county clerk or of the Secretary of State that subsequent to the date of such certificate of revivor the powers of said corporation have been suspended or its right to do intrastate business forfeited.

A foreign insurer whose right and privilege to transact intrastate business in this State have been forfeited prior to June 12, 1939, may be relieved from such forfeiture and its right and privilege to transact business in this State restored upon complying with the provisions of this section.

[The Controller may, on or before the thirtieth day of April next following the delinquency of any tax imposed upon insurance companies under the provisions of Article XIII of the Constitution and sections of this code enacted to carry the same into effect bring an action in a court of competent jurisdiction in the county of Sacramento in the name of the people of the State of California, to collect any delinquent taxes, together with any penalties which have not been paid in accordance with the provisions of this code and appearing delinquent upon the record of assessment of insurance companies hereinbefore mentioned, and such actions shall be tried in the county of Sacramento unless the court, with the consent of the Attorney General, order a change of place of trial.

The Attorney General must prosecute such action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings herein provided for. In such action a writ of attachment may be issued, and no bond or affidavit previous to the issuing of said attachment is required.

In the case of companies whose right to do business has been forfeited or corporate powers suspended, service of summons may be made upon the persons provided for by law to be served as agents or officers of any of such companies and such persons shall be deemed to be the agents of such companies for all purposes necessary in order to prosecute such action. In the case of corporations whose powers have been suspended, the persons constituting the board of directors thereof shall have the power and right to defend such action. Payment of the amount of the judgment recovered in such action must be made to the State Controller.

In such actions the Record of Assessments of Insurance Companies, or a copy of so much thereof as is applicable in said action, duly certified by the Controller, or by the secretary of the State Board of Equalization, showing unpaid taxes against any company, person or association assessed by the State Board of Equalization, is prima facie evidence of the assessment of such taxes, the delinquency thereof, the amount of the taxes and penalties due and unpaid to the State, and that the com-

pany, person, or association is indebted to the people of the State of California in the amount of taxes and penalties therein appearing unpaid, and that there has been compliance with all the requirements of law in relation to the assessment and levy of such taxes.]

SEC. 4. The amendment which Section 3 hereof makes to Section 3669c of the Political Code takes effect only if Part 7 of Division 2 of the Revenue and Taxation Code is enacted by the Legislature at its Fifty fourth Session, and at the same time as Part 7 takes effect, in such case and at such time superseding the amendment which Section 1 hereof makes to Section 3669c."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2574—An act to amend Section 13350 of the Health and Safety Code, relating to cleaning establishments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 14—An act to amend Section 17 of the Alcoholic Beverage Control Act, relating to sale of intoxicating liquors, and to provide that this act shall go into effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1335—An act to add Section 38.1 to the State Civil Service Act, relating to the orders and decisions of the State Personnel Board and the enforcement of the provisions thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1390—An act to amend Sections 59, 125, 151.5 and 172 of and to add Section 151.6 to the State Civil Service Act, relating to State civil service.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "59," insert "90,".

Amendment No. 2

On page 4 of the printed bill, as amended, after line 37, insert

"SEC. 6. Section 90 of the State Civil Service Act is hereby amended to read as follows:

Sec. 90. Eligible and promotional lists shall remain in force for at least one year from the date of establishment and thereafter until exhausted or replaced by a more recently prepared list: *provided, that any such list may be continued in force after the expiration of one year and may be supplemented, at the discretion of the board, by adding thereto in the order of their relative percentages, the names of such persons who successfully pass an appropriate examination for the class for which such list is established.*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2582—An act to grant the consent of the State of California to the United States to use certain territorial waters of the State in connection with target practice operations on United States land adjacent thereto, and providing that the act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 128—An act to add Section 96.5 to the State Civil Service Act, relating to State civil service employees and former employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, as amended, strike out "and former employees".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 3, and insert "Sec. 96.5. Any person who holds a".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 5 to 13, inclusive, and insert "departmental reemployment, general reemployment or promotional list and who enters the armed forces of the United States before such list upon which his name appears is abolished shall retain his place on such".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 15 and 16, and insert "of his service with the armed forces; provided, however, this section does not apply to any person who refuses to accept".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out lines 19 and 20, and insert "certified during his service with the armed forces of the United States.

No promotional lists upon which the names of such persons appear may".

Amendment No. 6

On page 1 of the printed bill, as amended, strike out lines 23 and 24, and insert "in the order in which they appeared on the former list and at the same place as they appeared on said list."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1613—An act to add Section 24.25 and Section 24.26 to the Alcoholic Beverage Control Act and to amend Section 27a of said act with reference to sale and excise tax collections on alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "and Section", and insert a comma.

Amendment No. 2

In line 1 of the title of the printed bill, as amended, after "24.26", insert ", 24.27 and 24.28".

Amendment No. 3

In line 2 of the title of the printed bill, as amended, after "Act", insert a comma; and strike out the balance of line 2 of the title.

Amendment No. 4

In line 3 of the title of the printed bill, as amended, strike out "act".

Amendment No. 5

In line 3 of the title of the printed bill, as amended, after "to", insert "the".

Amendment No. 6

In line 3 of the title of the printed bill, as amended, strike out "and excise tax collections on".

Amendment No. 7

In line 4 of the title of the printed bill, as amended, before "alcoholic", insert "of".

Amendment No. 8

In line 4 of the title of the printed bill, as amended, strike out the period, and insert "for delivery or use outside of the State."

Amendment No. 9

On page 1, line 3, of the printed bill, as amended, strike out "No", and insert "The".

Amendment No. 10

On page 1, line 3, of the printed bill, as amended, strike out "mentioned in", and insert "imposed by".

Amendment No. 11

On page 1, line 3, of the printed bill, as amended, strike out "24.2", and insert "24 of this act".

Amendment No. 12

On page 1, line 4, of the printed bill, as amended, at the beginning of said line, insert "not".

Amendment No. 13

On page 1, line 4, of the printed bill, as amended, after "be", strike out "or is", and insert "and is not".

Amendment No. 14

On page 1, line 4, of the printed bill, as amended, strike out "by this act".

Amendment No. 15

On page 1, line 5, of the printed bill, as amended, strike out "any Subdivision", and insert "Section 24, subdivision".

Amendment No. 16

On page 1 of the printed bill, as amended, between lines 5 and 6, insert "SEC. 2. Section 24.26 is hereby added to the Alcoholic Beverage Control Act, to read as follows:".

Amendment No. 17

On page 1, line 6, of the printed bill, as amended, at the beginning of the line, insert "Sec. 24.26".

Amendment No. 18

On page 1, line 7, of the printed bill, as amended, at the beginning of the line, strike out "sale", and insert "saler's or rectifier's".

Amendment No. 19

On page 1, line 7, of the printed bill, as amended, strike out "such", and insert "a".

Amendment No. 20

On page 1, line 7, of the printed bill, as amended, after "wholesaler", insert "or rectifier".

Amendment No. 21

On page 1 of the printed bill, as amended, between lines 10 and 11, insert "Any claim for exemption from excise taxes under Section 24 must be made to the board in such manner as the board shall prescribe."

Amendment No. 22

On page 1, line 11, of the printed bill, as amended, strike out "2", and insert "3".

Amendment No. 23

On page 1, line 11, of the printed bill, as amended, strike out "24.26", and insert "24.27".

Amendment No. 24

On page 1, line 13, of the printed bill, as amended, strike out "24.26", and insert "24.27".

Amendment No. 25

On page 1, line 13, of the printed bill, as amended, strike out "who is authorized without license", and insert "may, in accordance with rules and regulations to be prescribed by the board,".

Amendment No. 26

On page 1, line 14, of the printed bill, as amended, strike out "to".

Amendment No. 27

On page 1, line 15, of the printed bill, as amended, strike out "as provided", and insert "and".

Amendment No. 28

On page 1, line 16, of the printed bill, as amended, strike out all of said line.

Amendment No. 29

On page 1, line 17, of the printed bill, as amended, after "license", insert "in this State".

Amendment No. 30

On page 1, line 18, of the printed bill, as amended, strike out "State; provided, such exportation is completed", and insert "State".

Amendment No. 31

On page 1, line 20, of the printed bill, as amended, strike out all of said line, and insert

"SEC. 4. Section 24.28 is hereby added to the Alcoholic Beverage Control Act, to".

Amendment No. 32

On page 1 of the printed bill, as amended, strike out all of lines 22 and 23; and on page 2, strike out lines 1 to 15, inclusive, and insert

"SEC. 24.28. The Legislature hereby declares that it intended, by the provisions of Section 24.2 of this act, as amended in 1937, to exempt sales of distilled spirits in this State for delivery or use without this State, from the excise taxes imposed by Section 24 of this act. With respect to such sales heretofore or hereafter made, no distilled spirits excise tax shall be levied by the board where compliance has been made with rules and regulations adopted, or procedure established, by the board."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 1402—An act to amend Sections 1392 and 1401 of the Insurance Code, relating to reciprocal insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1512—An act to amend Section 1020 of, and to add Section 1026.1 to, the Insurance Code, relating to claims against and property of insolvent or delinquent insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1513—An act to add Section 12977 to the Insurance Code, relating to fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1515—An act to amend Section 986 of the Insurance Code and to add Section 10486.9 thereto, all relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1517—An act to amend Sections 10129 and 10172 of, and to add Sections 10173, 10174, 10175 and 10291.5 to, the Insurance Code, to amend and renumber the article heading of the second Article 5 of Chapter 4, Part 2, Division 2 of said code, and to add Article 5.5, comprising Sections 10370 to 10374, inclusive, to said Chapter 4, all relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1399—An act to add Section 4.5 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the com-

pensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 6, of the printed bill, after "on", insert "officers and".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1408—An act to add Sections 11343, 11344, 11345 and 11346 to, to amend Sections 704, 1659, 11021, 11360, 11392, 11502, 11503 and 11508, and to repeal Sections 985 and 12929 of the Insurance Code, to repeal Section 596 of the Political Code and Sections 453i and 453.14 of the Civil Code, all relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 43 to 45, inclusive, and insert

"The requirements of Sections 11343, 11344 and 11345 shall not apply to an admitted foreign society until one year after such sections become effective, but during this one year period such insurers shall make diligent effort to comply with such requirements on or before the expiration of such period. If on the expiration of the year the commissioner finds".

Amendment No. 2

On page 2, line 47, of the printed bill, as amended, strike out "in which case".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 49 and 50, and insert "ply."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to take up Assembly Bill No. 2574, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 2574

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Jespersen:

Resolved, That Assembly Bill No. 2574 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride,

McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, and Wagy—28.

NOES—Senator Tickle—1.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2574—An act to amend Section 13350 of the Health and Safety Code, relating to cleaning establishments.

Consideration Postponed

At the request of Senator Quinn, further consideration of Assembly Bill No. 2574 was postponed until the next legislative day.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Seawell moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 348 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Cunningham moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1247 was passed.

The roll was called, and Assembly Bill No. 1247 refused reconsideration by the following vote:

AYES—Senators Biggar, Collier, Cunningham, Fletcher, Gordon, Jespersen, Phillips, Quinn, Slater, Swing, Tickle, and Ward—12.

NOES—Senators Breed, Brown, Carter, Crittenden, DeLap, Douel, Dillinger, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Rich, Seawell, Shelley, and Wagy—24.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 2182 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 1804 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies; to prohibit devices and subterfuges to evade this act;

to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out all of lines 26 to 52, inclusive; and on page 4, strike out all of lines 1 to 17, inclusive, and insert

"Third—In addition to the interest rate charged, to charge and deduct in advance, the sum of two dollars (\$2) or less on every fifty dollars (\$50) or fraction thereof loaned, for fees, bonuses, commissions, brokerage, discounts, expenses and other forms of costs charged, contracted for or received by an industrial loan company and all other persons from the borrower in connection with the investigating, arranging, negotiating, procuring, guaranteeing, securing, making, and servicing of a loan or forbearance of money, credit, goods or things in action, or for any other service or services rendered in relation thereto, except as hereinafter provided.

In the event that any borrower shall be in default for a period of more than 15 days in the payment of any loan or in the payment upon any installment investment certificate issued in connection with such loan, the industrial loan company, in addition to the interest and charges permitted by this act and deducted in advance, may charge and collect for enforcing and collecting such loan, including attorneys' fees, a sum which when added to the interest, brokerage and all other charges deducted in advance or otherwise charged, contracted for or received, shall not exceed the maximum rates hereinafter provided.

However, it is hereby provided that the interest, brokerage and all other charges by an industrial loan company, broker and all other persons on any loan, forbearance of money, credit, goods or things in action under this act, shall not exceed in the aggregate 2½ per cent per month on that portion of the unpaid principal balance up to, including but not in excess of one hundred dollars (\$100), 2 per cent per month on that portion of the unpaid principal balance in excess of one hundred dollars (\$100) up to, including but not in excess of three hundred dollars (\$300), and 10 per cent per annum on that portion of the unpaid principal balance in excess of three hundred dollars (\$300). If, however, in connection with any loan, insurance is taken in favor of the industrial loan company, the total amount which may be contracted for and received for interest, brokerage and all other charges shall not exceed in the aggregate 2 per cent per month on that portion of the unpaid principal balance up to, including but not in excess of three hundred dollars (\$300) and 10 per cent per annum on that portion of the unpaid principal balance in excess of three hundred dollars (\$300). All payments made by the borrower on the installment investment certificates purchased by the borrower in connection with the making of the loan shall be regarded as payments on the loan and shall be applicable, first, to interest and all other charges within the maximum statutory rate provided in this paragraph and, secondly, to reduction of the unpaid principal of the loan advanced to the borrower in determining the "unpaid principal balance" as hereinabove referred to."

Amendment No. 2

On page 4, line 28, of the printed bill, as amended, after "personal", insert "or real".

Amendment No. 3

On page 4 of the printed bill, as amended, between lines 32 and 33, insert

"Nothing in this section shall deny the right to any industrial loan company in the enforcing and collecting of a delinquent loan of an unpaid principal balance in excess of three hundred dollars (\$300):

(a) To collect and receive the court costs and reasonable attorneys' fees allowed by a court in a judgment against a defaulting debtor;

(b) To contract for, collect and receive the bona fide expenses actually incurred and paid by the industrial loan company, not exceeding 10 per cent of the unpaid principal balance of the loan where no judgment at law is sought."

Amendment No. 4

On page 12, line 52, of the printed bill, as amended, after "all", insert "interest and".

Amendment No. 5

On page 13 of the printed bill, as amended, strike out lines 48 to 51, inclusive, and insert "other than a contract of pledge, assignment or mortgage, or a deed of

trust or trust receipt relating to real or personal property by the borrower as security for the repayment of the loan and interest and charges thereon. However, reasonable insurance, considering the circumstances of the loan, shall not be deemed such collateral sale, purchase, or agreement when the policy is payable to the borrower or any member of his family, even though the customary mortgagee clause is attached or the industrial loan company is made a co-assured; provided, that such insurance is sold at standard rates through duly licensed insurance agents."

Amendment No. 6

On page 14, line 7, of the printed bill, as amended, strike out "written as herein-after permitted", and insert "sold at standard rates".

Amendment No. 7

On page 14, line 10, of the printed bill, as amended, strike out "However, security con-"; and strike out all of lines 11 to 19, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTION TO RE-REFER SENATE JOINT RESOLUTION NO. 22

Senator Metzger moved that Senate Joint Resolution No. 22 be re-referred to Committee on Public Health and Safety.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 620—An act to amend Section 6 of, and to add Section 10 to, an act entitled "An act providing for State and county exhibits at the Golden Gate International Exposition to be held in the San Francisco Bay Region, California, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, providing for the disposition or demolition of buildings, exhibits, and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibits and such building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, abolishing the California Commission for the Golden Gate International Exposition and transferring its powers, duties, purposes, responsibilities and jurisdiction to the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo,

McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wag, and Ward—33.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 755—An act to add Sections 3.5 and 3.75 to "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wag, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1126—An act to amend Sections 799 and 800, and to add Section 802.8 to the Fish and Game Code, relating to abalones.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wag, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 803—An act to amend Section 1457 of the Penal Code, relating to the disposition of fines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1148—An act to add a section, to be known as Section 1.124, to the School Code, relating to absence of pupils from school for dental services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride,

McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—Senators Myhand and Tickle—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 792—An act to amend Sections 12605 and 12607 of the Business and Professions Code, relating to containers and their contents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139—An act to amend Section 2825 of the Streets and Highways Code, relating to special assessments and public improvements, including the preparation of reports on proposed improvements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 198—An act to add Part 3, consisting of Chapters 1 and 2 consisting of Sections 8300 to 8308 and 8320 to 8324, to Division 9 of the Streets and Highways Code, relating to the vacation of city streets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212—An act to amend Sections 6621, 6622 and 6623 of the Streets and Highways Code, relating to the foreclosure and cancellation of street improvement bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1031—An act to amend Section 500 of the Vehicle Code, relating to negligent homicide.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 795—An act to add Section 22140 to the Streets and Highways Code, relating to assessments levied to defray the cost of the planting, maintenance and removal of trees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2081—An act to amend Section 44 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2085—An act authorizing any county in the State of California to aid any city operating under a freeholder's charter, or otherwise, in the State of California, in the acquisition of real or personal property for the purpose of constructing and completing improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of same, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo,

McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—Senator McCormack—1.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Crittenden, ordered printed in the Journal:

SAN FRANCISCO, CALIF., April 30, 1941.

Honorable Bradford S. Crittenden

Member of the Senate, State Capitol, Sacramento, Calif.

This in answer to your telegram today concerning purported statement of Building and Loan Commissioner Evans that if Senate Bill No. 1078 becomes law my department will not provide him with counsel of ability and capacity to properly represent him. There is no foundation in fact for this statement. Commissioner Evans has never wanted my office to have knowledge of his activities and has for reasons of his own deliberately refused to consult us. I consider that I am as capable of employing men of ability and capacity as is the Building and Loan Commissioner. It is fundamentally wrong to permit an officer with the arbitrary powers of the Building and Loan Commissioner to circumvent the elective chief law officer of the State for his own personal interests.

EARL WARREN, Attorney General

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 34

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 34—Relative to approving a certain amendment to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the fourteenth day of April, 1941.

Request for Unanimous Consent

Senator DeLap asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 34, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 34

Assembly Concurrent Resolution No. 34—Relative to approving a certain amendment to the charter of the City of Fresno, in the County of Fresno, State of California, voted for and ratified by the electors of the city at a special election held therein on the fourteenth day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 237
 Assembly Bill No. 369
 Assembly Bill No. 398
 Assembly Bill No. 399
 Assembly Bill No. 560
 Assembly Bill No. 632
 Assembly Bill No. 634
 Assembly Bill No. 800

Assembly Bill No. 808
 Assembly Bill No. 809
 Assembly Bill No. 823
 Assembly Bill No. 1291
 Assembly Bill No. 1292
 Assembly Bill No. 1407
 Assembly Bill No. 657

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 237—An act to amend Sections 2330, 2350 and 2351 of the Labor Code, relating to sanitary conditions of factories and other places of employment.

Referred to Committee on Labor.

Assembly Bill No. 369—An act to add Section 4024 to the Penal Code, relating to discharge of prisoners from the county jail.

Referred to Committee on Judiciary.

Assembly Bill No. 398—An act to add Section 1985.5 to the Code of Civil Procedure, relating to subpoena.

Referred to Committee on Judiciary.

Assembly Bill No. 399—An act to amend Section 1991 of the Code of Civil Procedure, relating to disobedience of subpoena.

Referred to Committee on Judiciary.

Assembly Bill No. 560—An act to amend Sections 2, 7, 11, 12, 13, 15, 41, 44.2, 45, 45.9, 45.10, 52.2, 53, 54, 55, 56, 57, 57.5, 58, 61, 66, 75, 91, 92 and 94, to amend and renumber Section 70, and to repeal Sections 47, 48, 49, 50, 51, 58, 67, 68, 69, 71 and 72 of, and to add Sections 7.1, 7.2, 67, 68, 69, 70, 71 and 73 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 632—An act to repeal Chapter 1, Part 1, Division 2, and Section 1008 of the Welfare and Institutions Code, relating to the California Bureau of Juvenile Research.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 634—An act to amend Section 1129 of the Welfare and Institutions Code, relating to the establishment of feeble-mindedness.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 800—An act to amend Sections 2, 4, 7, 8, 9.2, 9.3, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 26, 28, 30, 32, 33 and 34 of The

Personal Income Tax Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 808—An act to amend Sections 4, 4a, 6, 8, 9, 11, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 32 and 35 of, and to add a new section to be numbered 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 809—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 29 of, and to add a new section to be numbered 18.1 to, The Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 823—An act to add Section 69.1 to the Alcoholic Beverage Control Act, relating to the repeal of Chapter 132 of 1915 Statutes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1291—An act to amend Sections 623.5, 625, 627 and 694 of the Vehicle Code, relating to lights, other equipment, and loading of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1292—An act to add a new section, to be numbered 604.2, to the Vehicle Code, prohibiting the throwing of substances at vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1407—An act to amend Sections 701, 1191, 10970 and 12923 of, and to add Sections 706.7, 11532.1, 11532.2, 11532.3, 11532.4, 11532.5, 11532.6, 11532.7, 11532.8, 12921.5 and 12973.7 to, the Insurance Code, all relating to insurance and the Insurance Commissioner.

Referred to Committee on Financial Institutions.

Assembly Bill No. 657—An act to add Sections 10202.5 and 10270.55 to the Insurance Code, relating to group insurance.

Referred to Committee on Financial Institutions.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 257

Assembly Bill No. 1297

Assembly Bill No. 259

Assembly Bill No. 1348

Assembly Bill No. 260

Assembly Bill No. 1764

Assembly Bill No. 896

Assembly Bill No. 2052

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 45

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 536

Assembly Bill No. 790

Senate Bill No. 1315

Assembly Bill No. 915

Assembly Bill No. 163

Assembly Bill No. 960

Assembly Bill No. 376

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, April 29, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 762

Senate Bill No. 801

Senate Bill No. 799

Assembly Bill No. 401

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 1151

Assembly Bill No. 1322

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 94

Senate Bill No. 1322

Senate Bill No. 569

Senate Bill No. 1325

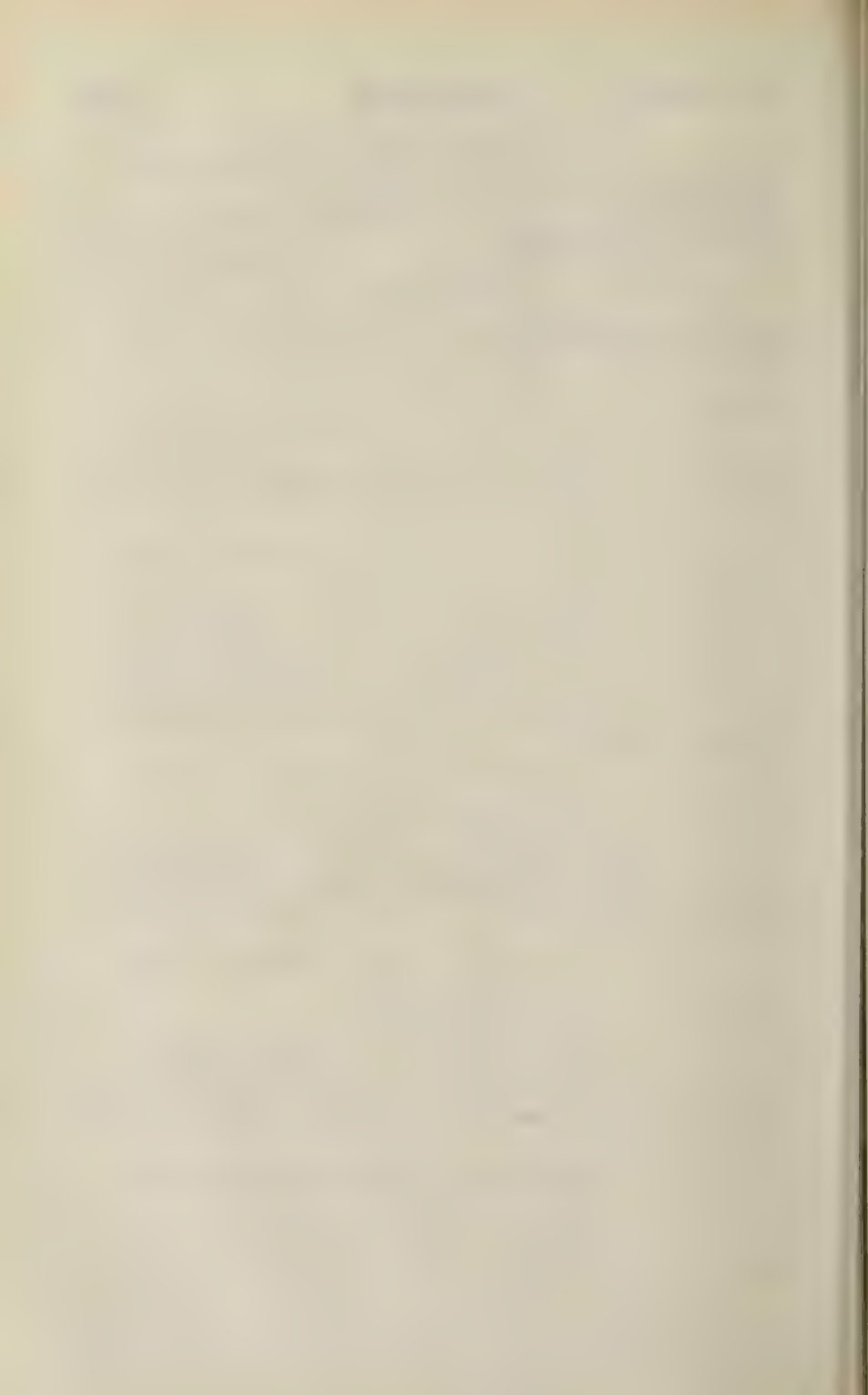
Senate Bill No. 824

And reports the same correctly engrossed.

RICH, Chairman

ADJOURNMENT

At 4.27 p.m., on motion of Senator DeLap, the President pro tempore declared the Senate adjourned until 2 p.m., May 1, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTIETH LEGISLATIVE DAY

ONE HUNDRED SIXTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 1, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuchel, on motion of Senator Breed.

Senator Collier, on motion of Senator Wagy.

Senator Jespersen, on motion of Senator Swan.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Mayo and Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. H. Segerstrom and Rowan Hardin of Sonora.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Albert Julien and Harold J. Hjelm of Turlock, and Superior Judge G. B. Hjelm of Modesto.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Commander H. S. Bear and Lieutenant Commander E. R. Anderson of San Diego.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. A. Rubel of Rancho Camulos, Piru.

On request of Senators Foley, Parkman, and Tickle, the privilege of the floor of the Senate Chamber for this day was unanimously extended to City Manager Clarence Goodwin, Harry Young, President City Council, Councilman Thomas J. Randazzo, City Engineer William Popp, City Planning Engineer Michael Antonacci, and Walter Pfeifle, Supervisor, Santa Clara County, all of San Jose.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. A. Becker, principal, and the following students of Granite Grammar School, Folsom: Patricia Gallagher, Patsy Barnes, Patricia Coval, Betty Binkley, Margaret Richmond, Amy Kaneno, Paula Leonard, Alice Surritt, Mary Keller, Ellen Smith, Lois Briggs, Viola Creek, Barbara Prewett, Dorothy Ede, Billie Bronson, Laverne Hammon, Bill Solberg, Junior Skiles, Bob Souza, Carl Vietenhiemer, Ronald Hull, Jim Cameron, Tom McDonald, Joe Phipps, June O'Brien and Phyllis Hallett.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sisters Mary Wilma and Agnes Gertrude, and the following students of the United States History Class of Notre Dame High School of San Francisco: Leatrice Dunham, Charlotte Frisbie, Yvonne Guilbert, Betty Spicer, Augustina Armanino, Anne Derby, Mary Frances Heaney, Genevieve Partmann, Catherine Leary, Eileen Kearigan, Patricia Ilg, Marian Murphy, Barbara Peirce, Lylyan Tosetti, Grace Bernsdorf, Frances Dambacher, Peggy Feeny, Eileen Kearney, Mary Lou O'Brien, Bernice Re, Cecilia Miyamoto, Mary Oakes, Rita O'Connor, Theresa Schoenstein, Nancy Connolly, June Fitzgerald, Marian Egan, Bernice Howe, Catherine Sullivan, Constance Soto, Marilyn White and Mary Gaffney.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Wayne Webb of Bangor.

On request of Senator Deuel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dorene G. Legare, teacher; Mrs. Ed Anderson and Mrs. Joe Howard, trustees, and the following students of Kings Rural School, Bangor: Robert Osgood, Thomas Howard, Jackie Howard, Denzil Boelman, Raymond Lee Webb, Oniska Webb, Wesley Webb, Arthur Webb, Imogene Cornett, Donald Cornett, Loy Cornett, Roy Cornett and Wilda Evans.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Fletcher, ordered printed in the Journal:

Mr. President, and Members of the Senate

Referring to the favorable action of the Senate in ordering the printing in the Senate Journal on April 2d, of the coercive, intimidating telegram I received from Engineers Local 526 of San Diego, and the six or seven thousand telegrams San Diego County Legislators received within a 24-hour period, protesting Senate Bills Nos. 877 and 975, the so-called hot cargo and secondary boycott bills, will say:

You have in the official record the opinion of our Legislative Counsel stating that two laws were violated, which fall under the condemnation of both Sections 35 of Article IV of the Constitution, and Section 85 of the Penal Code.

I feel it my duty to call your attention to another violation of law in the sending of six or seven thousand telegrams, costing approximately \$6,000. Only five or six forms were used. I have definite information that representatives of the Labor Temple in San Diego sent in a list of names to the telegraph company without the authority or knowledge of the persons whose names were attached to the telegrams. The cost of the sending of these telegrams was charged to the Labor Temple. Each telegram to be paid for at the regular tariff price list of from 80 cents to \$1 each.

With the approval of those in authority in the Senate, I sent communications at State expense, to every one whose name was attached to the telegrams sent me, asking if he had knowledge of, and approved the sending; also if he paid for the sending of such telegram. I attached a return post card addressed to myself in Sacramento reading, "I did, or did not send this telegram" "I did, or did not pay for it." After waiting two weeks since replying to the 1,348 telegrams sent me my report is as follows:

One hundred twenty-eight have officially stated they have no knowledge of, or did not authorize the sending, or pay for any telegram to me. One hundred one stated they had, but 10 out of the 101 said they did not pay. Over 1,000 have failed to answer, which according to the notation on the card would mean "no" as the card read: "No reply will mean you did not authorize telegram." While many have been returned marked "unknown."

Attached hereto is a legal opinion from Legislative Counsel, dated April 14th, stating as follows: "In the situation stated there is a clear intent to deceive the receiver of the telegram"; also it says, "It is not necessary to allege or prove injury to the receiver. It is sufficient to charge the offense in the language of the statute. There may be an injury to either the sender or receiver. This matter being a violation of the Penal Statutes is one which may be begun by any person concerned by complaint to the district attorney." If there is a conviction the crime is punishable by imprisonment in the State prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding \$5,000, or both such fine and imprisonment.

The labor paper published in San Diego on April 4th, on the front page printed in part, the following: "More than 6,500 San Diego union members sent telegrams to Legislators in Sacramento last Friday and Saturday, urging them to defeat several anti-union measures." As the same five or six forms were used in sending 6,500 telegrams to the four San Diego County representatives there is every indication that only 101 persons even knew or participated in the sending of 6,500 telegrams to San Diego Legislators at Sacramento within a 24 hour period.

I have many letters from conservative labor members whose names were used without their knowledge, vigorously protesting such tactics, urging me to get the facts, make them public, and report to them the true situation, which I shall do. I know patriotic labor constituents do not countenance this un-American, unlawful, method of lobbying. These violations are the acts of racketeers who are exploiting labor.

It is not with pleasure, but rather in regretful performance of a duty that I present this matter to the State Senate that the record may be printed in the Journal and for such action as the Senate may see fit.

ED FLETCHER

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, April 14, 1941

Honorable Ed Fletcher, Senate Chamber
State Capitol, Sacramento, California

SUBJECT: False Telegrams

REQUEST: No. 2429

DEAR SENATOR FLETCHER: We have your request relative to a telegram sent you March 27, 1941, purporting to be signed by Constance H. Simmons of San Diego, together with her reply post card in which she states that she did not send nor pay for the telegram.

This statement of facts appears to come under the provisions of Section 474 of the Penal Code, which reads as follows:

"474. *False or forged telegraph or telephone message: Punishment.* Every person who knowingly and wilfully sends by telegraph or telephone to any person a false or forged message, purporting to be from a telegraph or telephone office, or from any other person, or who wilfully delivers or causes to be delivered to any person any such message falsely purporting to have been received by telegraph or telephone, or who furnishes, or conspires to furnish, or causes to be furnished to any agent, operator, or employee, to be sent by telegraph or telephone, or to be delivered, any such message, knowing the same to be false or forged, with the intent to deceive, injure, or defraud another, is punishable by imprisonment in the State prison not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment."

It has been held to be an element of the offense charged in this section that the sender, communicating the false or forged telegram had the intent to deceive, induce or defraud another, but it is not necessary to allege or prove injury to the receiver. It is sufficient to charge the offense in the language of the statute. *People vs. Diamond*, 34 Cal. App. 2d 542. *People vs. Diamond*, 140 Cal. 116.

In this situation stated, there is a clear intent to deceive the receiver of the telegram. Whether there is any injury is a matter difficult to settle, but as intention was under the previous acts. There had to be intent to cause the sender or receiver. However, damage to reputation or a matter of this kind is extremely difficult to show and probably too remote to be exceptions of legal proof.

This matter being a violation of the penal statute, it was found that he began to use means intended to accomplish the stated offense.

Very truly yours,

(Signed)

FRED L. WOOD, Investigative Counsel
By JAMES L. KILPATRICK, Assistant Counsel

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Concurrent Resolution No. 31

Senate Concurrent Resolution No. 32

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FROST, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 729

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FROST, Assistant Clerk

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Rules has submitted:

Senate Bill No. 829

Senate Bill No. 830

And reports the same adversely expressed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Rules has submitted:

Senate Bill No. 94

Senate Bill No. 857

And reports the same adversely expressed.

RICH, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 484

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee accompanying 17 committee vote April 11

TICKLE, Chairman

Above reported bill ordered to second reading.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 45—An act to amend Section 23 of the Agricultural Prorate Act, relating to the termination of proration programs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "automatically", and "at any time".

Amendment No. 2

On page 1, lines 8 and 9, of the printed bill, following "ducers", insert "and by the owners of 40 per cent of the producing factors".

Amendment No. 3

On page 1, line 10, of the printed bill, following "producer," insert "and owners".

Amendment No. 4

On page 1, line 11, of the printed bill, following "producers", insert "and owners".

Amendment No. 5

On page 1, lines 27 and 28, of the printed bill, following "ducers", insert "and by the owners of 40 per cent of the producing factors".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 536—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural commodities, and providing for production adjustment payments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "marking", and insert "marketing".

Amendment No. 2

On page 4 of the printed bill, after line 29, insert

"No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by State or Federal agencies or such other data as the director deems to be representative and reliable."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1315—An act to amend Sections 579 and 611 of the Agricultural Code, relating to substitutes for butter and cheese which are colored in imitation thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 18, of the printed bill, strike out "the United"; and strike out all of lines 19 and 20, and insert "all of the following:

- (a) The United States.
- (b) The Territories of the United States.
- (c) The territorial possessions of the United States."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 762—An act to add Chapter 1c to Division 5 of the Agricultural Code, to include Section 775 and relating to grades, standards, inspection, and certification of dried fruits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, after "add", strike out the balance of the line; and strike out lines 2 and 3 of the title, and insert "Sections 806.5, 806.6, 806.7 and 806.8 to the Agricultural Code, relating to dried prunes."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 11, inclusive, and insert "SECTION 1. Section 806.5 is hereby added to the Agricultural Code, to read as follows:

806.5. "Standard Prunes" are prunes which are the product of clean, sound, matured fruit, properly dried and cured, of a moisture content that will permit proper storage under natural temperature and humidity conditions; not substantially affected by sand, dirt, mold, rot or other foreign matter, insect infestation, or storage insect damage, and reasonably free from scabby, defective fruit, slabs, or other damage. Prunes reasonably conforming to the above definition shall not be deemed substandard prunes because of unimportant variations not substantially affecting the quality, grading, or merchantability.

Individual prunes shall be considered as failing to meet the foregoing requirements

(a) When they show calloused growth cracks aggregating more than three-eighths inch in length or open to the pit.

(b) Except for Imperial, Robe de Sargeant, Sugar or Burton prunes, when there are breaks or splits in the skin which do not have calloused edges when the flesh is definitely exposed and torn, aggregating more than one-half inch in length.

(c) When they are affected by thick or tough scab which exceeds in the aggregate the area of a circle of three eighths inch in diameter, or scab of other character exceeding in the aggregate the area of a circle of three-fourths inch in diameter.

(d) When as a result of scorching or burning by the sun, or in dehydration, the skin or flesh is materially damaged.

(e) When the skin of the fruit is broken or its texture is damaged by over-dipping, rain damage, or other causes to an extent which would cause an excessive loss of skin or slabbing for the variety of the fruit in normal commercial processing.

(f) When the external appearance of the fruit is strikingly different from the normal appearance of its variety and district of growth for the season.

(g) When the condition of the fruit by reason of being porous, fibrous, woody, immature or fermented indicates that the normal food value or flavor is substantially damaged.

(h) When they are rendered unfit for human consumption by imbedded dirt, mold, decomposition, infestation, damage by storage insects, or animals.

The tolerance for defects in any lot shall be 10 per cent but not more than 4 per cent shall be allowed for defects described in subdivision (h).

Sec. 2. Section 806.6 is hereby added to said code, to read as follows:

806.6. The department shall inspect each lot or load of dried prunes delivered for processing or packing and shall certify the percentage of such lot or load meeting the requirements for standard prunes. The director shall establish and cause to be collected an inspection fee in such amount as he determines necessary to cover the cost of such inspection.

SEC. 3. Section 806.7 is hereby added to said code, to read as follows:

806.7. Each processor or packer of dried prunes shall keep such records as the department may require showing the quantity of dried prunes received and the quantity of dried prunes packed out. The quantity packed out shall include all dried prunes shipped, stored, delivered, and otherwise on hand or disposed of.

SEC. 4. Section 806.8 is hereby added to said code, to read as follows:

806.8. No processor or packer shall pack out a greater quantity of dried prunes than the quantity of standard prunes purchased by him. To facilitate enforcement of this provision the director may establish packing periods, not longer than 12 months in duration, which shall be the basis of comparing the quantities purchased and the quantities packed out. Such packing periods need not be identical throughout the State if the director finds that different periods are desirable in order to meet different local conditions."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 799—An act to amend Section 19.1 of the Agricultural Prorate Act, relating to the marketing of agricultural products, to the conservation of agricultural and economic wealth and providing for acreage adjustment payments.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, after line 51, insert

"No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by State or Federal agencies or such other data as the director deems to be representative and reliable."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 801—An act to amend Sections 2, 15, 19.1 and 21 of the Agricultural Prorate Act, relating to definitions, proration program committees, equalization pools and the deposit of moneys.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikethrough type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, immediately preceding "19.1", insert "18, 18.1,".

Amendment No. 2

In line 2 of the title of the printed bill, immediately following "to", insert "agricultural proration programs, including".

Amendment No. 3

On page 2 of the printed bill, strike out all of lines 38 to 42, inclusive, and insert "(p) The term "production" means the total crop of an agricultural commodity of a producer as defined in this section."

Amendment No. 4

On page 3 of the printed bill, between lines 40 and 41, insert

"Sec. 21. Section 18 of the Agricultural Prorate Act is hereby amended to read as follows:

Sec. 18. In the event of the institution of a marketing program in a proration zone, the committee chosen under Section 15 shall be the proration program committee. The members of said committee shall serve for two years [from the date of the institution of the program unless the program is sooner terminated.]. *The marketing program may, however, for the date upon which the two-year term of program committee members will terminate.* The members of such program committee shall be entitled to compensation at the rate of ten dollars (\$10) each for each day while engaged on official business; provided, that such compensation shall not be paid for more than five days in any month unless approved by the director, and members shall be reimbursed for their [actual and] necessary traveling expenses.

The director shall appoint in the same manner as the program committee was appointed an alternate for each member of the committee. It shall be the duty of such alternate to sit as a regular member of the committee in case the member for whom he is an alternate fails for any reason to attend any meeting of the committee, and he shall be compensated and reimbursed for his [actual and] necessary traveling expenses in the same manner and to the same extent as a regular member when so serving.

Vacancies on the program committee occasioned by the expiration of term, death or resignation of any member, or by removal for incompetence or inattention or neglect of duties as a member of the program committee by the director, with the approval of the commission, or by a member ceasing to qualify as a producer or handler of the commodity concerned, shall be filled in the same manner as the original appointments were made.

The program committee shall appoint an agent, subject to the approval of the director, who shall administer the proration program under the direction of the program committee and who may be removed from office in the same manner as he was appointed. The salary or compensation of such agent shall be fixed by the program committee subject to the approval of the director.

Such agent shall appoint such deputy agents and other assistants as may be necessary to direct the program, which appointments shall be subject to the approval of the program committee. Such agents, deputy agents and other assistants are employees of the zone and not of the State of California. No officer or employee shall receive compensation based on a percentage of volume involved in a prorate program, or in any manner that would lend encouragement to the promotion of a proration program for the purpose of increasing salaries and income.

Sec. 21. Section 18.1 of the Agricultural Prorate Act is hereby amended to read as follows:

Sec. 18.1. The marketing program to be made effective in any proration zone shall be so formulated as to rectify as far as possible the adverse marketing conditions specified in Section 10 hereof, and to maintain market stability under the limitations of this act. Such marketing program after being in effect may be altered or modified in minor particulars from time to time by such program committee with the approval of the commission; provided, that the commission may require the director to hold a hearing in the zone prior to such approval. If any alteration or modification is proposed by the program committee altering the program then in effect, by the addition of any one or more of the particulars (a), (b), (c), (d), or (e) of Section 19.1 hereof, the commission shall not approve such alteration or modification unless a public hearing is held thereon. *Following the public hearing a referendum shall be [held] conducted by sending a mail ballot [sent] to all producers or their duly authorized agent as shown on the lists of producers of the commodity affected compiled in accordance with the provisions of this act and such alteration or modification shall not become effective if 40 per cent or more of said producers vote against such proposed alteration or modification.* Before approving any alteration or modification [thereof] of any marketing program, the commission must find [after hearing upon such alteration or modification] that the same is reasonably calculated to carry out the purposes and attain the objectives of this act."

Amendment No. 5

On page 3 of the printed bill, strike out all of lines 47 to 50, inclusive, and insert

"(a) To establish and maintain surplus, stabilization or diversion pools. The program committee shall be authorized to receive from each producer for delivery into a surplus pool or stabilization pool the uncertificated portions of the marketable supply of the agricultural commodity covered by a marketing program and market the same by grades or sizes for the account of such producers when it can be advantageously disposed of either in its original or converted state. The program committee shall designate the quantity or the percentage of the marketable supply of such commodity that shall be placed in the stabilization pool and the quantity or the percentage of the marketable supply of such commodity that shall be placed in

the surplus pool. The program committee shall be authorized to receive from each producer for delivery into a diversion pool such quantity or percentage of the production, of each producer, which fails to qualify for marketing or sale under grade, quality or size regulations established in the marketing program or under standardization laws or other laws of this State or of the United States. In operating any such stabilization, surplus or diversion pool, the program committee may fix grading, packing and servicing charges to be assessed against such commodities received into such pools and requiring such handling. The program committee shall have title to all of the commodity in each of such pools and shall handle all of such commodity received into each of such pools and account for the same to each producer who is beneficially interested therein upon a pooled basis."

Amendment No. 6

On page 4 of the printed bill, strike out all of lines 1 to 14, inclusive.

Amendment No. 7

On page 4, line 18, of the printed bill, strike out "stabilizing", and insert "stabilization".

Amendment No. 8

On page 4, line 25, of the printed bill, strike out "stabilizing", and insert "stabilization".

Amendment No. 9

On page 4 of the printed bill, between lines 28 and 29, insert

"(3) In the case of any diversion pool, the contents thereof shall be disposed of for by-products or for other diversion purposes under proper safeguards to prevent any part of the commodity so disposed of from directly competing with the part of the crop marketed through the usual channels of trade."

Amendment No. 10

On page 4 of the printed bill, strike out all of lines 44 to 47, inclusive, and insert in lieu thereof the following:

"(d) To establish, adopt and apply methods for correlating the marketable supply of any commodity to the reasonable market demands therefor by means of volume limitation, time limitation, diversion, or by grade, quality or size regulations applicable to the total production of any commodity, or to that portion of any commodity which qualifies for marketing pursuant to standards authorized in the marketing program or standardization laws or other laws of this State, or of the United States."

Amendment No. 11

On page 5 of the printed bill, after line 50, insert

"Upon request of any program committee of any marketing program, the commission shall confer with said committee or its representatives prior to fixing the amount or proportion of any fees of said marketing program payable to the Department of Agriculture for maintenance of the commission and the department in the performance of the duties required by this act."

Amendment No. 12

On page 6 of the printed bill, strike out all of lines 25 to 27, inclusive, and insert "in a bank or banks approved by the Director of Finance, and shall be accounted for forthwith to the Director of Agriculture. Such deposit shall be made in the name of".

Amendment No. 13

On page 6, line 42, of the printed bill, strike out "The funds available to the program"; and strike out all of lines 43 to 47, inclusive.

Amendment No. 14

On page 7 of the printed bill, strike out all of lines 3 to 5, inclusive, and insert "the program continues in effect, such refund may be deferred for a period not to exceed six months from the date of the close of the next".

Amendment No. 15

On page 7, line 18, of the printed bill, strike out the period, and insert "; provided further, that on or after the effective date of this act the director may authorize the transfer of any balances remaining from previous seasons to the fund available for the then current season and any balances so transferred shall be used for carrying out the marketing program in such current season or the next succeeding season."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 484—An act to repeal Section 5.1 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, both relating to exemption from retail sales taxes; to defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 25, of the printed bill, as amended in the Senate April 28, 1941, strike out "May", and insert "June".

Amendment No. 2

On page 2, line 36, of the printed bill, as amended in the Senate April 28, 1941, after "Section", strike out "9", and insert "7".

Amendment No. 3

On page 3, line 38, of the printed bill, as amended in the Senate April 28, 1941, strike out "May", and insert "June".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 395—An act to add Chapter 3 to Division 4a of the Fish and Game Code, relating to trapping wild boar.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2568—An act to amend Sections 883 and 924 of the Fish and Game Code, relating to gill nets and round haul nets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1859—An act to amend Section 161 of the Fish and Game Code, relating to Game Refuge 4B.

Bill read second time, and ordered to third reading.

Assembly Joint Resolution No. 1—Relative to the hunting season on migratory wild fowl.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2 of the printed measure, strike out lines 9 to 26, inclusive, and insert "WHEREAS, Because of the great length of the State, its sharply varying topography, and its marked differences in climatic conditions, it is essential that there be fixed two shooting seasons for ducks in this State, one for the northern portion of the State, and one for the balance of the State; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly. That the Secretary of Interior be requested to establish two duck shooting seasons within California, the dividing line to be determined by the Director of Interior; and be it further".

Amendment read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 257—An act to amend Section 552 of the Agricultural Code, relating to skim milk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 259—An act to amend Section 635 of the Agricultural Code, relating to equipment used in the pasteurization of milk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 260—An act to add a new section to the Agricultural Code, to be numbered Section 644.5, relating to milk products plants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 896—An act to add a new section to Chapter 6 of Division 4 of the Agricultural Code, to be numbered 721.5, relating to proceedings to enjoin violation of certain provisions thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1297—An act to add Section 160.05 to the Agricultural Code, relating to the liability for the expenses of abatement of agricultural pests.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1348—An act to amend Section 559 of the Agricultural Code, relating to acidophilus milk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1764—An act to add a new section to the Agricultural Code, to be numbered 553.5, relating to sterilized milk and cream.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2052—An act to amend Section 1299.18 of the Agricultural Code, relating to liens of producers of farm products sold to processors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 163—An act to amend Sections 342 and 367 of the Agricultural Code, relating to live stock marks and brands.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 9, of the printed bill, after "slaughter", insert "within 15 days prior to slaughter, or when such animals, owned by the slaughterer, are held in inclosures which are used exclusively by the slaughterer and located within one mile of the slaughterhouse; provided, the cattle are driven, not transported, from said inclosures to said slaughterhouse. Such cattle shall be reinspected, without charge, prior to slaughter".

Amendment No. 2

On page 1 of the printed bill, strike out lines 23 to 28, inclusive; and on page 2, line 1, strike out "no charge made for the reccheck.", and insert "the reccheck, if the inspection certificate was issued within 15 days prior to slaughter, or if the cattle, owned by the slaughterer, are held in inclosures which are used exclusively by the slaughterer and located within one mile of the slaughterhouse; provided, the cattle

are driven, not transported, from said inclosures to said slaughterhouse. When cattle, originating in other States are shipped to California for slaughter and unloaded in inclosures which are used exclusively by the slaughterer and located within one mile of the slaughterhouse, such cattle shall be inspected prior to slaughter, and a fee of five cents (\$0.05) per head charged for the inspection; provided, the cattle are driven, not transported, from said inclosures to said slaughterhouse."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 376—An act to amend Section 212 of the Agricultural Code, relating to bringing goats into this State.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 2, line 10, of the printed bill, strike out "agglutinin", and insert "agglutination".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 790—An act to amend Section 12409 of the Business and Professions Code, relating to bushel weights.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, immediately preceding "Indian", insert "shelled".

Amendment No. 2

On page 1, line 6, of the printed bill, as amended, immediately preceding "or", insert "flaxseed".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 915—An act to repeal Article 4 of Chapter 1 of Division 3 of the Agricultural Code, relating to poultry brands.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal Article 4 of", and insert "add a new section to be numbered 379.7 to, and to repeal Article 4 of,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out the period, and insert "and to the sale and transportation of poultry."

Amendment No. 3

On page 1 of the printed bill, after line 7, insert "Sec. 2. A new section, to be numbered 379.7, is hereby added to Article 3a of Chapter 1 of Division 3 of the Agricultural Code, to read as follows:

379.7. It is unlawful to brand, or to alter or deface the brand on, any poultry with intention to steal the same or to prevent identification thereof by the true

owner. It is unlawful for any person to have in his possession any poultry the brand on which has been altered or defaced unless he received the same from the true owner thereof."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 960—An act to amend the heading of Division 4 and Sections 452, 455, 456, 466, 467, 470, 471, 476, 478, 481, 482, 483, 484, 485, 486, 498, 500, 501, 511, 513, 523, 526, 542, 543, 545, 546, 551, 616, 618, 619, 620, 621, 631, 635, 636, 641, 642, 643, 644, 645, 661, 662, 666, 676, 681, 722 and 723 of, to add Sections 472, 590, 640 and 640.5 to, and to repeal Section 559 of, the Agricultural Code, relating to the dairy industry and milk, milk products, and imitation milk products, processing plants and factories, and retail establishments, milk products, and imitations of milk products, and providing for the taking effect hereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 5, line 5, of the printed bill, as amended, following the period, insert "Raw market milk and pasteurized market milk shall not be bottled for sale and distribution within a city or county maintaining an approved milk inspection service in the same milk products plant, except where an official representative of such approved milk inspection service is maintained during the period of handling, processing or bottling such market milk, or except in those milk products plants where all market milk received meets the requirements for Grade "A" raw milk."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 401—An act to add Section 1263.1 to the Agricultural Code, relating to loans and advances by licensed commission merchants and dealers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, strike out lines 4 to 8, inclusive, of the printed bill, as amended, and insert "dealers under the provisions of this chapter shall not be subject to the licensing provisions of the Personal Property Brokers Acts or the California Small Loan Acts with respect to loans and advances incidentally made by them in connection with the handling or sale of farm products in conducting the business of commission merchants or dealers, but shall be subject to the provisions."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Assembly Bill No. 1151—An act to repeal Sections 124, 127, 3511.5, 3521, 3543, 3550, 3552, 3594, 3616, 3651, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, and to repeal Chapter 4.6, consisting of Sections 3571 to 3578, inclusive, of Part 6, Division 1 of, to add Sections 124, 127, 3511.5, 3521, 3543, 3546.5, 3550, 3552, 3594, 3602.5, 3614.5, 3616, 3651, 3661, 3691, 3707.5, 3774, 3807, 4101, 4108.5, 4111, 4112,

4113 and 4147 to, and to amend the title of Chapter 5, Part 6, Division 1 of the Revenue and Taxation Code, and to repeal Sections 3773.1, 3785.4, 3785.5, 3785.6, 3833.3, 3857.2, 3859.20 and 3860.20 of, and to repeal Chapter 9c, consisting of Sections 3861.1 to 3861.8, inclusive, of Title 9 of Part 3 of the Political Code, relating to property taxation and tax-delinquent property, including redemption of tax-delinquent property and the termination of the right of redemption thereto, suits to quiet title to tax-delinquent property, the classification and control of tax-delinquent property, contracts for the purchase thereof, and making an appropriation, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1322—An act making an appropriation for construction, improvements, equipment and the purchase of land for the San Diego State College, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2182—An act to repeal Section 3085 of the Elections Code, relating to signatures to nomination papers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1804—An act to add Sections 6953, 6954, 6955 and 6956 to the Labor Code, relating to the use of laminated safety glass on electric cars and electric locomotives.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 9 of Article XIII of said Constitution, relating to State and county boards of equalization.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Kenny, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—Senator Carter—1.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 820—An act to repeal Sections 203, 204, 204a, 204b, 204c, 204d, 204e, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220 and 221 of, and to add Sections 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214 and 215 to, the Code of Civil Procedure, relating to jurors and jury commissioners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kenny, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 2—An act to amend Section 19562 of the Business and Professions Code, relating to California bred horses.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 19562.5 to,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "California Bred Horses", and insert "the regulation of horse racing".

Amendment No. 3

On page 1 of the printed bill, between lines 5 and 6, insert "every licensee conducting a horse racing meeting, except the State Fair, county fairs, and district agricultural associations, shall pay".

Amendment No. 4

On page 1, line 9, of the printed bill, strike out "shall be paid".

Amendment No. 5

On page 1, line 10, of the printed bill, strike out "by the licensee", and insert "The State Fair, county fairs, and district agricultural associations shall pay an amount equal to 5 per cent of the first, second, third, and fourth money of every part of every purse won by an animal bred and foaled from a mare serviced by a stallion in this State to the breeder of such animal".

Amendment No. 6

On page 1 of the printed bill, strike out lines 11 to 20, inclusive, and insert

"SEC. 2. Section 19562.5 is hereby added to said code, to read as follows:

19562.5. Every licensee conducting a horse racing meeting shall run at least one race each day, which on one-half of the racing days shall be limited to California bred horses, and on the other racing days shall be limited to California foaled horses. If, however, sufficient competition can not be had among either such class of horses, the race may be eliminated for the day and a substitute race provided instead; but the licensee shall run the total number of races required by this section before the expiration of the license.

As used in this section, "California Bred Horses" means those horses foaled in California from mares serviced by stallions in California. As used in this section "California Foaled Horses" means horses foaled from mares present in California at the time of foaling."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Motion to Re-refer Senate Bill No. 2

Senator Parkman moved that Senate Bill No. 2 be re-referred to Committee on Governmental Efficiency.

Previous Question

Senator Myhand moved the previous question.

Motion carried.

The question being on the motion by Senator Parkman to re-refer Senate Bill No. 2 to Committee on Governmental Efficiency.

Motion carried.

Senate Bill No. 880—An act to add Section 1100.1 to the Insurance Code, relating to investments and advancements of credit by insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo,

McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagye—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1038—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor.

Bill read third time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, after "act", insert "if:

(a) It appears that the district is not in debt, or if in debt, that all claims against it are probably barred by the statute of limitations, and

(b) The district, or the officers thereof, are not exercising the powers of the district, and such powers have not been exercised for a period of three years or more".

Amendment No. 2

On page 1, line 5, of the printed bill, as amended, strike out "a", and insert "any such".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 569—An act to amend Section 15 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'." approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Wagye—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An act to amend Section 4 of the Central Valley Project Act of 1933, relating to units.

Bill read third time.

Motion to Amend

Senator Metzger moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "Kennett", and insert "Shasta".

Amendment No. 2

On page 1, line 17, of the printed bill, as amended, strike out "Kennett", and insert "Shasta".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies; to prohibit devices and subterfuges to evade this act; to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luekey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

Senator Rich read a communication from the International Roll-Call System, Inc., offering to install a roll call system in the Senate on free trial.

Senator Breed moved that the offer be rejected.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Tickle asked for, and was granted, unanimous consent to retain Assembly Bill No. 1899 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Tickle asked for, and was granted, unanimous consent to retain Assembly Bill No. 1969 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Tickle asked for, and was granted, unanimous consent to retain Assembly Bill No. 850 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 435—An act to amend Section 1394 of the Labor Code, relating to the hours and places of work of minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Waggy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 436—An act to amend Section 1395 of the Labor Code, relating to the employment of minors in radio broadcasting and television studios.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Waggy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1618—An act to amend Section 1034 of the Political Code, relating to date of receipt of communications by mail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 679—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add new sections numbered 1435, 1435.1, 1435.2, 1435.3, 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9 and 1435.10 to Division 4, Chapter 11 thereof, relating to the management, control and disposition of the community real property and the homestead property of insane or incompetent persons, and to repeal Sections 172b, 172c, 172d, 1269a, 1269b and 1269c of the Civil Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1016—An act to amend Section 2931a of the Civil Code, relating to certain actions pertaining to real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 350—An act to amend Section 1871 of the Code of Civil Procedure, relating to expert witnesses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 347—An act to amend Section 726 of the Welfare and Institutions Code, relating to serving of notice of hearing by mail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1781—An act to add Section 4154a to the Political Code, relating to the defense of county officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2574—An act to amend Section 13350 of the Health and Safety Code, relating to cleaning establishments.

Bill read third time.

Motion to Re-refer Assembly Bill No. 2574

Senator Quinn moved that Assembly Bill No. 2574 be re-referred to Committee on Public Health and Safety.

Roll Call Demanded

Senators Quinn, Powers and Garrison demanded a roll call.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Quinn moved a call of the Senate.

Motion carried. Time, 4.45 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 14—An act to amend Section 17 of the Alcoholic Beverage Control Act, relating to sale of intoxicating liquors, and to provide that this act shall go into effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Wagy, and Ward—29.

NOES—Senators Phillips, and Swan—2.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Wagy, and Ward—27.

NOES—Senators Phillips, and Swan—2.

Bill ordered transmitted to the Assembly.

MOTION TO RECALL SENATE BILL NO. 620 FROM ASSEMBLY

Senator Shelley moved that Senate Bill No. 620 be recalled from the Assembly for further action by the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1402—An act to amend Sections 1392 and 1401 of the Insurance Code, relating to reciprocal insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1512—An act to amend Section 1020 of, and to add Section 1026.1 to, the Insurance Code, relating to claims against and property of insolvent or delinquent insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger,

Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1513—An act to add Section 12977 to the Insurance Code, relating to fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1515—An act to amend Section 986 of the Insurance Code and to add Section 10486.9 thereto, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.08 p.m., on motion of Senator Quinn, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the motion to re-refer Assembly Bill No. 2574 to the Committee on Public Health and Safety carried by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, McCormack, Quinn, Shelley, Slater, Swan, and Wagy—18.

NOES—Senators Brown, DeLap, Deuel, Judah, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, and Ward—16.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1517—An act to amend Sections 10129 and 10172 of, and to add Sections 10173, 10174, 10175 and 10291.5 to, the Insurance Code, to amend and renumber the article heading of the second Article 5 of Chapter 4, Part 2, Division 2 of said code, and to add Article 5.5, comprising Sections 10370 to 10374, inclusive, to said Chapter 4, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1399—An act to add Section 4.5 to an act entitled "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California to adopt a system of group life, health and accident insurance and health services for the benefit of officers and employees and to deduct from the compensation thereof the premiums upon such insurance," approved May 25, 1939, relating to group insurance of public employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1408—An act to add Sections 11343, 11344, 11345 and 11346 to, to amend Sections 704, 1659, 11021, 11360, 11392, 11502, 11503 and 11508, and to repeal Sections 985 and 12929 of the Insurance Code, to repeal Section 596 of the Political Code and Sections 453i and 453.14 of the Civil Code, all relating to insurance.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 47, of the printed bill, as amended, strike out "admitted foreign society", and insert "any society specified in Section 11343".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2582—An act to grant the consent of the State of California to the United States to use certain territorial waters of the State in connection with target practice operations on United States land adjacent thereto, and providing that the act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Luckey:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 1, 1941.

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2 of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 12b to the California Districts Securities Commission Act, relating to notice and hearing of certain proceedings before the California Districts Securities Commission and relating to the change, modification, or amendment of refunding plans and of the terms and conditions of refunding bonds of irrigation districts, to take effect immediately.

Respectfully submitted,

SENATOR LUCKEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
DEUEL
MYHAND
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—33.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator McBride:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 1, 1941.

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2 of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, by amending Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, and 15 thereof, and by adding thereto three new sections to be Sections 4.5, 10.5, and 11.5 thereof, relating to county peace officers' retirement system.

Respectfully submitted,

SENATOR MCBRIDE

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 1, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
MYHAND
DEUEL
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—33.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1329: By Senator Luckey—An act to add Section 12b to the California Districts Securities Commission Act, relating to notice and hearing of certain proceedings before the California Districts Securities Commission and relating to the change, modification, or amendment of refunding plans and of the terms and conditions of refunding bonds of irrigation districts, to take effect immediately.

Referred to Committee on Water Resources.

Senate Bill No. 1330: By Senator McBride—An act to amend an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, by amending Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13 and 15 thereof, and by adding thereto three new sections to be Sections 4.5, 10.5 and 11.5 thereof, relating to county peace officers' retirement system.

Referred to Committee on Local Government.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 103

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of three hundred dollars (\$300) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman
MYHAND
BREED
DEUEL
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Judah, Keating, Kenney, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 11

Assembly Bill No. 1690

Assembly Bill No. 340

Assembly Bill No. 2151

Assembly Bill No. 1244

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 1048

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1165

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 11.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 180

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Judiciary.

Committee membership 11; committee vote: Ayes 9; noes 2.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, April 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 56

Assembly Bill No. 1479

Assembly Bill No. 58

Assembly Bill No. 1490

Assembly Bill No. 147

Assembly Bill No. 1491

Assembly Bill No. 425

Assembly Bill No. 1497

Assembly Bill No. 588

Assembly Bill No. 1536

Assembly Bill No. 698

Assembly Bill No. 1754

Assembly Bill No. 727

Assembly Bill No. 1832

Assembly Bill No. 855

Assembly Bill No. 1893

Assembly Bill No. 934

Assembly Bill No. 1928

Assembly Bill No. 959

Assembly Bill No. 2015

Assembly Bill No. 1052

Assembly Bill No. 2072

Assembly Bill No. 1163

Assembly Bill No. 2088

Assembly Bill No. 1238

Assembly Bill No. 2323

Assembly Bill No. 1424

Assembly Bill No. 2576

Assembly Bill No. 1478

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 56—An act to add Section 305 to the Political Code, relating to disqualification for State compensation and employment.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 58—An act to add Section 6103.5 to the Business and Professions Code, relating to attorneys at law, and providing additional causes for suspension and disbarment.

Referred to Committee on Judiciary.

Assembly Bill No. 147—An act to amend Section 55 of the County Employees Retirement Act of 1937, relating to the management of the County Employees Retirement System.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 425—An act to amend Section 454 of, and to add Sections 455.1 and 455.2 to, the Code of Civil Procedure, relating to bills of particulars, pleading and evidence.

Referred to Committee on Judiciary.

Assembly Bill No. 588—An act to amend Sections 581 and 582, and to amend and renumber Sections 581a, 581b and 583 of, and to add Sections 581a, 581e and 581f to, the Code of Civil Procedure, relating to the dismissal and rendition of judgment in civil actions.

Referred to Committee on Judiciary.

Assembly Bill No. 698—An act to add Section 19123 to the Health and Safety Code, to add Article 2a to Chapter 2, Part 3, Division 13 of said code, consisting of Sections 19130 to 19138, inclusive, and to amend Section 19170 of said code, relating to requirements for earthquake protection in the design and construction of buildings, including the enforcement thereof, the securing of building permits, and the violation thereof.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 727—An act to add Section 1.92 to the School Code, relating to school buses.

Referred to Committee on Education.

Assembly Bill No. 855—An act to amend Section 28½ of the California Irrigation District Act, relating to recall elections.

Referred to Committee on Water Resources.

Assembly Bill No. 934—An act to amend Section 690.7 of the Code of Civil Procedure, relating to property exempt from execution and attachment.

Referred to Committee on Judiciary.

Assembly Bill No. 959—An act to add Section 845.2 to the Fish and Game Code, relating to nets seized or violations of law.

Referred to Committee on Fish and Game.

Assembly Bill No. 1052—An act to amend School Code Sections 2.85 and 2.112, relating to school districts.

Referred to Committee on Education.

Assembly Bill No. 1163—An act to amend School Code Sections 3.122 and 3.172, relating to the admission of pupils to public schools.

Referred to Committee on Education.

Assembly Bill No. 1238—An act relating to marking retreaded, recapped and recut vehicle tires.

Referred to Committee on Business and Professions.

Assembly Bill No. 1424—An act to amend Section 243 of the State Civil Service Act, relating to the State Personnel Board and the executive officer thereof.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1478—An act to add a section to the School Code, to be numbered 5.798b, relating to the procedure for layoff of classified employees.

Referred to Committee on Education.

Assembly Bill No. 1479—An act to add Section 259 to the Labor Code, relating to security for payment of wages.

Referred to Committee on Labor.

Assembly Bill No. 1490—An act to amend Section 19 of the "Assessment Bond Refunding Act of 1933," relating to certification of delinquencies to tax collector.

Referred to Committee on Local Government.

Assembly Bill No. 1491—An act to amend Sections 27 and 76 of the "Improvement Act of 1911," and to amend Sections 5398 and 6590 of the Streets and Highways Code, relating to certification of delinquencies to tax collector.

Referred to Committee on Local Government.

Assembly Bill No. 1497—An act to amend Section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine.

Referred to Committee on Business and Professions.

Assembly Bill No. 1536—An act to amend Sections 43.6, 45 and 62 of the County Employees Retirement Act of 1937, relating to a retirement system for county and district employees, and attaches of municipal and superior courts, including provisions for the investment of funds of the system.

Referred to Committee on Local Government.

Assembly Bill No. 1754—An act to add Chapter 3, comprising Sections 7325 to 7332, inclusive, to Part 3 of Division 5 of the Labor Code, relating to the installation of safety devices upon the windows of all buildings, whether constructed heretofore or hereafter to be constructed, to safeguard and protect window washers and others employed upon said buildings.

Referred to Committee on Labor.

Assembly Bill No. 1832—An act to amend Section 9918 of the Elections Code, and Sections 852 and 858 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to the time of canvassing of votes in municipal elections, and providing for the meeting of municipal legislative bodies for that purpose.

Referred to Committee on Elections.

Assembly Bill No. 1893—An act to amend Sections 6 and 14 of the California Agricultural Products Marketing Act of 1937, relating to terms and conditions of agreements and orders issued under such be an urgency measure, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 1928—An act to add Section 12.5 to the California Unemployment Relief Act of 1935, relating to the relief camps established by the State Relief Administration, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2015—An act to amend Section 72 of the Agricultural Code, relating to the Division of Exhibits in the Department of Finance.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2072—An act to add Section 444 to the Vehicle Code, relating to persons operating parking lots for motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2088—An act to add Section 2380.5 to the Business and Professions Code, relating to the advertising of medical business.

Referred to Committee on Business and Professions.

Assembly Bill No. 2323—An act to amend Section 2.81 of the School Code, relating to school districts situated partly in two counties.

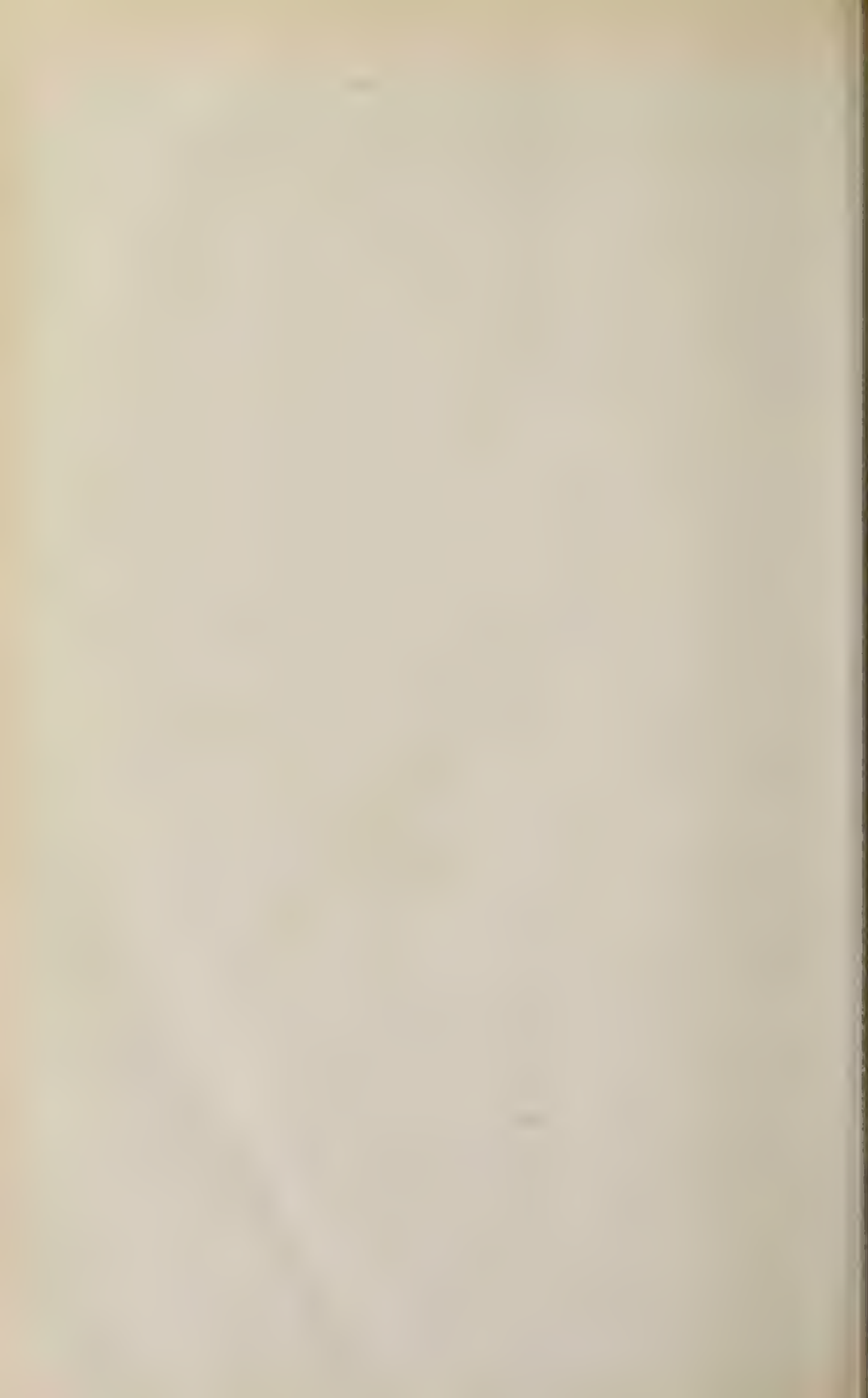
Referred to Committee on Education.

Assembly Bill No. 2576—An act to amend Sections 1.125, 1.126 and 1.127 of the School Code, relating to dental hygienists.

Referred to Committee on Education.

ADJOURNMENT

At 5.38 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., May 2, 1941.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-FIRST LEGISLATIVE DAY
ONE HUNDRED SEVENTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 2, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Deuel, on motion of Senator Mayo.

Senator Metzger, on motion of Senator DeLap.

Senator Jespersen, on motion of Senator Mayo.

Senator Kuchel, on motion of Senator Breed.

Senator Parkman, on motion of Senator Luckey.

Senator Kenny, on motion of Senator Rich.

Senator Shelley, on motion of Senator Rich.

Senator Collier, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the following officers and members of the Women's Legislative Club of Oakland: Mrs. Emily Mennell, president; Mrs. Josephine Sellier, secretary; Mrs. Amelia Karasson, financial secretary; Mrs. Martha Hamblin, first vice president; Mrs. Martin Didrickson, auditor 1; Mrs. Olive H. Hanniff,

president emeritus; Mrs. Charlotte LaPosea, Mrs. Margie Fanelli, Mrs. Violet Balding, and Mrs. Frances Warren, and Miss Helen C. Wilson (guest).

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Olive M. Hanniff of Oakland.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Pearl Brazil, principal, and the following students of the Freeport School, Freeport: Peggy Curran, Muriel Souza, Leonore Calderon, Mary Shimada, Patsy Curran, Viola Jean Sprock, Lydia Calderon, Bernice Morris, Dolores Birmingham, James Shimada, James Silva, Joe Perez, Tony Simas, Glen Bivens, Willard Smythe, Allan Loverde, David Shimada, Jesse Perez, Jimmy Considine, Alfred Porto, Tony Mello and Dickie Calderon.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Rich, ordered printed in the Journal:

CALIFORNIA FEDERATION OF WOMEN'S CLUBS

SAN JOAQUIN VALLEY DISTRICT, MADERA, April 26, 1941

Honorable Ellis E. Patterson, Lieutenant Governor

President of the Senate

State of California

Sacramento, California

DEAR SIR: The following resolution was unanimously adopted by the San Joaquin Valley District, California Federation of Women's Clubs in convention assembled in Hanford, California, on April 22, 23, 24, 1941:

"WHEREAS, It is the intent and purpose of certain 'pressure groups' to cause the initiation of legislation in the California State Legislature purposed to abolish the California State Senate; and

WHEREAS, It is the announced intention of the advocates of this program to press for enactment of this legislation as soon as possible; and

WHEREAS, Throughout the history of Government in the State of California, a Bicameral Legislature has always been considered necessary as an adequate guarantee against invasions of Constitutional guarantees, extravagances, and oppression; and

WHEREAS, A Unicameral Legislature would be quite easily controlled by 'pressure groups'; now, therefore, be it

Resolved, That the San Joaquin Valley District of the California Federation of Women's Clubs register its disapproval of the aforesaid legislative program, and that a copy of this resolution be delivered into the hands of the President of the California State Senate."

We hope the opinion of an organization some 5,000 strong will be given favorable consideration in this matter.

Yours very truly,

SAN JOAQUIN VALLEY DISTRICT
CALIFORNIA FEDERATION OF WOMEN'S CLUBS
By EDITH A. LLOYD, Corresponding Secretary
(MRS. EARL C. LLOYD)

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns in accordance with your request of May 1, 1941:

Senate Bill No. 620

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1294

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 126
Assembly Bill No. 164
Assembly Bill No. 465
Assembly Bill No. 533
Assembly Bill No. 563
Assembly Bill No. 647
Assembly Bill No. 778
Assembly Bill No. 799
Assembly Bill No. 819
Assembly Bill No. 848
Assembly Bill No. 1138
Assembly Bill No. 1229
Assembly Bill No. 1242
Assembly Bill No. 1411

Assembly Bill No. 1452
Assembly Bill No. 1453
Assembly Bill No. 1456
Assembly Bill No. 1502
Assembly Bill No. 1537
Assembly Bill No. 1544
Assembly Bill No. 1683
Assembly Bill No. 1686
Assembly Bill No. 1775
Assembly Bill No. 1879
Assembly Bill No. 1987
Assembly Bill No. 2091
Assembly Bill No. 2191
Assembly Bill No. 2365

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 53
Assembly Joint Resolution No. 41

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 126—An act to amend Section 596 of the Penal Code, relating to the use of poisons.

Referred to Committee on Judiciary.

Assembly Bill No. 164—An act to amend Section 159a of the Code of Civil Procedure, and repealing Section 4185a of the Political Code, relating to the qualifications of justices of the peace.

Referred to Committee on Judiciary.

Assembly Bill No. 465—An act to amend Sections 755, 760, 780, 788 and 1200 of the Probate Code, and to add Sections 757a, 794, 795, 796, 797, 798 and 799 thereto, relating to sales of real property of estates in probate.

Referred to Committee on Judiciary.

Assembly Bill No. 533—An act to amend Section 1007 of, and to add Section 1008 to, the Civil Code, relating to prescription; exemption.

Referred to Committee on Judiciary.

Assembly Bill No. 563—An act to amend Section 593 of the Civil Code, relating to the formation and purposes of nonprofit corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 647—An act to amend and renumber the title of Chapter 5, Part 4, of Division 6, of the Welfare and Institutions Code, relating to State Narcotic Hospital.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 778—An act to amend Sections 1, 2, 6, 7 and 8 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof,' approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act, approved May 15, 1933, relating to motor carrier transportation agents."

Referred to Committee on Public Utilities.

Assembly Bill No. 799—An act to amend Section 1179 of the Fish and Game Code, relating to nongame birds.

Referred to Committee on Fish and Game.

Assembly Bill No. 819—An act to amend Section 11005 of the Revenue and Taxation Code, and Section 11 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to the expenditure by cities and counties of motor vehicle license fee money distributed to them.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 848—An act to amend Section 730 of the Fish and Game Code, relating to halibut.

Referred to Committee on Fish and Game.

Assembly Bill No. 1138—An act to amend Sections 3696, 3699, 3705 and 3706 of, and to add Section 3707 to the Revenue and Taxation Code, relating to property taxation, including sales at public auction of tax-deeded property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1229—An act to amend Sections 697.5, 720, 860 and 881 of, to repeal Section 865 of, and to add Section 865 to, the Fish and Game Code, relating to the use of nets and the taking and disposal of salmon, shad, and striped bass, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Fish and Game.

Assembly Bill No. 1242—An act to amend Section 453 of the Fish and Game Code, relating to the possession of game birds and animals.

Referred to Committee on Fish and Game.

Assembly Bill No. 1411—An act to add Section 162 to the Revenue and Taxation Code, relating to actions to quiet title against the State.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1452—An act to amend Section 2554 of the Business and Professions Code, relating to registered dispensing opticians.

Referred to Committee on Business and Professions.

Assembly Bill No. 1453—An act to amend Sections 2551 and 2553 of the Business and Professions Code, relating to registered dispensing opticians.

Referred to Committee on Business and Professions.

Assembly Bill No. 1456—An act to amend Sections 323, 405, 459, 2510, 2605, 2607, 2621, 2626, 2803, 2805, 2808, 3354, 3355, 3656, 3695, 3696, 3701, 3720, 3721, 3724, 4109, 4151, 4154, 4155 and 4217 of, and to add Sections 3510, 3700.5 and 3701.5 to the Revenue and Taxation Code, relating to property taxation, including assessments, the levy of taxes, the collection of taxes, tax sales, tax-deeded property, and the redemption of delinquent property.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1502—An act to amend Section 664a of the Political Code, relating to the payment of State officers and employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1537—An act adding Section 4041.12a to the Political Code, authorizing the board of supervisors to appoint a county counsel in counties having a population of over 100,000.

Referred to Committee on Local Government.

Assembly Bill No. 1544—An act to amend Sections 4242 and 4242.2 of the Political Code, relating to the compensation for public services in counties of thirteenth class.

Referred to Committee on Local Government.

Assembly Bill No. 1683—An act to add Sections 3066, 3066a, 3066b, 3066c, 3066d and 3066e to the Civil Code, to provide for liens in favor of private hospitals in this State upon all causes of action for damages accruing to an injured person therein or to the legal representatives of such person for the reasonable charges for hospital care, treatment and maintenance necessitated by the injuries giving rise to such causes of action.

Referred to Committee on Judiciary.

Assembly Bill No. 1686—An act to add Section 5.27-1 to the School Code, relating to the maintenance of cafeterias on the campuses of the State colleges.

Referred to Committee on Education.

Assembly Bill No. 1775—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Referred to Committee on Fish and Game.

Assembly Bill No. 1879—An act to add Section 170 to the Vehicle Code, relating to registration of and issuance of license plates for vehicles of passenger stage corporations and of highway carriers of passengers for compensation.

Referred to Committee on Transportation.

Assembly Bill No. 1987—An act to add Section 11331.5 to the Health and Safety Code, relating to narcotics and the use, prescribing, possession, or transportation thereof.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2091—An act to amend Section 542.1 of the Political Code, relating to charges for State printing.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2191—An act to amend Sections 692, 694, 699, 710 and 624 of the Vehicle Code, relating to the size, weight, and equipment upon vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2365—An act to add Sections 10c and 10d to the California Real Estate Act, relating to persons licensed as real estate brokers and real estate salesmen entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Referred to Committee on Business and Professions.

Assembly Constitutional Amendment No. 53—A resolution to propose to the people of the State of California that the Constitution of this State be amended by adding Section 14 $\frac{1}{2}$ to Article XIII thereof, relating to taxation of insurers.

Referred to Committee on Revenue and Taxation.

Assembly Joint Resolution No. 41—Relative to memorializing Congress to investigate the feasibility of growing of guayule rubber in California and if found feasible to subsidize the same.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1315

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1038

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 1475

Assembly Bill No. 217

Assembly Bill No. 1451

Assembly Bill No. 400

Assembly Bill No. 1220

Assembly Bill No. 787

Assembly Bill No. 785

Assembly Bill No. 791

Assembly Bill No. 793

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 67

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1328

Senate Bill No. 642

Assembly Bill No. 24

Assembly Bill No. 1440

Assembly Bill No. 1442

Assembly Bill No. 2490

Assembly Bill No. 36

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 303

Senate Bill No. 114

Senate Bill No. 1076

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 1, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1237

Senate Bill No. 1238

Has had the same under consideration, and reports the same back with the recommendation: That they be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 8; absent 1.

POWERS, Chairman

Above reported bills re-referred to Committee on Judiciary.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1035

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 23: By Senator Seawell—Relative to memorializing the President and the Congress of the United States and the United States officials having jurisdiction of the matter in connection with the removal of brush and debris in the area to be flooded by Shasta Dam.

Without reference to committee.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1048:—An act to amend School Code Section 5.820, relating to the Teachers Retirement Board.

Bill read second time.

Motion to Substitute Amendments

Senator Phillips moved to substitute the following amendments in lieu of the amendment offered by the Committee on Education:

Motion carried.

Amendment No. 1

On page 1, line 16, of the printed bill, after "by", insert a comma.

Amendment No. 2

On page 1, line 16, of the printed bill, after "at", insert a comma.

Amendment No. 3

On page 1, line 20, of the printed bill, strike out "and", and insert "appointed by the Governor and (7)".

Amendment No. 4

On page 1, line 22, of the printed bill, after "be", insert "delivered to and".

Amendment No. 5

On page 1, line 23, of the printed bill, following the period, insert

"The first members of the Teachers Retirement System elected as members of the Retirement Board created by this act shall be elected to succeed the member of the retirement system appointed by the Governor to the Retirement Board and the two appointive members of the Retirement Investment Board serving ex officio on the Retirement Board, upon the expiration of the terms of such members of the Retirement Board."

Amendment No. 6

On page 2, line 6, of the printed bill, after "Board", insert a comma.

Amendment No. 7

On page 2, line 8, of the printed bill, strike out "one member", and insert "two members".

Amendment No. 8

On page 2 of the printed bill, strike out lines 23 to 25, both inclusive; and in line 26, strike out "retirement board", and insert

"The Retirement Board shall elect one of its members, other than the Superintendent of Public Instruction, president. The Superintendent of Public Instruction shall be secretary and executive officer of the board."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 11—An act to amend Section 6.771 of the School Code, relating to the use of school buildings or grounds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 340—An act to amend School Code Sections 2.90 and 2.92, relating to superintendents of schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1244—An act to add Article 2 to Chapter 2 of Part 2 of Division 3 of the School Code, relating to the supervision of instruction in elementary schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1690—An act to amend School Code Sections 3.730, 3.731, 3.732, 3.733, 3.734, 3.735, 3.736, 3.737 and 3.738, and to add Sections 3.735-1 and 3.735-2 to said code, all relating to physical education and related activities in the public schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2151—An act to amend Section 6.224 of the School Code, relating to the sale of property of a school district.

Bill read second time, and ordered to third reading.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Myhand, ordered printed in the Journal:

Wanted, a United Nation

Zach Lamar Cobb, Chairman of the Garner for President Committee in California last year, who later opposed the third term by supporting Willkie and Democratic Congressmen in the general election, spoke today before the Democratic

Luncheon Club at its meeting in the Rosslyn Hotel. Mr. Cobb spoke on the subject of Wanted, a United Nation, in part, as follows:

This is the oldest and best Democratic club in California. Having been a member of the club for many years, I am particularly happy today to address you on the subject of Wanted, a United Nation.

You know, and I do not seek to avoid, the fact that I supported my friend, that grand Texas Democrat, John N. Garner, for the Democratic nomination for President last year, and that later I frankly and openly opposed the third term by supporting Mr. Willkie and Democratic Congressmen. I assume that we agree that when the election was over, and Mr. Roosevelt was reelected, he entered his third term as the President of all the people, of those who opposed his third term election, as well as those who supported him.

We will not recount the horrors of war, nor the sacrifices of our own people, fighting brother against brother, in the Civil War of the 1860's, but we do know that the people of this Country will never forget the valor of the soldiers who wore both the Blue and the Gray, and the immortality of their leaders, Abraham Lincoln and Robert E. Lee. The wounds of that war have long since healed, but the saying of Mr. Lincoln will never die—that this Country could not live half free and half slave.

So, today, I come to say that America can not face the greatest crisis in our history, the crisis of the present war, we can not face the hostile philosophies across the Atlantic, and across the Pacific, nor rise above the menace of Karl Marx Socialism at home, if we stand divided—half Roosevelt and half anti-Roosevelt.

Washington, Jefferson, Jackson, Cleveland, Theodore Roosevelt and Woodrow Wilson stand out among the great and good Presidents of our Country. We all expect Mr. Roosevelt to take his place among them. We can not forget, however, that great and good as men may be, the lives of the best of men are short, while this Nation must live on for centuries to come.

America has lived, and America will live, because of the spiritual inspiration that founded this Government, the spiritual quality in true American Democracy, and the spiritual fibre that is the strength of the united American people.

Great issues divide our people today. Good and true men, actuated by honest and sincere convictions, hold opposing views. These issues will be determined by events beyond human control. When they are determined, and when the decisions are made, we must have no division among the American people. We must face whatever comes as an united people.

In conclusion, I submit the humble belief that the best means of uniting our people, and of preserving our country, will be founded in a revival of faith in the American Democracy of our fathers, and in avoiding the menace of Karl Marx Socialism. American Democracy is spiritual, it is life. Karl Marx Socialism is godless, materialistic and destructive. American Democracy gave us all we have that is good. Karl Marx Socialism brought Stalin to Russia, Mussolini to Italy, Hitler to Germany and destruction to France. God inspired our forefathers in founding America. May God direct our leaders today in saving America! And may all Americans unite for the preservation of our Country, and our American Democratic faith!

ADJOURNMENT

At 11.20 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 5, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-SECOND LEGISLATIVE DAY
ONE HUNDRED TWENTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 5, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luekey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward -36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Seawell.

Senator Jespersen, on motion of Senator Rich.

LEAVE OF ABSENCE FOR THE WEEK

On motion of Senator Breed, Senator Kuchel was granted leave of absence for the balance of the week because of illness.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Breed and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lieutenant J. E. Faigle, 12th Naval District, of Piedmont.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge and Mrs. Joe L. Shell of San Diego, and Jack Milan of Chula Vista.

On request of Senators Myhand and Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman E. G. Adams of Livingston.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to M. W. Fisher and Weber Fisher of Linden.

On request of Senator McCormack, the privilege of the floor of the Senate Chamber for this day was unanimously extended to O. S. Olson, History Teacher, and the following students of the Vallejo High School, Vallejo: Pearl Abouaf, George Ball, Ray Bentley, Kathleen Biava, Gordon Bayer, John Barnes, Dale Buxton, Marilyn Dow, Audrey Fadem, Aletta Gidlund, Gloria Gray, Carolyn Grigg, Tyrell Harton, Bill Heath, Fred Hicks, Barbara Hutchins, Dick Johnson, Faye Ellen Kennedy, Wilbur Lear, Ellyse Lolly, Marie Luchsinger, Helen Luck, Lois Lundberg, Lorraine Lyall, Arthur Marsden, Charles Murphy, Harold Nelson, Bill Parker, George Patchin, Pearl Pizanti, Andy Schell, Annabel Suess, Betty Totten, Paula Travis, Bobbie Wilson, Ralph Lever, Kay Casper, and Margo Fourgissi.

On the request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Harry C. Westover of Santa Ana.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Derby Bendorff of Scotia.

On request of Senators Swan and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Delbert Keith Harter, world traveler, of Pasadena.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 104

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 908

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 96	Assembly Bill No. 1209
Assembly Bill No. 404	Assembly Bill No. 1288
Assembly Bill No. 405	Assembly Bill No. 1500
Assembly Bill No. 406	Assembly Bill No. 1501
Assembly Bill No. 640	Assembly Bill No. 1628
Assembly Bill No. 786	Assembly Bill No. 1693
Assembly Bill No. 841	Assembly Bill No. 2100
Assembly Bill No. 1001	Assembly Bill No. 2106
Assembly Bill No. 1080	Assembly Bill No. 2426

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 32
Assembly Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 96—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the compensation of the Legislative Counsel.

Referred to Committee on Finance.

Assembly Bill No. 404—An act to amend Sections 13215 and 13388 of the Health and Safety Code, relating to boilers and boiler rooms in clothes cleaning establishments.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 405—An act to amend Section 13314 of the Health and Safety Code, and to add Section 13314.5 thereto, relating to clothes cleaning establishments, including licenses and license fees and penalties.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 406—An act to amend Section 13203 of the Health and Safety Code, relating to clothes cleaning establishments, including the definition of solvents used therein.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 640—An act to add Section 132a to the Labor Code, relating to the Industrial Accident Commission.

Referred to Committee on Labor.

Assembly Bill No. 786—An act to amend Section 12024.5 of the Business and Professions Code, relating to the sale of meat, fish and poultry by weight.

Referred to Committee on Business and Professions.

Assembly Bill No. 841—An act to amend Sections 1, 5a and 11 of an act entitled "The California Air Navigation Act," relating to air navigation.

Referred to Committee on Transportation.

Assembly Bill No. 1001—An act to validate and legalize the conversions of building and loan associations organized under the laws of this State into Federal savings and loan associations.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1080—An act to amend Sections 6 and 54 of the Alcoholic Beverage Control Act, relating to restrictions on wholesalers' licenses.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1209—An act to amend Section 292 of, and to add Sections 291.4 and 291.6 to, the Elections Code, relating to registration of voters.

Referred to Committee on Elections.

Assembly Bill No. 1288—An act to add a new section to be numbered 641 to, and to amend Section 679 of, the Vehicle Code, relating to the condition of a vehicle and its equipment.

Referred to Committee on Transportation.

Assembly Bill No. 1500—An act to amend Sections 781, 782, 784.2, 784.3 and 787 of, and to add Sections 782.3, 782.6 and 784.8 to the Agricultural Code, relating to fruit, nut and vegetable standards.

Referred to Committee on Agriculture.

Assembly Bill No. 1501—An act to add Sections 3994, 3995 and 3996 to the Elections Code, relating to nominations and filing of nomination papers.

Referred to Committee on Elections.

Assembly Bill No. 1628—An act to amend the title of Article 1, Chapter 5, Division 5 and Sections 911, 912, 913, 914, 915, 916, 917, 919 and 920, and to add Sections 910, 911.5, 911.10, 911.14, 911.15, 911.17, 911.20, 911.21, 911.25, 911.30, 911.35, 911.40, 911.45, 911.50, 911.55, 911.60, 911.65, 911.70, 911.71, 911.72, 911.75, 911.80, 911.81, 911.85, 911.90, 911.95, 911.100, 911.105, 911.110, 911.115, 911.120, 911.125, 911.130, 912.5, 912.10, 912.30, 912.35, 912.40, 914.5, 914.7, 914.10, 916.5, 916.10, 916.15, 916.20, 916.25, 916.30, 916.35, 916.40, 916.45, 917.5, 917.10, 919.1, 919.5 and 921 to the Agricultural Code, relating to seeds.

Referred to Committee on Agriculture.

Assembly Bill No. 1693—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2100—An act to add Section 13.16c to the Building and Loan Association Act, relating to building and loan associa-

tions, including the disposition of records and of unpaid or unclaimed dividends of liquidated building and loan associations.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2106—An act to amend Sections 1003 and 1005 of the Elections Code, relating to elections including the publication and posting of election proclamations.

Referred to Committee on Elections.

Assembly Bill No. 2426—An act to amend Section 19a of the Penal Code, relating to punishment for crime.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 32—Relative to providing suitable space and facilities for the office of the Legislative Counsel.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 38—Relative to amending Rule No. 11 of the Joint Rules of the Senate and Assembly, regarding the amendment of bills.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 45

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 484

Senate Bill No. 563

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1048

Senate Joint Resolution No. 23

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 94

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 729—An act to amend Sections 794, 828.2 and 829.1 of the Agricultural Code, relating to cherries and containers thereof, declaring the urgency thereof and that this act take effect immediately;
And reports that the same has been correctly enrolled, and presented to the Governor on the second day of May, 1941, at 1 p.m.

RICH, Chairman

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 1323

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

PARKMAN, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1328—An act to amend Sections 737xx, 4248d and 4248h, and to repeal Sections 4248a, 4248b, 4248c, 4248e, 4248f, 4248g, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248q, 4248t, 4248u and 4248v of the Political Code, relating to compensation of public officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 642—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits sanitation, sewer, and water revenue-producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds payable solely from the revenues of such enterprises, and in no respect secured by the taxing power; limiting the issuance of revenue bonds to the enterprises defined herein and excluding therefrom systems for the generation or distribution of electricity; authorizing such municipalities to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds; providing for their payment and the rights and remedies of the holders thereof.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 303—An act to amend Section 4243 of the Political Code, relating to salaries and compensation for public services in counties of the fourteenth class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1, lines 11 and 12, of the printed bill, strike out "three thousand dollars", and insert "two thousand four hundred dollars (\$2,400)".

Amendment No. 2

On page 1 of the printed bill, strike out lines 22 and 23, and insert

"4. Each member of the grand jury shall be allowed four dollars (\$4.00) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents (\$0.05) per mile for each and every mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee, duly called by the secretary, or committee chairman, provided no mileage shall be allowed outside of the county; for attend-".

Amendment No. 3

On page 1, line 28, of the printed bill, strike out "for meetings of the grand jury".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 4, line 33, of the printed bill, strike out "a majority", and insert "two-thirds".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1076—An act to amend Section 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the sixth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 9, of the printed bill, after "sum", strike out all of the balance of line 9, line 10, and line 11 up to and including "then", and insert "of one thousand dollars (\$1,000)."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1035—An act to add Section 158.5 to the Welfare and Institutions Code, relating to officers and employees at State institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 17, inclusive, and insert "158.5. At the request of one or more employees of any institution within the department, the department may, at its option, provide, within the grounds of any

institution, meals and subsistence for employees who do not reside within the institution, or living facilities, meals and subsistence for employees who reside within the institution. The department may make a reasonable charge for all facilities taken by or furnished to employees, to be determined by the State Board of Control, and to be deducted from the salary of the employee. No employee shall be compelled to eat his meals at the institution, nor shall he be charged for meals or facilities not furnished to or taken by him. No employee shall be discriminated against in any manner whatsoever because he elects to eat his meals outside the institution grounds.

The provisions of this section apply only to those employees who are not officers and who receive gross salaries as specified by the salary scales of the State Personnel Board, and do not apply to those employees who are officers of an institution or who receive a cash salary plus maintenance for self and family as provided by the salary scales of the State Personnel Board."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1475—An act to amend Section 2193 of the Business and Professions Code, relating to applications for a physician's and surgeon's certificate by graduates of foreign medical schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 217—An act to add Chapter 12, consisting of Sections 22100 to 22132, inclusive, to Division 8 of the Business and Professions Code, relating to the marking of articles of merchandise made in whole or in part of platinum and other metals in the platinum group or their alloys.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1451—An act to amend Section 1672 of the Business and Professions Code, relating to dentistry.

Bill read second time, and ordered to third reading.

Assembly Bill No. 400—An act to add Article 3, consisting of Sections 22175 to 22181, inclusive, to Chapter 12 of Division 8 of the Business and Professions Code, relating to the marking of articles of merchandise made in whole or in part of gold or its alloys.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1220—An act to amend Section 12710 of the Business and Professions Code, relating to public weighmasters and double-draft weights.

Bill read second time, and ordered to third reading.

Assembly Bill No. 787—An act to amend Section 12107 of the Business and Professions Code, relating to tolerances and specifications for commercial weighing and measuring apparatus.

Bill read second time, and ordered to third reading.

Assembly Bill No. 785—An act to add Section 12209.5 to the Business and Professions Code, relating to the duties of sealers of weights and measures.

Bill read second time, and ordered to third reading.

Assembly Bill No. 791—An act to amend Section 12507 of the Business and Professions Code, relating to testing, correcting and repairing weighing or measuring instruments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 793—An act to amend Sections 12021 and 12022 of the Business and Professions Code, relating to falsity in weights and measures.

Bill read second time, and ordered to third reading.

Assembly Bill No. 67—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 4 of the printed bill, as amended, after line 26, insert

"Sec. 5. In enacting this act it is the intent of the Legislature that in so far as may be compatible with the protection of the public health, the board shall act only upon the petition provided for herein."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 24—An act to add Section 21.5 to the Municipal Court Act of 1925, relating to departments of the municipal court in cities of the first and one-half class, including judges and attaches thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1440—An act to amend Sections 1, 2, 5, 6, 6a, 6e, 6d, 6e, 7, 11, 12, 15, 15a, 18 and 19 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," relating to the organization of and annexation to municipal utility districts; control of publicly owned utilities within utility districts; contest of annexation proceedings; powers and duties of a board of directors; powers of the district; special districts within municipal utility districts; incurring, refunding and retirement of indebtedness of special districts; levy and collection of taxes for special district operations and obligations; investment of funds; sale of by-products; loans, contributions and cooperative agreements; limitation of indebtedness; payment of interest from bond funds; fixing and collecting rates, tolls and charges, and the levy and collection of taxes; contracts for the use of commodities or services, and to add Sections 1a, 6b.5, 6f to 6i, inclusive, 7a, 15d to 15q, inclusive, 29a and 29b, defining the term "public agency"; providing for annexation to special districts; annexation of unincorporated territory; oaths of office; creation of special districts

for sewage disposal purposes, the contesting of the validity of their creation and any bonds issued by a special district; the issuance of bonds by the electors therein for said purposes, the use of said bonds for investment and security for public deposits; the levy and collection of taxes to pay the principal and interest of said bonds, and the expenses of formation and operation of said special districts, contracts and agreements for the use of sewage disposal facilities, and the dissolution of special districts, and relating to special districts generally; issuance of revenue bonds under general law; disposition of records; and the severability of the act, all relating to municipal utility districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1442—An act to provide for the organization, incorporation and government of joint municipal sewage disposal districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of sewage disposal systems and to levy and collect taxes to pay the principal and interest thereon, and authorizing such districts to issue revenue bonds for the acquisition and construction of sewage disposal systems, and for the fixing, collecting and application of rates and charges for the use of sewage disposal systems.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2490—An act to amend Section 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to a county peace officers' retirement system.

Bill read second time, and ordered to third reading.

Assembly Bill No. 36—An act to amend Section 4238 of the Political Code, relating to county officers in counties of the ninth class.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 665—An act to add Section 57.6 to the Unemployment Insurance Act, relating to qualification for benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Mayo, McBride, McCormack, Metzger, Mixer, Seawell, Slater, Swing, Tickle, Waggy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An act to amend Section 4 of the Central Valley Project Act of 1933, relating to units.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Seawell, Slater, Swing, Tickle, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45—An act to amend Section 23 of the Agricultural Prorate Act, relating to the termination of proration programs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Seawell, Slater, Swing, Tickle, Wagy, and Ward—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 23—Relative to memorializing the President and the Congress of the United States and the United States officials having jurisdiction of the matter in connection with the removal of brush and debris in the area to be flooded by Shasta Dam.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Rich, Seawell, Slater, Tickle, Wagy, and Ward—27.
NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 33: By Senator Fletcher—Relative to approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-second day of April, 1941.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 33, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 33

Senate Concurrent Resolution No. 33—Relative to approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-second day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Rich, Seawell, Slater, and Ward—25.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Fletcher:

Senate Resolution No. 104

Relative to possible interference with the legislative process, and creating a Special Committee of the Senate to investigate the facts and report thereon to the Senate.

WHEREAS, It would appear that efforts may have been made to interfere with the legislative process and that members of the Senate may have been threatened, directly or indirectly, in an endeavor to coerce their action as members and to interfere with their freedom of action as representatives of the people of the State of California; now, therefore, be it

Resolved by the Senate of the State of California. That there is hereby created a Special Committee designated the "Senate Committee on Investigation of Interference with the Legislative Process," to consist of three members of the Senate, one appointed by the Senate Committee on Rules, one appointed by the President of the Senate, said two appointees to appoint the third member of the committee; and be it further

Resolved, That the committee hereby created shall promptly and fully investigate any and all phases of the matters referred to herein, including particularly the telegrams and other matters referred to in the communication to this body from the member, from the Fortieth Senatorial District, which appears on pages 1448 and 1449 of the Senate Daily Journal for May 1, 1941, and all facts and circumstances connected therewith, the committee to render its report thereon to the Senate prior to final adjournment of this session, including therein such findings as it may have made respecting interference or threatened interference with the legislative process and such recommendations as it may have to make concerning needed legislation on this subject; and be it further

Resolved, That the committee shall have and exercise the following duties and powers:

(1) To select a chairman from its membership and to adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;

(2) To meet at any and all times during this session of the Legislature whether the Senate be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(3) To summon and subpoena witnesses, to require the production of books, papers, accounts, reports, documents and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony, the committee and each of its members being hereby authorized and empowered to administer oaths and all of the provisions of Article 8, Chapter 2, Title 1 of Part 3 of the Political Code relating to the attendance and examination of witnesses before the Legislature and committees thereof being hereby made applicable to the committee hereby created;

(4) To do any and all other things necessary or convenient to enable the committee fully and adequately to exercise its powers and perform its duties and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the Sergeant-at-Arms of the Senate or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expense for living accommodations and meals incurred in connection with their service upon the committee, or in lieu of such expense for accommodations and meals, an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of three hundred fifty dollars (\$350) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges,

expenses or claims it may incur under this resolution to be paid from the Contingent Fund after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to Committee on Rules.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1323—An act to add Sections 802.3 and 802.4 to the Agricultural Code, relating to grapes, declaring the urgency thereof, and that this act take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Rich, Seawell, Slater, Tickle, and Ward—27.

NOES—None.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out "(c) The", and insert "Containers of grapes, other than juice grapes, shall bear upon them in plain sight and in plain letters on one outside end, the".

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, McCormack, Metzger, Mixter, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

RECESS

At 3.40 p.m., on motion of Senator Slater, the Senate recessed until 3.45 p.m. to hear from Assemblywomen Eleanor Miller and Jeanette Daley, who extended an invitation to the members and their families to attend the biennial Mothers' Day exercises to be held in the Assembly Chamber on Friday, May 9th, at 10.30 a.m.

REASSEMBLED

At 3.45 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REMARKS

Senator Seawell called attention to a bill now being prepared in the Assembly to reclassify the counties of the State, and urged that the members of the Senate defer action on county government bills until after the enactment of the new bill based on the 1940 Census.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1408—An act to add Sections 11343, 11344, 11345 and 11346 to, to amend Sections 704, 1659, 11021, 11360, 11392,

11502, 11503 and 11508, and to repeal Sections 985 and 12929 of the Insurance Code, to repeal Section 596 of the Political Code and Sections 453i and 453.14 of the Civil Code, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 395—An act to add Chapter 3 to Division 4a of the Fish and Game Code, relating to trapping wild boar.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Metzger, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2568—An act to amend Sections 883 and 924 of the Fish and Game Code, relating to gill nets and round haul nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1859—An act to amend Section 161 of the Fish and Game Code, relating to Game Refuge 4B.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Luckey, McBride, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1—Relative to the hunting season on migratory wild fowl.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swing, Wagy, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1764—An act to add a new section to the Agricultural Code, to be numbered 553.5, relating to sterilized milk and cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2052—An act to amend Section 1299.18 of the Agricultural Code, relating to liens of producers of farm products sold to processors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 376—An act to amend Section 212 of the Agricultural Code, relating to bringing goats into this State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 790—An act to amend Section 12409 of the Business and Professions Code, relating to bushel weights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1151—An act to repeal Sections 124, 127, 3511.5, 3521, 3543, 3550, 3552, 3571, 3572, 3574, 3651, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend Section 3355 of, and to add Sections 124, 127, 133, 3511.3, 3511.5, 3521, 3543, 3546.5, 3550, 3550.5, 3552, 3571, 3571.3, 3571.5, 3572, 3574, 3651, 3661, 3691, 3707.5, 3807, 4101, 4108.5, 4111, 4112, 4113 and 4147 to the Revenue and Taxation Code, and to repeal Sections 3773.1, 3785.4, 3785.5, 3785.6, 3833.3, 3857.2, 3859.20, 3860.05, 3860.07, 3860.08, 3860.09, 3860.10, 3860.11, 3860.12, 3860.13, 3860.14, 3860.15, 3860.16, 3860.17, 3860.18, 3860.19, 3860.20,

3860.21, 3860.22, 3860.24, 3860.25, 3860.26, 3860.27, 3860.28, 3860.29, 3860.30, 3860.31 and 3860.32 of, and to repeal Chapter 9c, consisting of Sections 3861.1 to 3861.8, inclusive, of Title 9 of Part 3 of the Political Code, relating to property taxation and tax-delinquent property, including redemption of tax-delinquent property and the termination of the right of redemption thereto, distressed assessment districts and the right of redemption of property therein, the classification and control of tax-delinquent property, contracts for the purchase thereof, and making an appropriation, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1151:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 10, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL No. 1151

"An act to repeal Sections 124, 127, 3511.5, 3521, 3543, 3550, 3552, 3571, 3572, 3574, 3651, 3661, 3691, 3807, 4101, 4111, 4112, 4113 and 4147 of, to amend Section 3355 of, and to add Sections 124, 127, 133, 3511.3, 3511.5, 3521, 3543, 3546.5, 3550, 3550.5, 3552, 3571, 3571.3, 3571.5, 3572, 3574, 3651, 3661, 3691, 3707.5, 3807, 4101, 4108.5, 4111, 4112, 4113 and 4147 to the Revenue and Taxation Code, and to repeal Sections 3773.1, 3785.4, 3785.5, 3785.6, 3833.3, 3857.2, 3859.20, 3860.05, 3860.07, 3860.08, 3860.09, 3860.10, 3860.11, 3860.12, 3860.13, 3860.14, 3860.15, 3860.16, 3860.17, 3860.18, 3860.19, 3860.20, 3860.21, 3860.22, 3860.24, 3860.25, 3860.26, 3860.27, 3860.28, 3860.29, 3860.30, 3860.31 and 3860.32 of, and to repeal Chapter 9c, consisting of Sections 3861.1 to 3861.8, inclusive, of Title 9 of Part 3 of the Political Code, relating to property taxation and tax-delinquent property, including redemption of tax-delinquent property and the termination of the right of redemption thereto, distressed assessment districts and the right of redemption of property therein, the classification and control of tax-delinquent property, contracts for the purchase thereof, and making an appropriation, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 1151 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagdy—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagdy—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1969—An act to amend Sections 3803 and 3804 of, and to add Sections 3793.5, 3793.6, 3807.5 and 3807.8 to, the Revenue and Taxation Code, relating to property taxation, including purchases from the State by taxing agencies and the division of the proceeds of the sales of such property, the allowing of deductions prior to division, termination of the right of redemption, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 850—An act to repeal Section 3616 of, to add Sections 3602.5, 3614.5 and 3616 to, and to amend Sections 3606 and 3615 of the Revenue and Taxation Code, relating to property taxation including redemption of tax-delinquent property and the termination of the right of redemption thereto, suits to quiet title to tax-delinquent property; declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1899—An act to add Chapter 5.7, consisting of Sections 3618 to 3637, inclusive, to Part 6, of Division 1 of the Revenue and Taxation Code, relating to property taxation, including actions to contest the validity of tax deeds to the State and quieting title against tax deeds and the interests of taxing agencies and revenue

districts, providing a procedure therefor, and the effect thereof, terminating the right of redemption, and declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagye—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagye—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1322—An act making an appropriation for construction, improvements, equipment and the purchase of land for the San Diego State College, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1322:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 15, 1941

To the Honorable Members of the Senate, Sacramento
GREETINGS:

ASSEMBLY BILL No. 1322

"An act making an appropriation for construction, improvements, equipment and the purchase of land for the San Diego State College, to take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 1322 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagye—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagye—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2182—An act to repeal Section 3085 of the Elections Code, relating to signatures to nomination papers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1804—An act to add Sections 6953, 6954, 6955 and 6956 to the Labor Code, relating to the use of laminated safety glass on electric cars and electric locomotives.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 11—An act to amend Section 6.771 of the School Code, relating to the use of school buildings or grounds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2151—An act to amend Section 6.224 of the School Code, relating to the sale of property of a school district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Collier moved that Senate Bill No. 930 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO RESCIND ACTION

Senator Shelley moved to rescind the action whereby Senate Bill No. 620 was passed on April 30, 1941.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Minter, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagye—30.

NOES—None.

CONSIDERATION OF SENATE BILL NO. 620

Senate Bill No. 620—An act to amend Section 6 of, and to add Section 10 to, an act entitled "An act providing for State and county exhibits at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, providing for the disposition or demolition of buildings, exhibits, and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibits and such building or buildings, defining its powers and duties and making an appropriation therefor," approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, abolishing the California Commission for the Golden Gate International Exposition and transferring its powers, duties, purposes, responsibilities and jurisdiction to the Department of Finance.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 620:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 28, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 620

"An act to amend Section 6 of, and to add Section 10 to, an act entitled 'An act providing for State and county exhibits at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, providing for the disposition or demolition of buildings, exhibits, and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibits and such building or buildings, defining its powers and duties and making an appropriation therefor,' approved May 25, 1937, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, abolishing the California Commission for the Golden Gate International Exposition and transferring its powers, duties, purposes, responsibilities and jurisdiction to the Department of Finance",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 620 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Quinn moved that Senate Bill No. 227 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Metzger moved that Assembly Joint Resolution No. 11 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO RECONSIDER

Senator Quinn moved to reconsider the vote whereby Assembly Bill No. 1764 was passed.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1764 was passed, was continued until the next legislative day.

MOTION TO RE-REFER SENATE BILL NO. 1273

Senator Rich moved that Senate Bill No. 1273 be re-referred to Committee on Water Resources.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 211

Senator Kenny moved that Assembly Bill No. 211 be withdrawn from Committee on Local Government, and referred to Committee on Judiciary.

Motion carried.

MOTION TO PRINT PROPOSED AMENDMENTS TO SENATE BILL NO. 484

Senator Swing moved that the following proposed amendments to Senate Bill No. 484 be printed in the Journal:

Motion carried.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "repeal", and insert "amend".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 2 to 4, inclusive, and insert "is hereby amended to read as follows:

Sec. 3.1. There are hereby specifically exempted from the provisions of this act and from the computation of the amount of taxes levied, assessed or payable hereunder the gross receipts from the sale of any tangible personal property to the United States or any agency or instrumentality thereof except a corporate agency or a corporate instrumentality. *Sales of tangible personal property made for use in the performance of contracts made with the United States or any agency or instrumentality thereof for a lump sum or upon a cost-plus-a fixed-fee basis shall not be deemed to be sales to the United States or any agency or instrumentality thereof within the meaning of this section.*

SEC. 2. Section 6381 of the Revenue and Taxation Code is hereby amended to read as follows:

6381. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property to the United States or any agency or instrumentality thereof except a corporate agency or a corporate instrumentality. *Sales of tangible personal property made for use in the performance of contracts made with the United States or any agency or instrumentality thereof for a lump sum or upon a cost-plus-a fixed-fee basis shall not be deemed to be sales to the United States or any agency or instrumentality thereof within the meaning of this section."*

Amendment No. 3

On page 3, line 38, of the printed bill, as amended, strike out "repealing", and insert "amending".

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1048—An act to amend School Code Section 5.820, relating to the Teachers Retirement Board.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Phillips moved a call of the Senate.

Motion carried. Time, 4 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 1315—An act to amend Sections 579 and 611 of the Agricultural Code, relating to substitutes for butter and cheese which are colored in imitation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Swan, Swing, Tickle, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1443—An act to amend Sections 3669c and 3669cc of the Political Code, relating to the revival and restoration of corporate powers, rights and privileges heretofore suspended or forfeited for nonpayment of taxes and penalties due the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—33.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.10 p.m., on motion of Senator Phillips, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1048 refused passage by the following vote:

AYES—Senators Biggar, Breed, Crittenden, DeLap, Deuel, Fletcher, McCormack, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, and Wagy—14.

NOES—Senators Brown, Carter, Collier, Cunningham, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Quinn, Shelley, Slater, Swan, Swing, and Tickle—21.

MOTION TO RECONSIDER

Senator Phillips moved to reconsider the vote whereby Senate Bill No. 1048 was refused passage.

Postponement of Reconsideration

On motion of Senator Phillips the further consideration of the motion to reconsider the vote whereby Senate Bill No. 1048 was refused passage, was continued until the next legislative day.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Carter:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add a new section to be numbered Section 5.1 to an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements; and regulating the acquisition, construction, or completion thereof" which became a law under constitutional provision without the Governor's approval (February 25, 1901), relating to the issuance and retirement of municipal improvement bonds.

Respectfully submitted,

SENATOR CARTER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE

MYHAND
DEUEL

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillingier, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seavell, Slater, Swan, Swing, Tickle, and Wagy—32.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was introduced, and read the first time:

Senate Bill No. 1331: By Senator Carter—An act to add a new section to be numbered Section 5.1 to an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof" which became a law under constitutional provision without the Governor's approval (February 25, 1901), relating to the issuance and retirement of municipal improvement bonds.

Referred to Committee on Local Government.

REPORT OF COMMITTEE ON PROPOSED HIGHWAY ADDITIONS

The following Report of Committee on Proposed Highway Additions was received and ordered printed in the Journal:

April 28, 1941

*Honorable Thomas McCormack, Chairman
Senate Transportation Committee*

MY DEAR SENATOR MCCORMACK: Your Transportation Committee, on Monday, April 21, requested your Subcommittee on Proposed Additions to the State Highway System to make a study and report back its findings and recommendations concerning a policy of a proposed addition where a substitution was being made for said proposed addition.

We recommend that consideration be given to a proposed substitution providing all of the following conditions are complied with:

First: That the cost of, and the State's obligation for, maintenance of the new road is less than the State's present obligation for maintenance on the road that is being deleted.

Second: That the new road is of State benefit rather than purely local.

Third: That the new road which is to be substituted shall be now improved to a comparable status to that of the road which is to be deleted if the improvement on the latter has been accomplished from State highway funds.

Fourth: That local authorities of areas through which the road proposed to be deleted passes, indicate their consent to the deletion.

If all of these conditions are complied with, it would appear it would be good business for the State to allow a substitution. Wherever practical, the amount of road deleted should be greater than the proposed addition. Of course, the cost should be the controlling item rather than the miles involved.

Respectfully submitted.

SENATE COMMITTEE ON PROPOSED HIGHWAY ADDITIONS

ARTHUR H. BREED, JR., Chairman
JESSE M. MAYO
E. GEORGE LUCKEY

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 5, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: I am transmitting to you herewith a copy of a message with reference to Senate Bill No. 1292 which was delivered to Senator E. George Luckey at 8:45 p.m. on May 3, 1941, on which day your Honorable Body had adjourned for the day but not for the session.

Respectfully submitted.

GOVERNOR OF CALIFORNIA

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 3, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: I have this day delivered to the Secretary of State Senate Bill No. 1292. I objected to the appropriation made by such bill, and reduced the amount of such appropriation by appending to the bill, at the time of signing it, a statement of the items to which I object and the reasons therefor.

In accordance with the provisions of Section 16 of Article IV of the Constitution, I am transmitting herewith a copy of such statement.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

I object to the appropriation of \$50,000 and hereby reduce the sum to \$25,000. With this reduction I approve the bill.

My reasons for reducing the amount of said appropriation are as follows:

The total of the appropriation proposed to be made by this bill, together with other appropriations to the Senate Contingent Fund, far exceeds the total amount appropriated to the Senate Contingent Fund of previous regular sessions. This total even exceeds the unusually large appropriations made for the previous regular legislative session to cover extremely large sums spent by numerous special Senate and Joint Legislative Investigating Committees. This additional amount of \$25,000 which I have approved I know is ample to cover all necessary expenditures from the Senate Contingent Fund. It is inconceivable that the normal contingent expenses that could be incurred by the Senate during the remainder of this regular session could possibly exceed the sum of \$10,000, even though the session were to last another 60 days. If at a later date a still further appropriation to this fund should become necessary, I will willingly approve the same.

CULBERT L. OLSON, Governor of California

Dated May 3, 1941

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, April 28, 1941; Tuesday, April 29, 1941; Wednesday, April 30, 1941; Thursday, May 1, 1941; Friday, May 2, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator McBride moved that Senate Bill No. 963 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Senate Bill No. 775

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 6; absent 2.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Senate Bill No. 691

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 6; absent 2.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Senate Bill No. 1017

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 8; committee vote: Ayes 6; absent 2.

GARRISON, Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 189

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 2543

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

McCORMACK, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 642

Senate Bill No. 1328

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1294—An act to amend Section 737s of the Political Code, relating to superior court judges;

Senate Concurrent Resolution No. 31—Approving five certain amendments to the charter of the City of San Luis Obispo, in the County of San Luis Obispo, State of California, voted for and ratified by the electors of said city at an election held therein on the seventh day of April, 1941;

Senate Concurrent Resolution No. 32—Approving certain amendments to the charter of the City of Modesto, County of Stanislaus, State of California, voted for and ratified by the electors of said City of Modesto, at a general municipal election held therein on the eighth day of April, 1941;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of May, 1941, at 3 p.m.

RICH, Chairman

ADJOURNMENT

At 4.20 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 6, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-THIRD LEGISLATIVE DAY

ONE HUNDRED TWENTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 6, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Powers, on motion of Senator Keating.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Captain J. F. Lynch, for 42 years a member of the Oakland Police Department, and Chief of Police James T. Drew, both of Oakland.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Dougherty and Toney Lewis of San Bernardino.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Ethel Rose Taylor, instructor, and the following members of the Adult Americanization Classes of the Golden Gate and Emerson Junior High Schools, Oakland: Miss Wackaye Michisaki, Mrs. Petrina Nilssen, Mrs. Gilda

Brignolio, Mrs. Margherita Fiora, Mrs. Lina Canepa, Mrs. Anna Spalasso, Mrs. Molly Benjamin, Mrs. Elsa Lindstrom, Mrs. Palmino Morino, Mrs. Angela Arman, Mrs. Julia Silva, Mrs. Mary Meneghetti, Mr. William Kyrios, Mr. Folke Anderson, Mrs. Isabella Anderson, Mrs. Marie Hupp, Mrs. Ruth Wik, Mrs. Lydia V. Billing, Miss Alice Jane Thornbury, Mrs. Angelina Ferrando, Mrs. Caroline Accomosso, Mrs. Pasqualina Avanzino, Mrs. Theresa Piazzi, Mrs. Minnie Miki, Mrs. Ida Masagna, Mrs. Caterina Bealesio, Mrs. Adalgisa Maiolini, Mrs. Angela Viale, Mrs. Beatrice Favris, Mrs. Carmen Gonzales, Mrs. Domenica Maglia, Mrs. Maria Icardi, Mrs. Ida Mari Lind, Mrs. Maria Balbi, Mrs. Louise Trochet, and Giovanni D'Asaro.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed. Kinyon of Grass Valley, George Hallock of Sierra County, and F. A. Harvey of Lodi.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to General Frank Aiken, Minister of Defense of Ireland; Mr. Noonan, Secretary to General Aiken; Hon. George Reilly, member, State Board of Equalization; Captain Michael Riordan, Deputy Chief of Police of San Francisco; James McNamara, United Irish Societies of San Francisco; Rev. Father Bennett, Daniel Denehy, and Terence Mulligan, Assistant Chief, Sacramento Fire Department.

COMMUNICATIONS

The following communications were received and read, and on motion of Senator Garrison, ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT

SAN FRANCISCO, May 3, 1941

*Honorable J. C. Garrison, State Senator
Twenty-second Senatorial District
State Capitol, Sacramento, California*

DEAR SIR: In your letter of April 25, 1941, you ask for an opinion as to the validity of an act fixing the salary of the District Attorney of Stanislaus County and prohibiting a person occupying that office from engaging in the private practice of the law. Inasmuch as your letter indicates that you are preparing to introduce a bill with reference to the salaries of certain public officers of Stanislaus County, including the district attorney, we assume that you are contemplating the amendment of the "County Government Act" relating to the particular county concerned (Political Code Sections 4248 and 4248h). It is also assumed that you are aware of the fact that no increase in the compensation of a county officer will become effective during the current term. This is by reason of the prohibition contained in Section 5 of Article XI of the Constitution, which specifies:

"The compensation of any county, township or municipal officer shall not be increased after his election or during his term of office, * * *."

With reference to the validity of legislation affecting a single county only, which would prohibit the district attorney of that county from engaging in the private practice of the law, consideration must be given to the extent of the legislative authority set forth in the first paragraph of Section 5 of Article XI. It is there provided:

"The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population."

It will be noted from the foregoing passage that it is entirely competent for the Legislature to classify the counties by population for the purpose of regulating the compensation of certain county officers, including district attorneys. The practice

of so doing has been followed for many years by the Legislature. However, it is to be further noted that the Constitution contains no permission to classify counties for the purpose of prescribing the duties of district attorneys or other officers. On the contrary, the express provision is that the Legislature may prescribe the duties of the district attorney by *general and uniform* laws. A statute forbidding a district attorney to practice law is not one regulating his compensation, but rather is a law that has relation to his duties and his qualifications for office. Hence, it is my opinion that the Legislature has no power to classify counties for the purpose of prohibiting a district attorney from engaging in the private practice of the law. This means that it would be beyond the authority of the Legislature to insert such a provision in any particular County Government Bill.

This conclusion is in accord with an opinion rendered by this office under date of April 9, 1937, directed to the Honorable Harold F. Sawallisch, Assemblyman from Contra Costa County (Opinion No. NS241), copy of which is inclosed.

Very truly yours,

(Signed)

EARL WARREN, Attorney General
By JAMES H. OAKLEY, Deputy

SAN FRANCISCO, April 9, 1937

Honorable Harold F. Sawallisch

Assemblyman, Tenth District, Sacramento, California

DEAR SIR: I have before me your letter of March 23, 1937, in which you ask to be advised whether Section 4242.1 of the Political Code relating to the compensation of the district attorney in counties of the thirteenth class (Contra Costa) is valid in view of the 1933 amendment to Section 5 of Article XI of the Constitution of California.

Section 4242.1 of the Political Code reads as follows:

"The district attorney shall receive a salary of five thousand dollars (\$5,000) per annum. He shall receive the compensation herein designated as full compensation for any and all services performed by him, and is hereby prohibited from engaging in the private practice of the law and is prohibited from accepting any fees, post, or position with any municipal, district, or public corporation whatsoever."

You also ask to be advised whether an amendment to that section which would prohibit deputy district attorneys in said county "from accepting any fees, posts, or position with any municipal, district, or public corporation whatsoever," would be valid.

You state that your reason for desiring such an amendment is that you have knowledge of a situation where a deputy district attorney also holds an appointive position as police judge in an incorporated city.

You inclose a comprehensive memorandum from the Legislative Counsel wherein the general problem involved is fully and carefully considered.

Section 5 of Article XI of the Constitution provides in part as follows:

"The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population."

Prior to the amendment of that section in 1933, it was well settled that the Legislature had no power to classify counties except for the sole purpose of regulating the compensation of county officers.

Raucer vs. Williams, 118 Cal. 401

Pratt vs. Brown, 135 Cal. 649

Chitwood vs. Hicks, 219 Cal. 175

Thus in the case of

County of San Luis Obispo vs. Graves, 84 Cal. 71.

in which it appeared that the Legislature had attempted by a clause in the County Government Act to require that all moneys collected in counties of the twenty-seventh class for licenses within the limits of any incorporated city or town should be paid over by the collecting officer to the officer authorized to receive the same to be expended as therein provided, the court said at page 75:

"That act (the County Government Act) provides for the organization, classification, and powers of the counties, and the powers, duties and compensation of county officers. The organization, powers, and duties of counties and their officers is provided for in a portion of the act which is common to all the counties. Then follows a provision classifying the counties,—a duty which the Constitution imposed upon the Legislature. The sole purpose of that classification is declared by the Constitution to be that of regulating the compensation of the officers in proportion to their duties." (Const., Art. XI, Sec. 5.)

And again it was said at page 76:

"Subdivision 15 of that section fixes the compensation of supervisors, and to this is tacked on the provision which we have above quoted, and which is wholly foreign to the section, and to the purpose for which, and for which alone, the Legislature is authorized to classify counties. It is an attempt to classify counties upon a subject and for a purpose for and in relation to which the Legislature is not authorized to make any classification. Except for the sole purpose of fixing the compensation of county officers in proportion to their duties, the duty of the Legislature was and is to 'establish a system of county governments, which shall be uniform throughout the State.' (Art. XI, Sec. 4.) The attempt to make any such discrimination as that sought to be made in this case is not only in violation of the section of the Constitution last cited, but also of Article I, Section 11, and Article IV, Section 25, Subdivisions 9 and 33."

Again in the case of

Welch vs. Bramlet, 98 Cal. 219,

the court said at page 226:

"The Legislature has not the general authority to enact laws for the counties by classes, nor is it authorized to make a classification of counties for any purpose of legislation, except for the purpose of enabling it to regulate the compensation of the county officers for whose election or appointment it shall provide. (*San Luis Obispo Co. vs. Graves*, 84 Cal. 71.) Whenever it attempts to enact a law for one or more of the counties of the State upon subjects that it is directed to provide for by general laws, or which are to form part of a uniform system for the whole State, whether such counties are designated directly by name, or by reference to a class into which they have been placed for other subjects of legislation, it infringes these provisions of the Constitution.

And in the case of

Turner vs. County of Siskiyou, 109 Cal. 332,

the court said at page 334:

"The difficulty is not removed by the fact that the counties are classified, and that the provision applies to all counties of a certain class; because, under Section 5 of Article XI counties may be classified only for the purposes of regulating the compensation of certain public officers therein enumerated. (*Dougherty vs. Austin*, supra; *Welch vs. Bramlet*, 98 Cal. 219.) In all other respects, the Legislature shall establish a system of county governments which shall be uniform throughout the State.' (Const. Art. XI, Sec. 4.)"

And in *Rauer vs. Williams*, supra, the court said at page 404:

"Therefore, in the case of those municipal corporations known as counties, the Constitution permitted a classification by population only for the purpose of fixing the compensation of officers, and strictly insisted that the system of county governments should be uniform throughout the State (Const. Art. XI, Sec. 4), and that the duties of the officers recognized by this system should likewise be prescribed by general and uniform law. (Const. Art. XI, Sec. 5.) It further declared that by general and uniform laws the Legislature should provide 'for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them or officially come into their possession.'"

And again in the same case it was said at page 405:

"The essential distinction thus to be observed between the power of the Legislature when dealing with counties and that when dealing with cities, cities and counties, or towns, is that in the former case the Legislature has not general authority to classify counties by population for purposes of legislation, and is authorized to make such classification only for the purpose of regulating the compensation of county officers, while in the latter case the Constitution, recognizing the greater intricacy in the system of government of cities, and their divergent and varying needs, has permitted them to be classified by population for purposes of legislation touching their incorporation and organization."

Since the amendment of Section 5 of Article XI, in 1933, the Legislature has possessed this same power in relation to county affairs, limited, however, as before, but by that amendment further confined to the fixing of salaries of certain county officers only, namely, boards of supervisors, district attorneys and auditors, as to whom in regulating their compensation it may classify the counties by population. As to the other county officers, as well as to all deputies of all county officers, Section 5 as so amended places with the board of supervisors of the county, and not with the Legislature, the power to determine the number of such deputies and the compensation thereof.

In the matter of duties, not only of all county officers but also of all their deputies, amended Section 5 leaves the power where it was previously vested, namely, with the Legislature, to be exercised by that body by uniform and general laws applicable throughout the State and to all counties.

While the Constitution expressly authorizes the Legislature to classify the counties by population for the purpose of regulating the salaries of county officers, it does not sanction such classification for other county purposes such as the duties of county officers, nor for other purposes unless independent of the constitutional provision the classification is based upon some natural, intrinsic or constitutional distinction. Hence it was held in *Chitwood vs. Hicks*, supra, that a law applicable to a county of the twelfth class only, that is to say, only to one county, providing that in such county, having more than one superior judge, there should be appointed by each such judge a stenographer or secretary, was special legislation and unconstitutional. On the other hand, it was held in *Noel vs. Lewis*, 35 Cal. App. 658, that an act creating the office of secretary to the superior court and making the same applicable to "all counties and cities and counties having a population of 300,000 and over" was constitutional, there being in the view of the court something in the matter of such population which sanctioned the action of the Legislature in making such provision apply where such population existed. It will, however, be noted that the Legislature there in question was not dealing with county officers, their compensation, duties or deputies.

From what has been said it would follow that the provision of Section 4242.1 of the Political Code fixing the salary of the district attorney at \$5,000 per annum and declaring that said compensation shall be in full for any and all services performed by him are valid. However, the remaining provisions in said section prohibiting the district attorney from engaging in the private practice of law and from accepting any fees, post or position with any municipal, district, or public corporation, are in our opinion unconstitutional. These latter provisions do not relate to his compensation as district attorney but rather to his duties and qualifications, matters which, as we have said are to be dealt with "by general and uniform laws", applicable, according to the cases cited, throughout the State.

What has been herein said in respect to this last matter in relation to the district attorney would be equally true as to such legislation with reference to a deputy district attorney.

For your information I enclose herewith a copy of Opinion 9889 rendered to the Honorable Francis P. Healey, District Attorney of Contra Costa County, on April 18, 1935, wherein we expressed the view that the requirement by a board of supervisors that a deputy district attorney, as a condition of service, shall not engage in private practice, would be an assumption of power exclusively reserved to the Legislature and would be illegal. But as I have indicated, any act of the Legislature designed to prohibit a deputy district attorney from accepting other private or public employment would be required to be general and uniform. In addition thereto I may say that if, and in so far as, the matter might be held to relate to the compensation of a deputy, it would not be one upon which the Legislature might legislate, but in that case the board of supervisors of the county would have power thereover by virtue of Section 5 of Article XI.

It is my opinion therefore that the proposed amendment to Section 4242.1 of the Political Code would be unconstitutional.

As already stated, one of the reasons for your proposed amendment is that a deputy district attorney in your district also holds the position of police judge, which situation you believe should be prohibited by law. In this regard, we concur with the views expressed by the Legislative Counsel that even in the absence of any legislation a deputy district attorney may not hold the office of police judge or justice of the peace.

It is at once apparent that the offices of deputy district attorney and justice of the peace are incompatible, and hence can not be held by the same person at the same time. As pointed out by the Legislative Counsel Sections 103 and 171 of the Code of Civil Procedure prohibit a justice of the peace from practicing law before any justice in the county of his residence. It would seem obvious that a deputy district attorney could not perform the duties of his office where he was prohibited by law from going into the justice's court in a misdemeanor case or appearing in the preliminary hearing or arraignment of a defendant. Moreover, conceding that a part of the work of a deputy district attorney might be performed by some other member of the district attorney's staff, it is possible and probable that cases would originate in the court presided over by the justice of the peace before whom the district attorney or a fellow deputy representing the people would appear. It would seem obvious that in such a situation, a defendant would not get that impartial hearing to which he is entitled.

Very truly yours,

U. S. WEBB, Attorney General
By ROBERT W. HARRISON, Chief Deputy

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, May 5, 1941

Honorable J. C. Garrison, Senate Chambers
State Capitol, Sacramento, California

SUBJECT: Private Practice by District Attorney
REQUEST: No. 2895

DEAR SENATOR GARRISON: We have your request in which you ask whether there is any reason why the Legislature may not prohibit a district attorney from engaging in private practice. Pursuant to this request, we attach our memorandum of opinion that the Legislature may prohibit private practice by the district attorney.

If we can be of any further service, please call upon us.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH L. KNOWLES, Assistant Counsel

MEMORANDUM

Re: *Prohibition of Private Practice by District Attorney*

QUESTION

Is there any reason why the Legislature may not prohibit a district attorney from engaging in private practice?

OPINION

In our opinion the Legislature may provide that the district attorney shall not engage in private practice during his term of office.

ANALYSIS

We have been unable to find any decisions on the constitutionality of such laws. Provisions of this nature have been in the laws affecting several counties for a number of years without challenge. In the absence of court decisions, we must look to the Constitution for what limitations it may impose.

Article XI, Section 5, of the Constitution, reads as follows:

"The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may classify the counties by population * * *."

The first sentence provides that the Legislature, by general and uniform laws shall prescribe the duties of certain county officers, including the district attorney. The second sentence provides that it shall regulate their compensation and for this purpose may classify the counties by population.

If the prohibition of private practice can be sustained, it must be either a general law relating to the duties of the office, or as a matter of regulating the compensation according to the permitted classification. The Legislature has passed no general law upon the subject, and it is, therefore, necessary to consider what matters are included in the power to regulate salaries.

A number of decisions of this State prior to 1933 hold that it is the duty of the Legislature to regulate the salaries of county officers in proportion to their duties, and as a means to this end, it shall classify the counties by population. In doing this they must consider the problems of the individual counties.

Longan vs. Solano, 65 Cal. 122

Dougherty vs. Austin, 94 Cal. 601

Summerland vs. Bicknell, 111 Cal. 567

Dwyer vs. Parker, 115 Cal. 544

The constitutional amendment of 1933 limited this power to the offices of supervisor, auditor and district attorney, and provided that the board of supervisors of the respective counties should regulate the compensation of the other officers. Since then, there have been no decisions as to the result of this change. However, the same procedure for regulating salaries has been followed since the amendment.

In regulating the compensation, the Legislature may take into account all elements which make up the services of the district attorney in the county in which he is employed. Clearly, the service varies with the population and size of the county, and the amount of business he must handle. So, too, it varies with the amount of service required of him. Where he is required to be available for full time, the compensation should be greater and this may occur in a large county with many deputies or a smaller one, with no deputies. If the Legislature determines that the conditions in the county do not require full time service, it may regulate the compensation accordingly. Likewise, it may determine that a full-time position for the district attorney will best suit the needs of the county, and it may demand that he be available for county work at all times, and compensate him accordingly.

Since the Constitution permits the classification of county by population for the purpose of regulating the compensation, this is merely exercising the power granted, and the prohibition against engaging in private practice is a declaration of the amount of service for which he is compensated.

The question as to deputies is somewhat different. The salaries and duties of the deputies must be regulated by ordinance of the board of supervisors. The legislative enactment as to them is ineffective under the provisions of Article XI, Section 5, of the Constitution, and appears to be mere surplusage. The matter of private practice by the deputy would be a subject for the board of supervisors to consider in determining the compensation to be allowed.

FRED B. WOOD
By JOSEPH L. KNOWLES

The following communication was received by the Secretary of the Senate, read, and ordered printed in the Journal:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, May 2, 1941

Joseph A. Beck, Secretary of the Senate, Sacramento, California

DEAR SIR: I have for consideration your letter to the President dated April 19, 1941, and also your letter dated April 21, 1941, to Honorable Henry L. Stimson, Secretary of War, transmitting copies of Senate Joint Resolution Nos. 15 and 19, as recently adopted by the Senate and the Assembly of the State of California.

The legislative indorsement of the proposed development of Crescent City Harbor and improvement of Bodega Bay by the United States as contained in the respective resolutions is noted and will, I may assure you, be made a matter of official record. For the Chief of Engineers:

Very respectfully,

ALBERT H. BURTON, Major, Corps of Engineers
Assistant Chief, Construction Section

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1078

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16b, relating to building and loan associations; the powers of the Building and Loan Commissioner, an association or associations, and the court when the commissioner shall be in possession and whether or not he shall be liquidating its affairs; and the power of trustees appointed by the court.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1078?

Amendment No. 1

On page 2, line 37, of the printed bill, as amended, strike out "in respect of", and insert "with respect to".

Amendment No. 2

On page 5, line 11, of the printed bill, as amended, after "court", and before the period, insert "or a different plan".

Amendment No. 3

On page 7 of the printed bill, as amended, strike out line 40, and insert "must be stayed; and the court in which the petition under this".

Amendment No. 4

On page 11 of the printed bill, as amended, strike out lines 1 to 6, both inclusive, and insert

"In any proceeding under this Section 13.16d the commissioner shall be represented by the Attorney General of the State of California or by one or more deputies

of such Attorney General. During the pendency of a proceeding under this Section 13.16d the commissioner shall not employ or engage, with respect to any association directly affected by such proceeding, or with respect to the business, property or assets of any association so affected, counsel other than the Attorney General or one or more of his deputies, or any appraisers or accountants other than appraisers or accountants who are subject to the Civil Service Laws of this State, nor employ, with respect to any such association, its business, property or assets, as additional employees in this State or to replace previous employees in this State, any person who is not subject to the Civil Service Laws of this State for any position or work for which a person subject to the Civil Service Laws of this State is available, except that if the association has entered into an agreement with a labor organization for the employing of any class of employees through the labor organization, then the commissioner shall employ additional employees, or employees replacing previous employees, who fall within a classification covered by such an agreement through the labor organization."

Amendment No. 5

On page 13 of the printed bill, as amended, between lines 32 and 33, insert

"Sec. 2. The Legislature hereby declares that this act is enacted in the exercise of the police powers of this State, for the following reasons: Approximately two hundred million dollars (\$200,000,000) is invested in building and loan associations in this State and such investments are held by several hundred thousand people, a large percentage of whom are persons of only moderate means and many of whom are executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations. Many of the funds of such associations were invested in long-term loans secured by real property. By reason of the recent depression, with resulting widespread unemployment and decline in rental and sales values, many borrowers from such associations were unable to meet their obligations to such associations. By reason of defaults of such borrowers, many associations have suffered heavy losses both in income and in net worth. In the absence of this act liquidation of assets of a value of many millions of dollars would be necessary. Such liquidation would impose severe hardships not only upon the borrowers and investors but also upon the public generally, by causing a marked decline in real estate values and a marked increase in tax delinquencies."

Also:

Amendment No. 1

On page 6, line 36, of the printed bill, as amended, after "approved", and before the comma, insert "and by the court declared operative".

Amendment No. 2

On page 9 of the printed bill, as amended, strike out lines 20 to 39, inclusive, and insert "ney General. In connection with any proceeding or plan under this Section 13.16d the commissioner shall not employ or engage (1) counsel other than the Attorney General or one or more of his deputies or (2) any appraiser or accountant other than appraisers or accountants who are subject to the Civil Service Laws of this State."

RECESS

At 3.13 p.m., on motion of Senator Shelley, the Senate recessed until 3.15 p.m., to hear from General Frank Aiken, Minister of Defense Coordination for the Irish Free State.

REASSEMBLED

At 3.15 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

FURTHER CONSIDERATION OF ASSEMBLY AMENDMENTS TO SENATE BILL NO. 1078

The question being: Shall the Senate concur in the Assembly amendments to Senate Bill No. 1078?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 3.37 p.m.

The President directed the Sergeant-at-Arms to close the doors.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1508

Assembly Bill No. 1931

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1508—An act to add Sections 5,852-1 and 5,1112 to the School Code, relating to members of the California State Teachers' Retirement System and of district retirement systems serving in the armed forces of the United States of America or of the State of California, or in the medical, nursing or ambulance service of the American Red Cross, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1931—An act to authorize the creation of a branch of the University of California at Santa Barbara, California, to abolish Santa Barbara State College, to transfer to The Regents of the University of California all properties belonging to or used for the benefit of said college, to grant to employees of Santa Barbara State College who may become employees of the University of California, certain privileges with respect to membership in retirement and pension systems, and to repeal all acts or parts of acts in conflict with this act.

Referred to Committee on Education.

Assembly Joint Resolution No. 50—Relative to memorializing the President, Congress and various officers of the United States to make funds available for the Corcoran Airport.

Request for Unanimous Consent

Senator Cunningham asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 50, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 50

Assembly Joint Resolution No. 50—Relative to memorializing the President, Congress and various officers of the United States to make funds available for the Corcoran Airport.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsens, Judah, Keating,

Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Slater, Swan, Tickle, and Wagy—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 303

Senate Bill No. 1076

Senate Bill No. 1035

Senate Bill No. 114

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 775

Senate Bill No. 1323

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 908—An act to add Section 64 to the California Nautical School Act, relating to the State Nautical School, declaring the urgency thereof, and providing that this act shall take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixth day of May, 1941, at 3 p.m.

RICH, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 698

Assembly Bill No. 2574

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 9; committee vote: Ayes 9.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 1054

Assembly Bill No. 1987

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

METZGER, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 147

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 906

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 2091

Assembly Bill No. 728

Assembly Bill No. 2015

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1058

Assembly Bill No. 2063

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 591

Senate Bill No. 416

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1219

Assembly Bill No. 1424

Assembly Bill No. 1613

Assembly Bill No. 56

Assembly Constitutional Amendment No. 5

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 398

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1678

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 2, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Joint Resolution No. 37

Assembly Joint Resolution No. 20

Assembly Joint Resolution No. 40

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported resolutions ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 202

Assembly Bill No. 471

Assembly Bill No. 203

Assembly Bill No. 533

Assembly Bill No. 204

Assembly Bill No. 587

Assembly Bill No. 211

Assembly Bill No. 901

Assembly Bill No. 431

Assembly Bill No. 1255

Assembly Bill No. 432

Assembly Bill No. 1895

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 715

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; noes 1; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 705

Assembly Bill No. 387

Senate Bill No. 1317

Assembly Bill No. 563

Senate Bill No. 293

Assembly Bill No. 329

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 211

Assembly Bill No. 657

Senate Bill No. 794

Assembly Bill No. 1001

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1407

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Above reported bill ordered to second reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.45 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1078 by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Fletcher, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Seawell, Slater, Swing, Wagy, and Ward—18.

NOES—Senators Breed, Carter, Collier, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, Myhand, Phillips, Quinn, Rich, Shelley, Swan, and Tickle—19.

MOTION TO RECONSIDER

Senator Crittenden moved to reconsider the vote whereby Assembly amendments to Senate Bill No. 1078 were refused concurrence.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Assembly amendments to Senate Bill No. 1078 were refused concurrence was continued until the next legislative day.

RESOLUTIONS

The following resolution was offered:

By Senator Carter:

Senate Resolution No. 105

WHEREAS, Agnes Estella Collins (born Simpson), the beloved wife of Richard E. Collins, veteran member and chairman of the State Board of Equalization, was called this day to her eternal reward; and

WHEREAS, Mrs. Collins, born in Millville in 1878, and educated at the Woodland Convent and married to Richard E. Collins in 1903, had been a resident of Redding for upwards of 36 years and was known and loved by countless friends and neighbors and by every member of this Legislature; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate hereby extends to her surviving husband its profound sympathy in his deep and irreparable loss; and be it further

Resolved, That a suitably engrossed copy of this resolution be transmitted by the Secretary of the Senate to Honorable Richard E. Collins; and be it further

Resolved, That when the Senate adjourns this day it do so out of respect to the memory of the late Mrs. Richard E. Collins.

Resolution read, and unanimously adopted by a rising vote.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Phillips moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 1048 was refused passage.

The roll was called, and Senate Bill No. 1048 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Seawell, Slater, Swan, Swing, and Wagye—29.

NOES—None.

Further Consideration of Senate Bill No. 1048

Senate Bill No. 1048—An act to amend School Code Section 5.820, relating to the Teachers Retirement Board.

Bill read.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "School Code".

Amendment No. 2

In line 1 of the title of the printed bill, as amended, strike out the comma, and insert "of the School Code, to repeal Sections 5.831, 5.832 and 5.833 of said code, and to add Section 5.831 to said code, all".

Amendment No. 3

In the title of the printed bill, as amended, strike out all of line 2, and insert "California State Teachers Retirement System."

Amendment No. 4

On page 2, line 35, of the printed bill, as amended, after the first word "to", insert "the".

Amendment No. 5

On page 2, line 35, of the printed bill, as amended, strike out "except as to", and insert "including the".

Amendment No. 6

On page 2 of the printed bill, as amended, following line 50, insert

"SEC. 2. School Code Sections 5.831, 5.832 and 5.833 are hereby repealed.

SEC. 3. Section 5.831 is hereby added to the School Code, to read as follows:

5.831. The retirement board shall have exclusive control of the administration of the funds created in Section 5.830 hereof. No transfers or disbursements of any amount from said funds shall be made except upon the authorization of said retirement board, as provided in Section 5.830 hereof, for the purpose of carrying into effect the provisions of this chapter."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Motion to Re-refer Senate Bill No. 1048

Senator Swan moved that Senate Bill No. 1048 be re-referred to Committee on Education.

Motion lost.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Quinn moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1764 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Bill No. 2348 be taken from the inactive file and placed on the second reading file.

Motion carried.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 104—An act amending Sections 26 and 28 of the County Employees Retirement Act of 1937, relating to retirement, declaring the urgency thereof and that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 104?

Amendment No. 1

On page 1, line 16, of the printed bill, as amended on March 7, 1941, following "or", insert "entrance into such service under".

Amendment No. 2

On page 1, lines 18 and 19, of the printed bill, as amended, strike out "of honorable discharge or placement on the inactive or reserve list or relief from such service", and insert "within 90 days after the termination of such service during such war or emergency."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 104 by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Seawell, Slater, Swan, Swing, Tickle, and Wagy—24.

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 1323—An act to amend Section 392 of the Penal Code, relating to the running of railroad trains with passenger cars ahead of freight cars.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 775—An act approving and adopting the report of the Department of Public Works on the coordinated plan for the development of the water resources of the State.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1017—An act to amend the title and to add four new sections to an act entitled "An act to provide for the creation, organization and government of water conservation districts, defining their powers and prescribing the method of exercising the same, reenacting and continuing in force the provisions of Chapter 166 of the Statutes of 1929, known as the 'Water Conservation Act of 1929,' and

validating and confirming all proceedings had and taken under the provisions of said act resulting in the organization of water conservation districts, and continuing such districts under the provisions of this act with the powers herein conferred," approved June 16, 1931, as amended, by adding thereto a new Section 81, relating to cooperative contracts with the United States, and by adding thereto a new Section 82, relating to the purchase or lease of electric energy and the construction, acquisition, operation, leasing and control of plants for the generation, distribution, sale and lease of electric energy, and by adding thereto a new Section 83, relating to right of ways for electric light and power lines, and by adding thereto a new Section 84, relating to the authorization and issuance of bonds secured in whole or in part by revenues or sources of payment designated by the board of directors other than taxes or assessments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, after "title", strike out the balance of the line, and insert "of, and to add Sections 81, 82 and 83 to an".

Amendment No. 2

In line 12 of the title of the printed bill, strike out "by adding thereto"; and strike out line 13 to and including "81".

Amendment No. 3

In line 14 of the title of the printed bill, after "States," strike out the balance of the line.

Amendment No. 4

Strike out all of line 15 of the title of the printed bill, and insert "to the purchase, lease and transmission of electric energy and".

Amendment No. 5

In line 17 of the title of the printed bill, strike out "and lease", and insert ", and transmission".

Amendment No. 6

In line 18 of the title of the printed bill, after "energy", strike out the balance of the line.

Amendment No. 7

Strike out the 19th line of the title of the printed bill.

Amendment No. 8

Strike out line 20 of the title of the printed bill, and insert "to the".

Amendment No. 9

In the last line of the title of the printed bill, strike out "other than taxes or assessments", and insert ", and providing for certain additional duties of the California Districts Securities Commission in connection therewith".

Amendment No. 10

On page 2, line 7, of the printed bill, strike out "lease", and insert "transmission".

Amendment No. 11

On page 2, line 10, of the printed bill, at the end of the line, strike out "courses", and insert "sources".

Amendment No. 12

On page 2, lines 11 and 12, of the printed bill, strike out "other than taxes or assessments", and insert ", and providing for certain additional duties of the California Districts Securities Commission in connection therewith".

Amendment No. 13

On page 2, line 30, of the printed bill, after "districts and", insert "may".

Amendment No. 14

On page 2 of the printed bill, at the beginning of line 52, strike out "act", and insert "section".

Amendment No. 15

On page 3, line 35, of the printed bill, strike out "lease", and insert "transmission".

Amendment No. 16

On page 3, line 38, of the printed bill, strike out "power", and insert "electric energy".

Amendment No. 17

On page 3, line 39, of the printed bill, after "in", strike out "said", and insert "this".

Amendment No. 18

On page 3, line 40, of the printed bill, strike out "power", and insert "electric energy".

Amendment No. 19

On page 3, line 42, of the printed bill, strike out "power", and insert "electric energy".

Amendment No. 20

On page 3, line 44, of the printed bill, strike out "governing board or body", and insert "board of directors".

Amendment No. 20a

On page 3 of the printed bill, strike out lines 50 to 52, inclusive; and on page 4, strike out lines 1 to 21, inclusive.

Amendment No. 20b

On page 4, line 22, of the printed bill, strike out "84", and insert "83".

Amendment No. 21

On page 4, line 24, of the printed bill, strike out "courses", and insert "sources".

Amendment No. 22

On page 4, line 43, of the printed bill, after "water", insert "conservation".

Amendment No. 23

On page 5, line 20, of the printed bill, strike out "governing body or board", and insert "board of directors".

Amendment No. 24

On page 5, line 52, of the printed bill, strike out "in", and insert "by".

Amendment No. 25

On page 6, line 11, of the printed bill, strike out the semicolon and the rest of said line, and insert " , provided that".

Amendment No. 26

On page 6, line 12, of the printed bill, strike out "petition", and insert "petitioners".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

Senate Bill No. 691—An act to amend Section 48 of the California Irrigation District Act, relating to irrigation district assessments and land sold or deeded or both for delinquency therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 48 of", and insert "add Section 52½ to".

Amendment No. 2

In line 2 of the title of the printed bill, after "to", insert "credits on and payments of".

Amendment No. 3

Strike out line 3 of the title of the printed bill, and insert "the finality thereof."

Amendment No. 4

On page 1 of the printed bill, strike out lines 1 to 19, inclusive, and insert "SECTION 1. Section 52½ is hereby added to the act cited in the title hereof to read as follows:

Sec. 52½. No credit on or payment of any irrigation district assessment made pursuant to the provisions of Section 52a of the California Irrigation District Act prior to its repeal may be canceled or set aside and no action or proceeding, including an action or proceeding by the State, the irrigation district involved, any other public agency, or any officer of any of them, may be brought to contest the validity of the credit or payment unless the action or proceeding is commenced within one year after the effective date of this act. This section is not intended to revive any cause of action heretofore barred by any other statute of limitations."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 189—An act to amend Section 750 of the Vehicle Code, relating to color of uniforms and vehicles of enforcement officers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 8 to 10, inclusive, and insert "and if such officer while so on duty uses a motor vehicle such vehicle must be painted a distinctive color specified by the department except investigators or any officer engaged at the time only in auto theft duty."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 930—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Bill read second time, and ordered to third reading.

Senate Bill No. 227—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense

by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read second time, and ordered to third reading.

Senate Bill No. 963—An act to amend Section 5502 of, and to add Sections 5500.1 and 5502.5 to the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2543—An act to add Section 604.10 to the Vehicle Code, relating to the transportation, care and treatment of persons injured upon the highways.

Bill read second time.

Motion to Amend

Senator Carter moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 17, of the printed bill, as amended, strike out "doctor", and insert "physician and surgeon".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Joint Resolution No. 11—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens against want or poverty by means of a system of Federal old-age pensions.

Resolution read, and ordered to third reading.

MOTION TO RE-REFER SENATE BILL NO. 100

Senator Mayo moved that Senate Bill No. 100 be re-referred to Committee on Fish and Game.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 1038—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor.

Bill read third time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "probably".

Amendment No. 2

On page 1, line 11, of the printed bill, as amended, strike out "such".

Amendment No. 3

On page 2, line 35, of the printed bill, as amended, after "dissolution", insert ", and if he does not do so, his claim shall be conclusively presumed to be barred by the statute of limitations".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Joint Resolution No. 11—Relative to memorializing the President and Congress to enact legislation to secure all aged citizens against want or poverty by means of a system of Federal old-age pensions.

Resolution read.

Motion to Re-refer Assembly Joint Resolution No. 11

Senator Tickle moved that Assembly Joint Resolution No. 11 be re-referred to Committee on Welfare and Institutions.

Substitute Motion

Senator Keating moved, as a substitute motion, that Assembly Joint Resolution No. 11 be re-referred to Committee on Finance.

Motion lost.

The question being on Senator Tickle's motion to re-refer Assembly Joint Resolution No. 11 to Committee on Welfare and Institutions.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 298—An act to amend Sections 103, 112 and 113 and to repeal Sections 109 and 114 of the Welfare and Institutions Code, relating to the Department of Social Welfare.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2140 and 2141", and insert "114, 1560 and 3078".

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 2, 3, 4, 5 and 6, and insert "and to repeal Section 2023 of the Welfare and Institutions Code, relating to the powers of the State Department of Social Welfare and the administration of, and money available for, the public assistance programs financed by the State and the counties."

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "2140", and insert "114".

Amendment No. 4

On page 1 of the printed bill, as amended, at line 3, insert

"114. In administering any funds appropriated or made available to the department for disbursement through the counties for welfare purposes, the department shall:

(a) Require as a condition for receiving such grants in aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish rules and regulations, not in conflict with law or the policies formulated by the board, defining and controlling the conditions under which State aid may be granted or refused.

(c) Terminate any grants in aid made from such funds to any county for costs of administration if the laws [providing] administered by means of such grants, or the minimum standards prescribed by the board, are not complied with by the county or its officers or employees.

SEC. 2. Section 1560 of said code is hereby amended to read as follows:

1560. The State Department of Social Welfare shall: (a) make rules and regulations for the proper maintenance and care of needy children; (b) make rules and regulations for the administration of aid to needy children; (c) inquire, at any time, into the management of any institution receiving aid under the provisions of this chapter, or into the management, by any county, of aid to needy children. Such rules and regulations shall be binding upon the institutions and counties.

If compliance by an institution [or county] with the provisions of this chapter and the rules and regulations of the State Department of Social Welfare can not be enforced in any other manner, the institution [or county] refusing to comply with such provisions, rules and regulations or to permit the inquiry provided for in this section shall not thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules and regulations and has permitted the inquiry by the State Department of Social Welfare, if such inquiry is demanded.

SEC. 3. Section 2023 of said code is hereby repealed.

SEC. 4. Section 3078 of said code is hereby amended to read as follows:

3078. The Chief of the Division for the Blind in the Department of Social Welfare may, on behalf of the State, at any time inquire into the management by any county of aid to blind persons under the provisions of this chapter.

If at any time the Department of Social Welfare has reason to believe that aid to the needy blind has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears, upon the inquiry, that the aid has been obtained improperly it shall be canceled by the Department of Social Welfare and if it appears that aid was obtained properly, the suspended payment shall be payable.

Any person dissatisfied with the action of the Department of Social Welfare in suspending or canceling aid, may appeal to the State Social Welfare Board and upon such appeal shall be granted an opportunity for a fair hearing.

[Any county which refuses, upon due demand, to permit such inquiry or to comply with any provision of this chapter, shall not thereafter receive any aid or reimbursement from the State under the provisions of this chapter until it has complied with all the requirements of this chapter.]"

Amendment No. 5

On page 1 of the printed bill, as amended, strike out lines 22 and 23; and strike out all of pages 2, 3 and 4.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1325—An act to amend Section 133 of the Civil Code, relating to entry of final judgment in divorce cases.

Above bill ordered to unfinished business file.

Senate Bill No. 1328—An act to amend Sections 737xx, 4248d and 4248h, and to repeal Sections 4248a, 4248b, 4248c, 4248e, 4248f, 4248g, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248q, 4248t, 4248u and 4248v of the Political Code, relating to compensation of public officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 303—An act to amend Section 4243 of the Political Code, relating to salaries and compensation for public services in counties of the fourteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1076—An act to amend Section 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1322—An act to add Section 651 to the Penal Code, relating to traffic in Federal order stamps, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An act to create a Department of Corrections to administer the penal system of this State, to transfer to it certain correctional institutions and the functions of the Board of Prison Terms and Paroles, and to repeal acts and parts of acts specified herein.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 5 of the printed bill, as amended, between lines 21 and 22, insert "Nothing in this act shall supersede or abolish any function vested in the Advisory Pardon Board by other provisions of law."

Amendment read and adopted.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out lines 34 and 35.

Amendment No. 2

On page 3, lines 37 and 38, of the printed bill, as amended, strike out "Board of Prison Directors", and insert "Governor".

Amendment No. 3

On page 4, line 11, of the printed bill, as amended, strike out "Board", and insert "Division".

Amendment No. 4

On page 4, lines 15 and 16, of the printed bill, as amended, strike out "Section 1168 of".

Amendment No. 5

On page 4, line 48, of the printed bill, as amended, strike out "Sec. 1168 of".

Amendments read.

Previous Question

Senator Myhand moved the previous question.

Motion carried.

The question being on the adoption of the amendments offered by Senator Phillips.

Amendments adopted.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 21, of the printed bill, as amended, strike out ", to allow time credit reduce-"; and strike out all of line 22; and in line 23, strike out "and conduct".

Amendment read and adopted.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 40, of the printed bill, strike out "The terms of the members of the"; and strike out all of lines 41 to 44, inclusive, and insert "The members in office at the time this act takes effect shall continue to hold office in accordance with the terms of their commission".

Amendment read and adopted.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

On page 5 of the printed bill, strike out lines 51 and 52.

Amendment No. 2

On page 6, lines 6 and 7, of the printed bill, strike out "Ventura School for Girls".

Amendments read.

Roll Call Demanded

Senators McBride, Gordon and Phillips demanded a roll call.
The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried. Time, 5.15 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Rich moved that Assembly Bill No. 663 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Crittenden moved that Senate Bill No. 663 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to retain Senate Bill No. 824 on third reading file until the next legislative day.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2490

Senator DeLap moved that Assembly Bill No. 2490 be re-referred to Committee on Local Government.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 1390 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 163—An act to amend Sections 342 and 367 of the Agricultural Code, relating to live stock marks and brands.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended in the Senate on May 1, 1941, after the period, strike out the remainder of line 14, and all of line 15.

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1442—An act to provide for the organization, incorporation and government of joint municipal sewage disposal districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of sewage disposal systems and to levy

and collect taxes to pay the principal and interest thereon, and authorizing such districts to issue revenue bonds for the acquisition and construction of sewage disposal systems, and for the fixing, collecting and application of rates and charges for the use of sewage disposal systems.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 33 of the printed bill, strike out lines 4 to 37, inclusive, and insert "Sec. 106. No municipality or portion thereof shall be annexed to the district unless the legislative body thereof shall by resolution consent thereto."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 128—An act to add Section 96.5 to the State Civil Service Act, relating to State civil service employees, declaring the urgency of this act and that it shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Motion to Reconsider

Senator Tickle moved to reconsider the vote whereby Assembly Bill No. 128 was passed.

Postponement of Reconsideration

On motion of Senator Tickle, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 128 was passed, was continued until the next legislative day.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.27 p.m., on motion of Senator Garrison, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the amendments offered by Senator Garrison to Senate Bill No. 151 were refused adoption by the following vote:

AYES—Senators Carter, Dillinger, Fletcher, Foley, Garrison, McBride, Quinn, Swan, Wagy, and Ward—10.

NOES—Senators Breed, Crittenden, Cunningham, DeLap, Gordon, Judah, Keating, Mayo, McCormack, Mixer, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swing, and Tickle—18.

**FURTHER CONSIDERATION OF AMENDMENTS
TO SENATE BILL NO. 151**

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 6 of the printed bill, strike out lines 17 to 20, inclusive.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

ADJOURNMENT

At 5.35 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 7, 1941, out of respect to the memory of the late Mrs. Richard E. Collins.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 7, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Josiah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Luckey, on motion of Senator Jespersen.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Geo. D. Dub of Bartlett.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Louie Cavanna of Merced.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Arnold Claus, Secretary, San Diego Chamber of Commerce, San Diego.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Kent C. Fuller of Needles.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Duane Vosburg, principal, Mrs. Duane Vosburg, Mrs. Ruth H. Domecq, Mrs. M. L. Goodwill, Lester Bowman, and the following eighth grade students of the Empire Grammar School, Empire, Stanislaus County: Edward Akins, Dorothy Andrews, Hilda Barnettler, Juanita Barrick, Tenabell Bonsack, Anthony Cabral, Carla Carter, John Cotton, Betty Jean Cover, Patricia Crews, Dorothy Cunningham, Neil Cupp, Jimmy Da Braco, Selby Dye, Richard French, Luava Fulmer, Carl Harms, Margaret Heisel, Genevieve Irwin, Evelyn Jamison, Norman Johnson, Wilma McCoy, Barbara Miller, Margaret Miranda, Marilyn Monaco, Kathryn Motter, Harry Peters, Allen Porter, Vernadine Richardson, Vern Roberts, Joyce Robirds, Eldon Root, Phyllis Sayre, Erma Schutte, La June Smith, Ada Mae Walters, Kenneth Weimer, Loren Welsh, Richard Wood, James Yamasaki, Harry York, Raymond York, and Randell Young.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Presley Lancaster, Jr., of Santa Barbara.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bertram McLees, Jr., Deputy District Attorney of San Diego.

On request of Senators Rich, Swing, Mixter and Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Black, Stone L. Virene, San Bernardino County; James Black, Napa County; C. E. Brann, Solano County; H. Allen Craig, Tulare County, and C. E. Lawson, Lassen County, all members of the House of Delegates of the California Farm Bureau Federation.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Barbara Stafford, teacher; Mesdames G. Goodell, R. Armstrong, J. Cavitt, C. Smith and C. Gallagher, and the following seventh grade students of Granite School, Folsom: William Smith, William Wahr, Ollie Dudley, Gerald Landrum, Lyelle Landrum, Harold Rhyme, Jessie Cavitt, Garno Kipp, Garland Potter, Phyllis Garvey, Theresa Albertano, Frances Buljan, Louise Vincent, Charles Gallagher, George Goodell, Francis Mendes, Norvin Kyburz, Philip Armstrong, June Hawes, Marie McKiernan, Rose Marie Voss, Robert Walden, Donald Brekke, Ted Castro, Wendell Van Winkle, Leroy Conley, Doris Landrum.

On request of Senators Ward and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Verna Russell and Miss Victoria White of Los Angeles.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 6, 1941

To the Honorable Members of the Senate of the California Legislature

GREETINGS: I return herewith, without my signature, Senate Bill No. 133, entitled:

"An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502, 2557 and 2558 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 to 2641, inclusive, and Article 7, comprising Sections 2650 to 2659, inclusive, to Chapter 2 of Division 4 of, the

Welfare and Institutions Code and repealing acts and parts of acts specified herein; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted, prohibiting political activities in connection therewith; penalizing violations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administrator to the State Department of Social Welfare and transferring relief cases to county administration."

My objections to this bill are generally and specifically as follows:

1. It is, in its last analysis, a regressive measure of public assistance which ignores the economic problem presented by mass unemployment. Its conception is that citizens displaced from employment, anxious but unable to obtain reemployment, should be classed as paupers, to receive a pauper's dole provided through a maze of legal uncertainties. The first section of the bill so characterizes it in providing that the words "needy person," as used in the act, and the word "indigent," which has always been the word used in the antiquated pauper laws, are synonymous terms. Employables are classified with helpless unemployables by this bill, and hope for their rehabilitation would be blighted by its passage.

2. The problem of mass unemployment is not only State-wide but Nation-wide, and such a bill as this, ignoring the problem and leaving public assistance for the relief which it requires largely to the administrative discretion of the several counties, would mean that the State of California admits its impotence and that it has no intention of inaugurating any constructive program that will give promise of contributing to a solution of the problem of unemployment. The fact that this problem is temporarily less acute than it was before we entered upon a war economy, involving the expenditure of billions of Federal funds in preparedness for National defense, should not cause us to lose sight of the fact that the greatest problem of Government in the maintenance of our Democracy is to find the way to provide general and continuous employment for all of its citizens able and willing to work, and at a decent standard of living. During the temporary decline in the unemployment relief load which we now experience, and may experience to a larger extent during the next two or three years with a continuance of the coordinated efforts of the State Relief Administration and the Department of Employment to procure employment of persons forced to seek Government relief, we should be planning, on a State-wide basis, for the absorption into useful and productive employment the employable unemployed (running into hundreds of thousands of cases) who must be provided for upon the termination of the Defense Program and the restoration of peace time conditions. This bill turns away from all such considerations.

3. A centralized State administration of unemployment relief, for which the people voted in adopting Article XVI, Section 10 of the Constitution, should be maintained, rather than an administration of State appropriations for that purpose by the 58 separate counties of the State, with minimum control over their independent policies and standards. County lines and provincial differences are obstructions to a comprehensive, properly standardized and equitable Unemployment Relief Program.

4. The distribution of surplus commodities and WPA produced clothing, the School Lunch Program, and the administration of the Federal Food Stamp Plan, now being conducted by the State Relief Administration under Federal guidance, and which must be done through a central State agency, would be impossible under this bill. It is no answer to say that another agency, which has no organization for this purpose, could handle these now established programs of commodity distribution to those in need.

5. The complex operations of determining eligibility, caring for need, including medical assistance, providing for employment, sponsoring work projects, administering camp care, aiding self help cooperatives, handling accounting and distributing surplus commodities, issuing Federal stamps, constitute an administrative problem of great magnitude that can be handled most efficiently and equitably by a centralized agency, integrating and coordinating the efforts of the Federal Government, the several State departments, county welfare bureaus and private agencies.

A careful analysis of the provisions of Senate Bill No. 133 leads to the conclusion that operations under it and supplementary bills would produce unending confusion and inefficiencies.

6. Civic and welfare agencies which have studied the question of a State-County Integrated Social Welfare Program from a purely administrative standpoint, are agreed on the proposition that strong State supervision would be necessary to prevent chaos in local administration. The provisions of Senate Bill No. 133 give only nominal recognition of this proposition. In one section it designates the Department of Social Welfare as a "supervising" agency. In other sections, dealing with county acceptance, involved arbitration and the removal of powers to enforce

State standards, it expressly obstructs and prevents any effective supervision by that department.

7. Section 2559 ostensibly gives the State Department of Social Welfare the power to fix for each county maximum relief case budgets and "minimum standards of relief." Nothing is said about minimum budgets. County supervisors are given power to establish their own policies within the range of these limits. This section provides that budgets shall be no more than sufficient to maintain a needy person and his dependents "in accordance with minimum living standards of the community in which he lives," but the bill does not guarantee even this minimum standard. It only makes certain that no more shall be allowed than enough to meet this minimum living standard of the community, which minimum living standard is undefined and uncertain. The possibility is also presented of two or more standards being applied in a single county of several communities.

8. Under the provisions of Section 2640 the ostensible power of the State Department of Social Welfare to establish and maintain standards under Section 2559 is qualified and weakened to the point of ineffectiveness. No budgets and standards become effective until they have been approved by the boards of supervisors themselves. If a board of supervisors refuses to approve standards established by the department, an arbitration board is provided for. To this arbitration board would be referred all disputed budgets and standards for hearing and decision. This board may then approve, reject or modify disputed budgets and standards by a majority vote. Its decision would be final and binding upon both the State Department of Social Welfare and the county. Since a board is provided for each county in which such a dispute arises, and since the decision of each local board would be final, the provisions for some degree of uniformity of standards within the limits provided in Section 2559 of the bill are practically defeated. The fact that no effective enforcement of general standards is contemplated is made apparent by Section 2641, which specifically provides that Sections 114, 115 and 116 of the Welfare and Institutions Code do not apply. These sections of the code provide, among other things, that the State may terminate grants in aid to any county if minimum standards prescribed by the Department of Social Welfare are not complied with. The elimination of these provisions practically nullifies the powers of the Department of Social Welfare to enforce rules and regulations controlling the counties in the administration of relief.

9. This bill does not define need nor does it assure the enforcement of uniform regulations governing the relief thereof which would be binding on all the counties. Any department ruling on need can be challenged by the counties and thus made subject to numerous county arbitration proceedings. Moreover, even after a standard of need is agreed upon, considerable discretion rests with county administration, as indicated by Section 2563 (which reads in part) "To secure relief under this chapter, an applicant shall prove to the *satisfaction of the county*, his eligibility therefor, including his eligibility as to need * * *". Under this provision it may prove extremely difficult for needy migrant workers to satisfy the interpretation of need applied by some county agents.

10. Of interest also is Section 2568 which reads: "No person shall be entitled to relief under the chapter who refuses to accept employment when the same is available, unless the county welfare director upon his own investigation certifies in writing to the board of supervisors and the department that such person was justified in refusing to accept such employment." It can not be expected that all of the county welfare directors in the State would have the same attitude toward making such certifications, particularly in situations involving labor disputes and when they are hard pressed by conflicting local interests. The result, undoubtedly, would be conflicting local policies.

11. Section 2501 provides for emergency care of persons who do not meet residential and alien requirements of the bill. Under this section, counties may provide emergency care for one period of not more than 90 days at State expense and at standards imposed by the Department of Social Welfare. If the emergency extends for more than 90 days, such persons become the sole responsibility of the county, in which case the county may determine, without supervision, the standards of relief provided. Under this section, one class of persons would receive emergency aid on a State standard, and an identical group of persons in the same county would receive assistance at a level established by the board of supervisors in the county. It would be theoretically possible to have 59 standards of emergency relief in California—one State standard and 58 county standards.

12. Section 2651 makes possible a discrimination between two classes of cases that may require medical or surgical treatment, hospital or nursing care and corrective appliances. Such persons who have a State residence but who have not acquired a county residence are a responsibility of the State. Since State money exclusively is provided for their care, it appears that the Department of Social Welfare could establish standards. Persons needing medical services, however, who have gained county residence are the sole financial responsibility of the county, and this bill specifically states that the county shall be the sole determinant of the standards of assistance they receive. As in the case above, 59 standards of care could result.

13. Because the bill allows for considerable variation in local policies, the effect would be discriminatory as between needy citizens in various parts of the State. Laws should be uniform in their operation. A man eligible for relief in San Francisco should be eligible for relief in Los Angeles County, San Diego County, San Benito County, Inyo County, and every other county in California. No other policy for the expenditure of State funds can be justified. The same statement applies to minimum standards of relief. Even if no consideration is given to the humanitarian phase, uniformity of eligibility and standards is required to prevent one county or a group of counties from throwing an unfair financial burden on other counties and on the State.

Under the provisions of this bill these situations could result:

(a) An applicant who has State residence but no county residence might apply in one county, have his application rejected and move to another county with more liberal eligibility requirements and there be granted relief. The applicant would be the financial responsibility of the State for one year, after which he would become a resident of the more liberal county, which would thereafter be responsible for its share of his support.

(b) An applicant who has a residence in one county and whose application for relief has been rejected in that county might move into another county where eligibility requirements and aid were more liberally administered. Such an applicant would be the financial responsibility of the first county for one year (although it may dispute reimbursing the aid extended by the second county) after which the applicant would become a resident of the second county; thereafter it would become responsible for the county share of his support. Even if an applicant were accepted by the first county, he may move to the second county, attracted by the fact that its relief budgets provide a better standard of subsistence.

The unfair, inequitable distribution of financial cost that could result from such movements of relief applicants and recipients are at once apparent. Such movements would inevitably be toward the counties with more liberal standards of eligibility and relief. These would be forced to bear more than their fair share of responsibility for the relief load or reduce their own standards and, incidentally, accept additions to their indigent populations.

According to figures furnished by the State Department of Social Welfare, payments for indigent aid in the counties now range from an average of \$2.95 to \$13.51 per person per month in family cases. If such disparity in standards of indigent relief (which can not be condoned) has operated without great confusion, it is because indigents are unemployable and without the freedom of movement enjoyed by employable persons. This bill, as heretofore noted, classifies employables as indigents and would subject them to similar disparities in county administered relief, but such disparities would encourage rather than deter them from crossing county lines.

14. This bill is in the form of a series of amendments to the indigent provisions in the Welfare and Institutions Code. Sections 2601 through 2605 are therefore applicable, although not specifically set forth.

Section 2601 provides that as a condition to the grant or continuation of aid, the board of supervisors may require as security therefor that the applicant transfer or grant to it such property or interest in property as the applicant has, or such portion thereof or estate therein or lien thereon as the board specifies and that such property shall be managed by the board. It further provides that any such property, interest or lien shall be held by the board subject to the claim of the county for reimbursement for aid granted to the applicant.

Section 2602 provides for the sale of the indigent's personal property, upon death, in connection with county claims for reimbursement.

Section 2603 provides that: "If a person for the support of whom public moneys have been expended acquires property, the county shall have a claim against him to the amount of a reasonable charge for moneys so expended and such claim shall be enforced by action against him by the district attorney of the county on request of the board of supervisors. In a proper case therefor the district attorney shall apply to the proper court for the appointment of a guardian of the person or estate, or both, of the indigent."

Whatever may be said in support of these policies as a protection to the counties when they advance aid to the chronically indigent, these provisions are in direct conflict with the policies which heretofore have prevailed in connection with unemployment relief. The theory of constitutional provisions and all previous legislation for unemployment relief has been that it is extended for the purpose of carrying distressed persons who are temporarily out of a job through relatively short periods of hardship due to that fact. It has been considered socially and economically desirable to assist them to become self-sustaining as soon as possible.

Under the present law no liens have been authorized or taken against their small belongings and no claims have been made against property subsequently acquired by them. On the contrary, it has been the policy to encourage reemploy-

ment and the acquisition of property at the earliest moment in order to rehabilitate the individual and relieve the State relief rolls.

The application of the provisions cited to needy employables would undoubtedly produce an opposite result. An indebtedness could be charged against them, as in the case of chronic indigents, for relief advanced. Liens might be taken against limited property holdings. I believe that the existence and application of such provisions to the cases of needy employables would constitute a serious handicap to their rehabilitation, their acquisition of a home and their reabsorption into normal economic enterprise.

Certainly no member of the Legislature has forgotten the difficulties encountered in the 1939 Session when less stringent lien provisions were incorporated in the Old Age Security Act. It was in the light of that unfortunate experience that such provisions were removed from that act and it would seem that considerations of a like nature should govern the instant situation, at least as it affects employables.

15. The residence provisions of this bill would change existing law as it now applies to both unemployment relief and county indigent relief. Persons who now can prove three years physical presence in the State are qualified for unemployment relief. This bill changes that provision to three years *independent* residence, during which time the applicant must have continuously supported himself without the help of public or private charity, friends, or even relatives, except those legally responsible for his support. Furthermore, if his residence in California began subsequent to June 1, 1940, he must prove five years independent residence. This latter provision for five years residence would, of course, also apply to unemployable indigents. There are several clauses preserving the relief status of persons on SRA aid up to March 31, 1941, but the independent residence provisions would apply prospectively to needy employables as well as unemployables. The application of the provision of independent residence as distinguished from the present policy (for employables) of three years physical presence will in the future disqualify an increasing number of applicants who would be eligible for unemployment relief under existing law.

These cases could be relieved on an emergency basis under the provisions of Section 2501, but would press in increasing numbers upon already overburdened private welfare agencies for a more permanent solution of their problem.

The complex residential provisions of this bill may not prohibit the mobility of labor necessary to care for seasonal agricultural needs and to man vital defense industries, but they would cause great confusion in the administration of relief and result in continuous controversy between the various counties and between the counties and the State.

16. It is noted that the total relief allowance provided under Section 2560 (cash or kind) is limited to \$58 per month per family. Any further aid may be extended to extraordinary cases only. I have consistently opposed the establishment of such a relief ceiling. The experience with respect to such ceiling developed by the State Relief Administration under Chapters 12 and 45 of the 1940 Statutes, demonstrates the bad social policy inherent in freezing the maximum ordinary budget to the sum stipulated. However inadequate this budget maximum has been during the past year, its inadequacies would prove much greater and more harmful during this period of rising living costs.

17. Evidently recognizing the merits of a State-wide Works Program and some provision for camp care even in this proposed decentralized relief administration measure, the bill contemplates the passage of another bill designated as the "Public Works Act of 1941" apparently referring to Senate Bill No. 197 now pending before the Legislature. That bill in its present form provides for the transfer of the operation of relief camps to the State Department of Public Works and purports to provide for the employment of relief recipients on public works under the administration of that department. Employment of relief recipients could not be accomplished under that bill (Senate Bill No. 197) because, under the civil service provisions of the Constitution, neither the Department of Public Works nor any other department of the State Government, mentioned in that bill, except the State Relief Administration can legally employ any persons who are not in the State civil service. Therefore, no Works Program for the unemployed is possible under Senate Bill No. 133. It would enforce continuance of the cash dole but upon lower standards than the bare subsistence basis heretofore established.

18. This Senate Bill No. 133 is tied in with, and its last section provides, that it shall not take effect "unless the Old Age Assistance Act of 1941 is in effect on the date this bill would become effective and that this Old Age Assistance Act shall provide that the State shall bear not less than two-thirds and the counties not more than one-third of the costs of aid under the Old Age Security Law after the deduction from such costs of the amount of the Federal grant, and (ii) an appropriation for such costs shall have been made."

The subject of unemployment relief, appropriations therefor and their administration, and the subject of financing old age assistance provided for by the Old Age Security Act, are two separate subjects. Measures dealing with these separate subjects should be considered separately and on their respective merits from the standpoint of sound public policy and statesmanlike consideration of the general welfare.

The above-mentioned provision, however, prompts me to here reiterate what I have publicly announced before on many occasions, that I believe the burden of maintaining one-half of the non-Federal cost of aged aid has become too heavy on county taxpayers and that it is now possible for the State, in view of our increasing State revenues, notwithstanding a heavy State deficit, to undertake a larger proportion of the cost of old age assistance. But it is not necessary for either the counties or the State to swallow so objectionable a bill as Senate Bill No. 133 in order to provide for the assumption of a larger proportion of old age assistance by the State Government. Upon the rejection of this bill through a sustaining of this veto by the Legislature, I shall welcome, and in that event will recommend, the passage of a bill providing for payment by the State of 70 per cent and by the counties of 30 per cent of the total of California's cost of aid to the aged instead of each paying one-half of that cost as now provided in the Old Age Security Act.

In closing this veto message, it is pertinent to mention the fact that although during the past two years a veritable campaign has been conducted against the State Relief Administration, with openly hostile investigations of all its administrative agencies and employments, not one act of corruption has been found to have been committed by any person employed in that Administration. I am advised by the Relief Administrator that in the administration of the Federal Stamp Plan he discovered some time ago a few discrepancies on the part of a few minor employees, who have been dismissed and prosecuted therefor. Occasional confusions have been created in the public mind by publicity seeking individuals, whose connection with the Administration has been discontinued for the good of the service, and by some troublesome subversive elements. California has had a clean, honest administration of appropriations made for its unemployment relief. Costs of administration have been constantly reduced. The number of relief chiselers has been negligible, and the Administration's careful investigations constantly carried on to discover them have brought them to justice and prosecution.

At present the number of administrative employees is at an all-time low. This, despite the fact that reduction of WPA quotas in California have recently somewhat increased the case load. The latest available figures show that the administrative expenditures are averaging for 1941 approximately 12.5 per cent, or 2.5 per cent below the maximum fixed in the present law.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 5, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: On March 26th I advised you that the appropriation contained in Assembly Bill No. 253 was insufficient to cover unemployment relief needs for the fourth quarter of the current fiscal year and that the amount should have been \$4,617,000 instead of \$2,042,000 a difference of \$2,575,000 (page 711 of the Senate Journal). You did not see fit to heed my recommendation and enacted this bill at the lower figure.

The present relief load of approximately 39,000 cases is 3,000 cases in excess of the best estimates of the Relief Administration and the Department of Finance, despite all efforts by the Administration and the Department of Employment to return persons on the rolls to private employment. This is due to the fact that farm employment has been delayed by stormy weather and that the Work Projects Administration quotas have been drastically curtailed, reducing the number of cases closed by the SRA to the WPA and returning many of the cases eliminated by the WPA to the SRA rolls. The WPA rolls have been reduced in excess of 14,000 cases in the past two months.

Expenditures for the month of April total approximately \$2,057,000 as against an original estimate of \$2,044,000. Although expenditures for direct relief total \$125,000 in excess of estimates, strict economy in administration and increased collections of board from WPA workers in single men's camps have held the net increase in total expenditures to approximately \$13,000. The number of employees of the Relief Administration has been reduced to 2,595 as of April 30th (including approximately 200 separated as of the termination of their vacations), and the total administrative costs have been reduced to a much lower figure than at any previous date in the history of this agency.

After reservation for April expenditures unpaid on May 1st, a balance of approximately \$560,000 remains which is estimated to last until May 10th. This does not include the amount of \$650,000 set aside as a Federal Stamp Revolving Fund which the Attorney General has just advised is not available for expenditure or encumbrance for any other purpose.

I therefore recommend again that an additional appropriation of \$2,575,000 be granted immediately for the balance of the fourth quarter and that a separate

revolving fund be appropriated to release the \$650,000 mentioned above. It appears that the first item can be best accomplished by Assembly Bill No. 1910 and the second by Senate Bill No. 1165. One or both of these bills must be enacted into law by May 7th to prevent the stoppage of relief disbursements.

You are therefore advised that:

ASSEMBLY BILL No. 1910

"An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately", and

SENATE BILL No. 1165

"An act to add Section 2.5 to the California Unemployment Relief Act of 1935, establishing a revolving fund for use in the operation of the Federal Stamp Plan, making an appropriation therefor, declaring the urgency thereof, to take effect immediately",

in my opinion constitute emergency bills within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

COMMUNICATIONS

The following communication was received by the Secretary of the Senate, read, and ordered printed in the Journal:

NAVY DEPARTMENT, OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, May 2, 1941

Mr. J. A. Beek

*Secretary of the Senate, State of California
Sacramento, California*

MY DEAR MR. BEEK: Your letter of April 21, 1941, addressed to the Secretary of the Navy, transmitting by Senate direction, copies of Senate Joint Resolutions Nos. 15 and 19, adopted by the Senate and the Assembly of the State of California, for improvement to the harbors at Crescent City and Bodega Bay, has been referred to this office.

The Navy Department appreciates the receipt of the joint resolutions for the proposed improvements to the harbor at Crescent City and to Bodega Bay which will provide additional harbors and will undeniably be of some benefit to the operation of small Naval craft off the California Coast north of San Francisco.

Sincerely yours,

C. C. HARTIGAN, Captain, U. S. Navy, By Direction

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 23

Senate Concurrent Resolution No. 33

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1186

Assembly Bill No. 1358

Assembly Bill No. 1120

Assembly Bill No. 1728

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 25

Assembly Concurrent Resolution No. 39

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 40

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1120—An act to add Section 219.1 to the Penal Code, relating to the unlawful wrecking of motor vehicles operated by a common carrier and prescribing the punishment therefor.

Referred to Committee on Judiciary.

Assembly Bill No. 1186—An act granting in trust to the City and County of San Francisco the interest of the State in and to, and the control and management of the Harbor of San Francisco, as described in the act; providing for the disposition of revenues derived from the operation of said harbor; providing for the sale of bonds authorized but not sold; providing for the payment of interest on bonds, and for the redemption of bonds; fixing the terms and conditions of the grant; providing for the issuance of a proclamation by the Governor; providing for the continuation in service of employees and entitling them to the benefits of the civil service provisions of the charter of the City and County of San Francisco; providing that the members of the State Board of Harbor Commissioners shall be continued in office as members of the board, commission or public officers vested with the management of said harbor until their respective terms as members of the State Board of Harbor Commissioners shall expire.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1358—An act quitclaiming to the City of Oakland the interest of the State of California arising by virtue of tax deeds in and to certain salt marsh, tide and submerged lands.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1728—An act to defer final assessment and determination of sales and use taxes in certain instances, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Concurrent Resolution No. 39—Relative to providing suitable space and facilities for the office of the Attorney General in the Library and Courts Building.

Referred to Committee on Governmental Efficiency.

Assembly Concurrent Resolution No. 40—Relative to suspension of Joint Rule No. 10.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 40, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 40

Assembly Concurrent Resolution No. 40—Relative to suspension of Joint Rule No. 10.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Wagy, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Joint Resolution No. 25—Relative to the sewing projects of the Work Projects Administration.

Request for Unanimous Consent

Senator Swing asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 25, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 25

Assembly Joint Resolution No. 25—Relative to the sewing projects of the Work Projects Administration.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Seawell, Shelley, Slater, Swing, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 189

Senate Bill No. 691

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 298

Senate Bill No. 1048

Senate Bill No. 1038

Senate Bill No. 151

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 5, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 237

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 848

Assembly Bill No. 1775

Assembly Bill No. 959

Assembly Bill No. 799

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 1242

Assembly Bill No. 1229

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 383

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 30

Senate Bill No. 1310

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1049

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bill ordered to second reading.

INACTIVE FILE

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17800 to 17801, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair trade practice.

Bill read.

Motion to Amend

Senator Jespersen moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "17800 to 17803", and insert "17200 to 17202".

Amendment No. 2

On page 1, lines 1 and 2, of the printed bill, as amended, strike out "17800 to 17803", and insert "17200 to 17202".

Amendment No. 3

On page 1, line 7, of the printed bill, as amended, strike out "17800", and insert "17200".

Amendment No. 4

On page 2, line 17, of the printed bill, as amended, strike out "17801", and insert "17201".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 28 to 35, inclusive, and insert

"17202. Any person or trade association may bring an action to enjoin and restrain any violation of this chapter."

Amendment No. 6

On page 2, line 16, of the printed bill, as amended, preceding the period, insert "nor does this section apply to meals, meal service, food, clothing or to articles sold in any store or commissary operated in connection with logging, lumbering or mining operations".

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

RESOLUTIONS

The following resolution was offered:

By Senators Phillips, Jespersen, Breed, Parkman, Seawell, Brown, McCormack, Waggy, Judah, DeLap, Tickle, Myhand, Rich, Keating, Biggar, Crittenden, Kenny, Gordon and Fletcher:

Senate Resolution No. 106

Relative to finances of the State, Budget and tax reduction

WHEREAS, It is our sincere belief that California is approaching a crisis in its history; and

WHEREAS, In this crisis, the finances of the State, as well as its economic, social and human factors, will be required to stand their greatest test; and

WHEREAS, It is necessary that this situation be separated from all political considerations and fully understood by the citizens of California; now, therefore, be it

Resolved by the members of the California State Senate, That we adopt the following statement on the subjects of tax reductions, on economy, on the Budget and on special appropriations:

We state first that the adoption of the resolution providing for a Legislative Budget Adviser should be one of the most urgent matters before the present State Legislature. This, in our opinions, will provide us with the necessary information and advice in the future to meet the problems referred to in the memorandum.

ECONOMY. We urge simple economy as the most important matter before the Legislature. The daily headlines should convince every reader that the Federal Government is laying a staggering debt on the taxpayers. From 1933 to 1941, without the \$1 billions just voted, the Federal debt has increased from 22 to 49 billions of dollars. California's share of the increase is greater than the total of all State income for the past seven years. Whether the war ends quickly or continues, it is unlikely that we shall see a reduction of this program for years to come.

The world, as we have known it, is coming to an end in Europe. We face the likelihood of changed standards in the United States. It is the obligation of every thoughtful member of the Legislature to defend, by his votes and his actions, what we proudly call the "American Way of Life."

This is not an empty phrase. The American Way of Life means a good living, against the unbelievable living conditions of Germany, France, Russia or Italy, even through the past 10 years. It means recognition of the rights of the men and women who work, as compared with national socialism under any name, by which men and women are regimented, and controlled. It means educational opportunities which would be unknown and unbelievable to the citizens of other countries. It means care for the aged, and the blind, and the orphans, and the tuberculous. It means freedoms of thought, and of speech, and of assembly, and of the press and the radio. It means an asylum for peoples from the nations where these freedoms no longer exist, and from countries where they never existed.

We state that the influence of the Legislature of this State should be directed to the solution of California's part of this tremendous and tragic problem.

Economy must become a matter for practical and serious thought. A Legislative Budget Adviser must begin his work soon, to the end that every unnecessary item of expense, big or little, may be eliminated, so that the resulting economies may accrue to the taxpayers who can then apply these savings upon the staggering increases in taxes which will result from defense spending.

BUDGET. The preparation of a State Budget of the size of the California State Budget is a highly technical problem. Members of the Assembly have worked conscientiously on the present Budget. Their work has shown the possibilities of economy and the difficulties of a budget revision under present-day methods.

TAX REDUCTIONS. A wise family pays its bills and prepares for the future during such times as its income is rising and when the income is greater than the desired expenses. The State of California is only a multiple of its separate families. Today the projected deficit is approximately fifty million dollars (\$50,000,000). The urgent need of remodeling the institutions and of making certain necessary improvements and additions is a matter of common knowledge and desire. The wise family would pay its debts and make these repairs before it talked of cutting down its income or before this income were to be cut down by some outside influence.

We who vote to adopt this statement are all for tax reductions, but only when we know that these reductions can be made safely, and only after we have paid our debts, and repaired our institutions.

Four years ago this institutional need was so great that a bond issue of twenty million dollars (\$20,000,000) was suggested. Those of us who were then in the Legislature opposed that suggestion. We felt incomes were rising, including the State's income. We said the time would come shortly when we could make these additions and repairs out of our tax income. We can not now break that promise.

We pledge ourselves to see that the income of the State, not used for its most necessary expenses, is applied to the reduction of the present deficit. We will support the creation of a plan of expenditures to prepare for the eventual let-down in business, and to remodel and enlarge the institutions. We will include in that plan urgently needed improvements in our schools and colleges, as well as imperative flood control projects.

When these expenditures are made, and not before, we will consider and vote for tax reductions. We will then know how long this rising income will last. We do not know that now. War is an uncertain factor in government economy. The current talk of tax reduction is based on no more certain a factor than that the present war in Europe, and the defense program in this country, have increased the momentary income of the State.

SPECIAL APPROPRIATIONS. We will vote for those special appropriations which fall under the following classifications: (1) those which for some technical or other reason could not be included in the Budget at the time it was made up and which justify a separate supporting vote; and (2) those which can be included in the "plan" referred to above, which should list all appropriations the Legislature feels are warranted, under the emergency conditions of the present and of the immediate future, and upon which the taxpayers' money should properly be spent, when, as and if the rising State income has paid off the present deficit. This plan can prepare for the future; if the increasing income continues, the plan will be ready.

Governments, and forms of government, can be changed by taxation, as well as by revolution. They can be changed by unemployment. They can be lost by a lack of foresight, or the courage to support this foresight. These things are in our minds as we adopt this resolution.

Referred to Committee on Rules.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 398—An act to add Section 154.5 to the State Civil Service Act, relating to medical examinations of State employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 11, of the printed bill, strike out the period, and insert “, except that members of the California Highway Patrol may be required by the appointing power to annually submit to mental and physical examinations.”

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 591—An act to amend Sections 65, 66, 78, 79, 83, 83a, 83b, 84, 86, 88, 93, 108 and 109 of and to add Section 100b to the State Employees' Retirement Act, relating to the retirement of State employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, and insert “An act to amend Sections 79, 84, 108 and 109 of and to add Section 100b to the”.

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 26, inclusive; and on page 2, strike out lines 1 to 23, inclusive.

Amendment No. 3

On page 2, line 24, of the printed bill, strike out “SEC. 4”, and insert “SECTION 1”.

Amendment No. 4

On page 2, line 26, of the printed bill, in the blank space in said line, insert “sixty”.

Amendment No. 5

On page 2, line 31, of the printed bill, after the period after “board”, insert “Any member, other than members employed by a contracting city and members of the Highway Patrol, who is separated from State service because of a curtailment of such service or a change in the manner of performing such service, but not because of resignation or dismissal under charges, and who has attained the age of 50 years and is credited with 15 or more years of State service, shall be retired upon his written application to the board, provided said board determines said separation to be of an extended and uncertain duration, and not the separation normally experienced by members in positions known at the time of employment to be of limited duration or employed on a seasonal or intermittent basis.”

Amendment No. 6

On page 2 of the printed bill, strike out lines 39 to 51, inclusive; and on page 3, strike out lines 1 to 43, inclusive.

Amendment No. 7

On page 3, line 44, of the printed bill, strike out “S”, and insert “2”.

Amendment No. 8

On page 3, line 46, of the printed bill, strike out “enters the retirement system”.

Amendment No. 9

On page 3, line 47, of the printed bill, strike out “service prior to July 1, 1941, and”, and insert “prior service,”.

Amendment No. 10

On page 3, line 48, of the printed bill, in the blank space in said line, insert "seventy".

Amendment No. 11

On page 3, line 48, of the printed bill, after the comma after "years", insert "or with credit for 20 years or more of State service, retires at the age of 65 years or over,".

Amendment No. 12

On page 3, lines 51 and 52, of the printed bill, strike out "prior service".

Amendment No. 13

On page 4, line 6, of the printed bill, strike out "four hundred eighty dollars (\$480)", and insert "six hundred dollars (\$600)".

Amendment No. 14

On page 4 of the printed bill, strike out lines 10 to 52, inclusive; and on page 5, strike out lines 1 to 28, inclusive.

Amendment No. 15

On page 5, line 29, of the printed bill, strike out "12", and insert "3".

Amendment No. 16

On page 5, line 41, of the printed bill, strike out "13", and insert "4".

Amendment No. 17

On page 5, line 47, of the printed bill, in the blank space in said line, insert "three and ninety-four one-hundredths".

Amendment No. 18

On page 6, line 9, of the printed bill, in the blank space in said line, insert "three and ninety-four one-hundredths".

Amendment No. 19

On page 6, line 35, of the printed bill, strike out "14", and insert "5".

Amendment No. 20

On page 6, line 50, of the printed bill, in the blank space appearing in said line, insert "three and ninety-four one-hundredths".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 416—An act to amend Sections 9, 30, 34, 46, 49, 76, 85a, 90 and 92 of the State Employees Retirement Act, relating to a retirement system for employees and officers of the State of California, and of such cities, school district, and counties as may elect to include their employees by contract.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "34.", insert "35."

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "and 92", and insert ", 92 and 101".

Amendment No. 3

On page 2 of the printed bill, as amended, between lines 29 and 30, insert

"SEC. 23. Section 35 of said act is hereby amended to read as follows:

Sec. 35. Persons in State service on June 30, 1933, or prior thereto, whose compensation equals or exceeds four hundred sixteen dollars and sixty-six cents

(\$416.66) per month, and who file, or have filed, with the Board of Administration an election not to become members, providing, that any person so excluded from membership [and who has attained an age of at least 80 years on October 1, 1939, shall become a member of the retirement system on that date] *may at any subsequent time file with the Board of Administration an election to become a member, and shall become a member of the retirement system on the date of filing such election.* Such persons shall receive credit for prior service regardless of the effective date of membership, and shall have the option of paying to the retirement system all or part of the amount which he would have contributed had he not been so excluded but had been a member to and including [September 30, 1939,] *the date of filing such election to become a member, plus interest which would have accumulated thereon through [September 30, 1939] such date.* Upon the retirement of such person under Section 78 or Section 79, the pensions provided by contributions of the State under Sections 82 and 83 shall be the same as if such person affirmatively exercised the option to pay to the retirement system all of that amount with accumulated interest."

Amendment No. 4

On page 7 of the printed bill, as amended, after line 5, insert

"SEC. 8. Section 101 of said act is hereby amended to read as follows:

Sec. 101. No modification of the benefits provided herein shall be made on account of any amounts payable to a beneficiary, as defined herein, under [the Workmen's Compensation, Insurance and Safety Act of the State of California] *Division 4 of the Labor Code*, except that the portion of any retirement allowance or death allowance which is provided by contributions of the State or of a contracting city and which is payable by the retirement system because of the death or retirement of any member of the California Highway Patrol or of any city policeman or city fireman, as a result of injury or illness arising out of and in the course of employment, shall be reduced in the manner hereinafter described, by the amount of any benefits, other than medical benefits, payable to or on account of such member under [the Workmen's Compensation Insurance, and Safety Act of the State of California] *Division 4 of the Labor Code*, because of his death or the disability resulting in his retirement.

If said benefits under [said Compensation Act] *Division 4 of the Labor Code* shall run concurrently with said allowance hereunder and shall be due the beneficiary in payments which are equal to or less than said portion of the retirement allowance or death allowance, then said portion shall be reduced each month by the amount of said benefits so due during said month, and the beneficiary shall have no more right to such reduction than if the retirement system had never existed.

If said benefits under [said Compensation Act] *Division 4 of the Labor Code* shall run concurrently with the allowance hereunder and shall be due to the beneficiary in payments which are greater than said portion of the retirement allowance or death allowance, then payment of said portion shall be withheld until the total of the amounts so withheld shall equal the total of said benefits paid, and the beneficiary shall have no more right to such amounts withheld than if the retirement system had never existed.

It is the purpose of the preceding paragraphs of this section to reduce the portion of the retirement or death allowance payable from the retirement fund and which is provided by contributions of the State or by a contracting city, by the amount of benefits, other than medical benefits, due to the beneficiary concurrently with said portion, under [said Compensation Act] *Division 4 of the Labor Code*, and the payment before due date by the commutation through compromise or otherwise of such benefits shall not prevent the reduction of said portion, as provided in this section, in the amounts which would have been payable concurrently with the retirement allowance in the absence of such commutation.

If any benefits, other than medical benefits, shall have been paid under [said Compensation Act] *Division 4 of the Labor Code* because of a permanent disability, concurrently with payments of wages or salary, to said beneficiary, then payment of said portion of the retirement allowance or death allowance shall be withheld until the total of the amounts so withheld shall equal the total of such benefits paid because of the permanent disability, and the beneficiary shall have no more right to such amounts withheld than if the retirement system had never existed. Said benefits which are payable for time during which salary is not paid and prior to the effective date of the retirement or death allowance, shall not be considered hereunder.

If an injury, known to result in the retirement of and or the death of a member of the California Highway Patrol or of a city policeman or city fireman, is the proximate consequence of the act of a person other than his employer, the retirement system shall have the right to recover from said person an amount which shall be the actuarial equivalent of the benefits for which it shall be liable because of said injury and or death, and said right shall be determined under the provisions of [Section 26 of the Workmen's Compensation, Insurance and Safety Act.] *Chapter 5 of Part 1, Division 4 of the Labor Code.* Any claim in favor of the retirement system, now pending or which shall arise under this paragraph, may be settled and compromised, and the proceeds of such settlement and compromise shared

between the retirement system and said retired employee, or person entitled to benefits under the retirement system because of the death of said employee, in such amounts as may be recommended by the President of the Board of Administration, and approved by the Attorney General. Said retirement system may join with the employer and/or its compensation insurance carrier in any proceeding under said section, and any amount recovered by any of the parties shall be applied first on the amounts which the employer or its insurance carrier shall have paid or become obligated to pay, and second, on the amounts which the retirement system shall have paid or become obligated to pay.

Amounts by which retirement and death allowances are reduced and amounts recovered from third persons under the provisions of this section shall be paid by the retirement system to the Motor Vehicle [Fund] Support Fund, or any other fund out of which the compensation of members who are also members of the California Highway Patrol is paid, or to the contracting city in the case of a city policeman or city fireman."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 705—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "Procedure," insert "and Section 373 of the Civil Code,".

Amendment No. 2

On page 1, line 1, of the printed bill, after "Section 1," insert "Section 373 of the Civil Code is hereby amended to read as follows:

373. [Designation of person upon whom process may be served. Every domestic corporation may file with the Secretary of State a designation of a natural person, stating his residence or business address in this State, as its agent for the purpose of service of process, and the delivery to such agent of a copy of any process against such corporation shall constitute valid service on such corporation. Such corporation shall file with the Secretary of State notice of any change in the address of the person thus designated, and may revoke any such designation by filing notice of the revocation thereof with the Secretary of State.

If such designation has not been filed with the Secretary of State, and if personal service of process against such domestic corporation can not be made with the exercise of due diligence in any other manner provided by law and the fact appears by affidavit to the satisfaction of the court or a judge thereof, such court or judge may make an order that the service be made upon such corporation by delivering to the Secretary of State, or to any person employed in his office in the capacity of assistant or deputy, one copy of such process for each defendant to be served. Service in such manner shall be and constitute personal service upon such corporation. Upon the receipt of such copy of process, the Secretary of State shall give notice of the service of such process to the corporation at its principal office in this State, by forwarding to such office, by registered mail with request for return receipt, such

copy of such process. The defendant shall appear and answer within 30 days after delivery of such process to the Secretary of State.]

Every domestic corporation other than a bank, trust company, insurance company or a corporation subject to the jurisdiction of the Railroad Commission may file with the Secretary of State a certificate by the secretary or an assistant secretary thereof, designating a natural person residing within the State as its agent for the purpose of service of process and stating the complete business and residence address of such agent and the name and complete business and residence address of its president or other head, vice president or vice presidents, secretary, assistant secretary or assistant secretaries and general manager and the location and address of its principal office. The person named in the certificate as such agent may but need not be one of such officers.

Service of any process against any such domestic corporation which has not filed such a certificate may be made by delivering a copy thereof to the Secretary of State or to any person employed in his office in the capacity of assistant or deputy.

Any corporation may file with the Secretary of State a certificate by the secretary or an assistant secretary thereof, stating the complete new business and or residence address of any officer or agent named in its certificate on file with the Secretary of State and/or the name and complete business and residence address of the successor of any such officer or agent and, or the new location and address of its principal office.

The delivery of a copy of any process against such corporation to any person who is shown by the certificate or certificates on file with the Secretary of State to be such an officer or agent thereof shall constitute valid service on such corporation.

If personal service of process against such domestic corporation can not be made with the exercise of due diligence as heretofore provided and the fact appears by affidavit to the satisfaction of the court or a judge thereof, such court or judge may make an order that the service be made upon such corporation by delivering to the Secretary of State, or to any person employed in his office in the capacity of assistant or deputy, one copy of such order and one copy of such process for each defendant to be served. Service in such manner shall be and constitute personal service upon such corporation.

Upon the delivery, to the Secretary of State or to an assistant or deputy, of any such copy or copies pursuant to this section, the Secretary of State shall forward the same to the corporation by registered mail, with request for return receipt, addressed to the corporation at its principal office in this State, as shown by such certificate or certificates on file in his office or, if such certificate has not been filed, as shown by any other document on file in his office disclosing the location and address of such principal office, otherwise addressed to such corporation in care of the county clerk of the county in which its principal office or place of business is located. The defendant shall appear and answer within 30 days after delivery of such copies to the Secretary of State.

The Secretary of State shall keep a record of all [process] copies [served upon him] delivered to him or to an assistant or deputy under this title and shall record therein the [time] date of such [service] delivery and his action with reference thereto.

[This section shall not apply to banks, trust companies, insurance companies or any corporation subject to the jurisdiction of the Railroad Commission.]

Sec. 2."

Amendment No. 3

On page 1 of the printed bill, strike out lines 5 to 15, inclusive, and insert

"1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process, if the corporation is an insurance company or is subject to the jurisdiction of the Railroad Commission; if such corporation is a bank or trust company, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof; otherwise, pursuant to Section 373 of the Civil Code."

Amendment No. 4

On page 2 of the printed bill, strike out lines 14 to 35, inclusive, and insert

"7. In all other cases to the defendant personally."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1317---An act to repeal Section 400.5 and to amend Section 404 of the Civil Code, relating to dissolution of corporations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "a majority", and insert "one-half".

Amendment No. 2

On page 2, line 23, of the printed bill, after "filed", insert "by one-half of the directors or".

Amendment No. 3

On page 2, line 46, of the printed bill, after "direct", insert "and upon giving such security as is provided in Sections 566 and 567 of the Code of Civil Procedure".

Amendment No. 4

On page 2, line 5, of the printed bill, strike out "of", following "directors", and insert "or".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 293—An act to add Section 1192.5 to the Code of Civil Procedure, relating to liens.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 19, of the printed bill, as amended, strike out "or any person claiming an estate in any", and insert "of record of any".

Amendment No. 2

On page 2, line 19, of the printed bill, as amended, after the period, insert "Any notice served as provided in this paragraph upon the owner of record or his designated agent shall constitute constructive notice to any and all persons claiming an estate or interest in the property described in such notice."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 715—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 211—An act to amend Section 1151 of the Insurance Code, relating to insurance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 794—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance on the group plan.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 663—An act to add Section 358a to the Political Code, relating to the scope and validity of rules, regulations, and orders adopted by State administrative agencies.

Bill read second time.

~ Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 6 to 14, inclusive, and insert "out the provisions of the statute, no rule, regulation or order adopted is valid or effective unless clearly necessary to effectuate the purpose of the statute, strictly not liberally construed, and the mere fact of its adoption creates no presumption that such necessity exists or that the rule, regulation or order has been duly or regularly adopted or that it has been adopted in the exercise of a legally delegated power."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 698—An act to add Section 19123 to the Health and Safety Code, to add Article 2a to Chapter 2, Part 3, Division 13 of said code, consisting of Sections 19130 to 19138, inclusive, and to amend Section 19170 of said code, relating to requirements for earthquake protection in the design and construction of buildings, including the enforcement thereof, the securing of building permits, and the violation thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2574—An act to amend Section 13350 of the Health and Safety Code, relating to cleaning establishments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1054—An act to amend Sections 2270 and 2274 of the Health and Safety Code, and to add Section 2292 thereto, relating to mosquito abatement districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "2270 and 2274", and insert "2248, 2270, 2274 and 2312".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "2270", and insert "2248".

Amendment No. 3

On page 1 of the printed bill, between lines 2 and 3, insert "2248. The members of the district board shall serve without compensation; but the necessary expenses of each member for actual traveling in connection with meetings or business of the board shall be allowed and paid. *In lieu of expenses, the district board may by resolution provide for the allowance and payment to each member of the board of a sum not exceeding five dollars (\$5) per month for expenses incurred in attending business meetings of the board.*

SEC. 2. Section 2270 of said code is hereby amended to read as follows:—

Amendment No. 4

On page 2 of the printed bill, between lines 13 and 14, insert "(g) Sell or lease any land, rights of way, easements, property or material acquired by the district.

Every sale of real property pursuant to this subdivision shall be made to the highest bidder at public auction after five days' notice given pursuant to Section 2204 of this code, and at such place within the district as the district board shall specify."

Amendment No. 5

On page 2, line 14, of the printed bill, strike out "(g)", and insert "(h)".

Amendment No. 6

On page 2, line 17, of the printed bill, strike out "2", and insert "3".

Amendment No. 7

On page 2, line 26, of the printed bill, strike out "3", and insert "4".

Amendment No. 8

On page 2 of the printed bill, after line 33, insert

"Sec. 5. Section 2312 of said code is hereby amended to read as follows:

2312. The funds shall only be withdrawn from the county treasury depository upon the warrant of the district board signed by its president or acting president, and countersigned by its secretary. *However, if the county in which the district is situated has adopted a requisition system covering the withdrawal of funds for the purchase of services or supplies, the district board may, by resolution, adopt such system and make withdrawals in accordance therewith.*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1987--An act to add Section 11331.5 to the Health and Safety Code, relating to narcotics and the use, prescribing, possession, or transportation thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "to", insert "amend Section 11102 of, and to add Article 1a to Chapter 5 of Division 10 of, and".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, after "use," insert "production, cultivation,".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out line 9, and insert

"SECTION 1. Section 11102 of the Health and Safety Code is hereby amended to read as follows:

11102. The State division shall enforce all laws regulating the *cultivation, production, sale, giving away, prescribing, administering, furnishing, or having in possession narcotic or other dangerous drugs other than those drugs enumerated in schedules "A" and "B" of Chapter 102, Statutes of 1907.*

Sec. 2. Sec."

Amendment No. 4

On page 2 of the printed bill, as amended, after line 6, insert

"SEC. 3. Article 1a, comprising Sections 11540 and 11541, is hereby added to Chapter 5 of Division 10 of the Health and Safety Code to read as follows:

Article 1a. Opium Poppies

11540. No person shall produce, cultivate, or grow any opium poppy (*Papaver Somniferum*) or any other poppy from which narcotics may be obtained without having first obtained a permit so to do from the State division.

11541. No permit shall be issued under Section 11540 unless and until the applicant therefor has furnished proof satisfactory to the State division:

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No permit shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any State, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict. The State division may suspend or revoke any permit for cause."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 147—An act to amend Section 55 of the County Employees Retirement Act of 1937, relating to the management of the County Employees Retirement System.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1058—An act relating to National and local defense and public emergencies, authorizing extraterritorial activities by public agencies and providing that the privileges, immunities and benefits applicable to the activity of employees of such public agencies when acting within their territorial limits shall apply to them while engaged in any such work extraterritorially; declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2063—An act providing for the publication and distribution of a State Blue Book.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2091—An act to amend Section 542.1 of the Political Code, relating to charges for State printing.

Bill read second time, and ordered to third reading.

Assembly Bill No. 728—An act to amend Sections 541 and 542 of the Political Code, relating to State printing and the preparation of copy therefor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2015—An act to amend Section 72 of the Agricultural Code, relating to the Division of Exhibits in the Department of Finance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 906—An act transferring to the United States of America an easement over certain lands of the State of California for lighthouse purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1219—An act authorizing the State Director of Finance, with the consent of the Board of Control, to grant, convey, and sell by deed, or any other proper legal conveyance, all the right, title, and interest of the State of California, in and to the abandoned channel of Petaluma Creek or River in and adjacent to the City of Petaluma, County of Sonoma, State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, and insert "An act authorizing the State Lands Commission".

Amendment No. 2

On page 1, lines 1 and 2, of the printed bill, strike out "the Director of Finance with the consent of the State Board of Control", and insert "the State Lands Commission".

Amendment No. 3

On page 1, line 4, of the printed bill, strike out "Director of Finance", and insert "State Lands Commission".

Amendment No. 4

On page 2, line 30, of the printed bill, strike out "Director of Finance", and insert "State Lands Commission".

Amendment No. 5

On page 2, lines 36 and 37, of the printed bill, strike out "Director of Finance", and insert "State Lands Commission".

Amendment No. 6

On page 2, line 42, of the printed bill, strike out "Director of Finance", and insert "State Lands Commission".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1613—An act to add Section 24.25, 24.26, 24.27 and 24.28 to the Alcoholic Beverage Control Act, with reference to the sale of alcoholic beverages for delivery or use outside of the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections".

Amendment No. 2

At the end of the title of the printed bill, as amended, strike out the period, and insert ", to take effect immediately."

Amendment No. 3

On page 1, line 6, of the printed bill, as amended, strike out "24", and insert "24.2".

Amendment No. 4

On page 1 of the printed bill, as amended, between lines 6 and 7, insert "Any claim for exemption from excise taxes under Section 24.2 must be made to the board in such manner as the board shall prescribe."

Amendment No. 5

On page 1, line 11, of the printed bill, as amended, strike out "rectifiers", and insert "rectifier".

Amendment No. 6

On page 1, line 14, of the printed bill, as amended, strike out the period, and insert "in accordance with rules and regulations prescribed by the board."

Amendment No. 7

On page 1 of the printed bill, as amended, strike out lines 15 to 17, inclusive.

Amendment No. 8

Add a new section to the printed bill, as amended, as follows:

"Sec. 8. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution take effect immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1424—An act to amend Section 243 of the State Civil Service Act, relating to the State Personnel Board and the executive officer thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, following line 26, insert "Any power, duty, purpose, function, or jurisdiction which the board may lawfully delegate shall be conclusively presumed to have been delegated to the executive officer unless it be shown that the board by affirmative vote recorded in its minutes specifically has reserved the same for its own action. The executive officer shall have full power to redelegate to his subordinates unless by rule of the board or by express provision of law he is specifically required to act personally."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 56—An act to add Section 305 to the Political Code, relating to disqualification for State compensation and employment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "who", insert "when legally required to do so,".

Amendment No. 2

On page 1, line 13, of the printed bill, as amended, after "who", insert "when legally required to do so,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California to amend Section 3 of Article IV of the Constitution of said State, relating to the term of office of members of the Assembly.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 3 of the title of the printed measure, after "3", insert "4 and 5".

Amendment No. 2

In line 4 of the title of the printed measure, after "members of the", insert "Senate and the".

Amendment No. 3

On page 1 of the printed measure, strike out lines 6 and 7, and insert "State—First—That Section 3 of Article IV of the Constitution of said State be amended to read as follows:".

Amendment No. 4

On page 1 of the printed measure, after line 23, insert "Second—That Section 4 of Article IV of the said Constitution be amended to read as follows:".

Sec. 4. Senators shall be chosen in the manner and for the term prescribed in Section 5 hereof [for the term of four years], at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State five years, and of the district for which he shall be chosen one year, next before his election.

Third—That Section 5 of Article IV of said Constitution be amended to read as follows:

Sec. 5. The Senate shall consist of 40 members, and the Assembly of 80 members, to be elected by districts, numbered as hereinafter provided. [The seats of the 20 Senators elected in the year 1882 from the odd numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years; provided, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.] *The 20 Senators elected in the year 1912 from the even numbered districts shall serve for six years, and the 20 Senators elected in 1914 from the odd numbered districts shall serve for six years. Thereafter the terms of all Senators shall be six years.*

Amendments read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 1678—An act to amend Section 1662 of the Probate Code, requiring the issuance of public records by the official in charge thereof to be used in matters under the jurisdiction of the Veterans Administration of the United States.

Bill read second time, and ordered to third reading.

Assembly Bill No. 387—An act to add Section 590 to the Probate Code, relating to the employment of attorneys for estates.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, lines 17 and 18, of the printed bill, as amended, strike out "other or additional attorney or attorneys", and insert "an additional attorney or attorneys for the performance of extraordinary services for said estate".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 563—An act to amend Section 593 of the Civil Code, relating to the formation and purposes of nonprofit corporations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 593 of", and insert "Sections 593 and 604 of"; and insert "and add Section 330.25 to".

Amendment No. 2

On page 1 of the printed bill, as amended, following line 24, insert "SEC. 2. Section 330.25 is hereby added to the Civil Code, to read as follows: 330.25. Any corporation, including a nonprofit corporation organized for or engaged in the business of developing, distributing, supplying, or delivering water for irrigation or domestic use or both, may provide in its articles, or may amend its articles to provide, that its only purpose shall be to develop, distribute, supply, or deliver water for irrigation or domestic use or both to its members or shareholders, at actual cost plus necessary expenses.

The amendment of the articles may be accomplished by:

(a) The passage by a three-fourths vote of the members of the board of directors of the corporation of a resolution adopting as the purpose of the corporation the purpose set forth in this section.

(b) The signing, verification, and filing in the manner prescribed in Section 362b of a certificate setting forth the resolution and the manner of its adoption.

Such corporation shall not distribute any gains, profits, or dividends to its members or shareholders except upon the dissolution of the corporation.

SEC. 3. Section 604 of the Civil Code is hereby amended to read as follows:

604. A nonprofit corporation, *excepting a corporation meeting the requirements prescribed in Section 330.25*, shall not issue shares of stock, but membership in such corporation may be evidenced by certificates. Upon the face of such certificates there must be printed in clear type a statement that the corporation is not one for profit. *Nonprofit corporations meeting the requirements prescribed by Section 330.25 may issue either shares of stock, or membership in such corporations, which shares of stock or membership may be evidenced by certificates.*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 339—An act to add a new section to the Penal Code of the State of California, to be known as Section 1309, relating to the escheat of certain money deposited as bail.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "a", and insert "the".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 202—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications, and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 203—An act to amend Section 822 of the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 204—An act to amend Section 1269a of the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 211—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications, and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal court attaches.

Bill read second time, and ordered to third reading.

Assembly Bill No. 431—An act to add Sections 73c, 73d, 73e, 73f and 73g to the Code of Civil Procedure, relating to sessions of the

superior court held in cities other than the county seat and the transfer of actions or proceedings to the same.

Bill read second time, and ordered to third reading.

Assembly Bill No. 432—An act to add Section 73h to the Code of Civil Procedure, relating to designation of assistants to the presiding judge and the furnishing of secretarial and stenographic services to such assistants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 471—An act to amend Section 89 of the Code of Civil Procedure, relating to original jurisdiction.

Bill read second time, and ordered to third reading.

Assembly Bill No. 533—An act to amend Section 1007 of, and to add Section 1008 to, the Civil Code, relating to prescription; exemption.

Bill read second time, and ordered to third reading.

Assembly Bill No. 587—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section, designated Section 16½, relating to the power of the Los Angeles County Flood Control District to condemn or acquire property and to use or exchange same for other property required by the district.

Bill read second time, and ordered to third reading.

Assembly Bill No. 901—An act to add Section 681.5 to the Code of Civil Procedure, relating to execution of judgments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1255—An act to amend Section 559½ of the Code of Civil Procedure, relating to alias writs of attachment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1895—An act to amend Section 1274 of the Code of Civil Procedure, relating to escheated property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 657—An act to add Sections 10202.5 and 10270.55 to the Insurance Code, relating to group insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1001—An act to validate and legalize the conversions of building and loan associations organized under the laws of this State into Federal savings and loan associations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1407—An act to amend Sections 701, 1191, 10970 and 12923 of, and to add Sections 706.7, 11532.1, 11532.2, 11532.3, 11532.4, 11532.5, 11532.6, 11532.7, 11532.8, 12921.5 and 12973.7 to, the Insurance Code, all relating to insurance and the Insurance Commissioner.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "10970 and 12923", and insert "and 10970".

Amendment No. 2

On page 4 of the printed bill, strike out lines 21 to 42, inclusive.

Amendment No. 3

On page 4, line 43, of the printed bill, strike out "15", and insert "14".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2348—An act to add Section 424 to the Military and Veterans Code, relating to the use of uniforms of military and semimilitary organizations of foreign governments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 663—An act to amend Section 3463 of the Political Code, relating to the lien of assessments for reclamation districts.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 151—An act to create a Department of Corrections to administer the Penal System of this State, to transfer to it certain correctional institutions and the functions of the Board of Prison Terms and Paroles, and to repeal acts and parts of acts specified herein.

Bill read third time.

Motion to Re-refer Senate Bill No. 151

Senator McBride moved that Senate Bill No. 151 be re-referred to Committee on Governmental Efficiency.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—28.

NOES—Senators Carter, Dillinger, Garrison, Jespersen, McBride, Metzger, Powers, Swan, and Ward—9.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Crittenden moved to withdraw his motion to reconsider the vote whereby concurrence in Assembly amendments to Senate Bill No. 1078 was refused.

Motion carried.

Above bill ordered to unfinished business file.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Tickle moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 128 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 298—An act to amend Sections 114, 1560 and 3078 and to repeal Section 2023 of the Welfare and Institutions Code, relating to the powers of the State Department of Social Welfare and the administration of, and money available for, the public assistance programs financed by the State and the counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 536—An act to amend Section 1300.15 of the Agricultural Code, relating to the marketing of agricultural commodities, and providing for production adjustment payments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
SENATE BILL NO. 1078**

May 7, 1941

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Crittenden and Shelley as a Senate Committee on Conference concerning Senate Bill No. 1078 to meet a like committee of the Assembly.

COMMITTEE ON RULES
Rich, Chairman

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1035—An act to add Section 158.5 to the Welfare and Institutions Code, relating to officers and employees at State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 691—An act to add Section 52½ to the California Irrigation District Act, relating to credits on and payments of irrigation district assessments and the finality thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Slater, Swan, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 930—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 3.42 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Lyon, Burns, Hugh M., and Knight, T. Fenton, as a Committee on Conference concerning:

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 189—An act to amend Section 750 of the Vehicle Code, relating to color of uniforms and vehicles of enforcement officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo,

McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—32.
NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 963—An act to amend Section 5502 of, and to add Sections 5500.1 and 5502.5 to the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, Waggy, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Senate Bill No. 484 on third reading file until the next legislative day.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Swan moved that Assembly Bill No. 1390 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1475—An act to amend Section 2193 of the Business and Professions Code, relating to applications for a physician's and surgeon's certificate by graduates of foreign medical schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, Waggy, and Ward—25.
NOES—Senators Kenny, Shelley, and Swan—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 163—An act to amend Sections 342 and 367 of the Agricultural Code, relating to live stock marks and brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1220—An act to amend Section 12710 of the Business and Professions Code, relating to public weighmasters and double draft weights.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 787—An act to amend Section 12107 of the Business and Professions Code, relating to tolerances and specifications for commercial weighing and measuring apparatus.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 785—An act to add Section 12209.5 to the Business and Professions Code, relating to the duties of sealers of weights and measures.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 791—An act to amend Section 12507 of the Business and Professions Code, relating to testing, correcting and repairing weighing or measuring instruments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 793—An act to amend Sections 12021 and 12022 of the Business and Professions Code, relating to falsity in weights and measures.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1473—An act to amend Section 16d of the Bank Act, relating to orders stopping the payment of checks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 824—An act to amend Sections 51a, 51e, 51g and 52 of the Alcoholic Beverage Control Act, relating to alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.
NOES—None.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: The Committee on Conference concerning

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937; Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the Assembly amendments be concurred in, and that the bill be further amended as follows:

Amendment No. 1

On page 6, line 13, of the printed bill, as amended, strike out "at said time and place", and insert "directing the clerk of the court to mail, or cause to be mailed, to each of the stockholders, shareholders, investment certificate holders and creditors of such association, a notice of the time and place fixed for said hearing,

a copy or summary of the plan approved by the court, a statement setting forth the consents necessary to the plan becoming operative and a notice that all parties desiring to consent or dissent may file written consents or dissents with the clerk of the court before the time fixed for said hearing or to which said hearing may be continued. At the time and place so fixed,".

Amendment No. 2

On page 6, line 32, of the printed bill, as amended, strike out "must be stayed", and insert "may be stayed, in the discretion of the court".

LYON
HUGH M. BURNS
T. FENTON KNIGHT
Assembly Committee on Conference.

DeLAP
CRITTENDEN
SHELLEY
Senate Committee on Conference.

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagye, and Ward—36.

NOES—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.35 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 930 passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, DeLap, Fletcher, Gordon, Jespersen, Keating, Kenny, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Wagye—25.

NOES—Senators Biggar, Cunningham, Denel, Dillinger, Foley, Garrison, Judah, McBride, Rich, Shelley, Swan, and Ward—12.

Bill ordered transmitted to the Assembly.

INACTIVE FILE

Senate Bill No. 260—An act to amend Sections 343 and 344 of the Agricultural Code, relating to fees for inspection of animals.

Bill read.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "same", and insert "animal, carcass, or hide,".

Amendment No. 2

On page 1, line 8, of the printed bill, as amended, strike out "for such inspection", and insert "and the fee for such inspection shall be".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to inactive file.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 960—An act to amend the heading of Division 4 and Sections 452, 455, 456, 466, 467, 470, 471, 476, 478, 481, 482, 483, 484, 485, 486, 498, 500, 501, 511, 513, 523, 526, 542, 543, 545, 546, 551, 616, 618, 619, 620, 621, 631, 635, 636, 641, 642, 643, 644, 645, 661, 662, 666, 676, 681, 722 and 723 of, to add Sections 472, 590, 640 and 640.5 to, and to repeal Section 559 of, the Agricultural Code, relating to the dairy industry and milk, milk products, and imitation milk products.

processing plants and factories, and retail establishments, milk products, and imitations of milk products, and providing for the taking effect hereof.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In line 5 of the title of the printed bill, immediately preceding "to", insert "and".

Amendment No. 2

In lines 6 and 7 of the title of the printed bill, strike out "and to repeal Section 559 of".

Amendment No. 3

On page 14, line 31, of the printed bill, as amended, strike out "; provided," and strike out lines 32 and 33, and insert a period.

Amendment No. 4

On page 23 of the printed bill, strike out all of line 26.

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Waggy moved that Senate Bill No. 293 be placed on the inactive file.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Concurrent Resolution No. 34: By Senator Quinn—Relating to the creation of a Joint Investigating Committee on the Natural Resources of the State, to study and report upon their utilization, development, and preservation.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 35: By Senator Quinn—Relative to a report on protection of the watersheds of California.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 32

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 104

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 4; noes 1.

RICH, Chairman

Above reported resolution ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 799

Assembly Bill No. 1250

Senate Bill No. 801

Assembly Bill No. 1542

Assembly Bill No. 569

Assembly Bill No. 1714

Assembly Bill No. 882

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 6, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 537

Assembly Bill No. 1466

Assembly Bill No. 1499

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 211

Senate Bill No. 715

Senate Bill No. 794

And reports the same correctly engrossed.

RICH, Chairman

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 83

Senator Rich moved that Assembly Bill No. 83 be withdrawn from Committee on Transportation, and referred to Committee on Natural Resources.

Motion carried.

MOTION TO RECONSIDER

Senator Mayo moved to reconsider the vote whereby Senate Bill No. 930 was passed.

Postponement of Reconsideration

On motion of Senator Mayo, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 930 was passed, was continued until the next legislative day.

ADJOURNMENT

At 4.45 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 8, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 8, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deneel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—333.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Cunningham, on motion of Senator Biggar.

Senator Kenny, on motion of Senator Foley.

Senator Swing, on motion of Senator DeLap.

Senator Wagy, on motion of Senator Rich.

Senator Metzger, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Wilkinson of Los Angeles, Delbert Keith Harter, world traveler, of Pasadena, and Dr. C. E. Hotchkiss of Hollywood.

On request of Senators Swan and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Dulin, member, State Board of Education, of Beverly Hills.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs.

Pauline V. Hamlow, teacher, Oswald Hamlow of Denair, Mrs. A. T. Bettencourt of Turlock, and the following members of the eighth grade of Roselawn School, Denair: Minnie Kirkpatrick, Lucille Brennecke, Carlene Perry, Bonnie June Donelson, Beatrice Enos, Betty Bettencourt, Joe Gomes, and Sam Nakatani.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack MacGregor, principal, M. D. Silva, clerk, Board of Trustees, Miss Marjorie Iglehart, teacher, and the following members of the Newark School, Newark: Luther Hudson, Ernest Marine, Carl Pierce, Harold Caldeira, John Warren Pigeon, Laura Martel, Betty Brown, Shirley Costa, Henry Marshall, Joe Machado, John Hanamoto, Yvonne Tremblay, Charlotte De Valle, Tatsue Hanamoto, Gertrude Gastelum, Marie Silva, Earl Ewer, Mary Chieng, Louise Betschart, and Lucille Peixote.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 161
Assembly Bill No. 899
Assembly Bill No. 236
Assembly Bill No. 2492
Assembly Bill No. 2256
Assembly Bill No. 1278
Assembly Bill No. 1277
Assembly Bill No. 1274
Assembly Bill No. 443

Assembly Bill No. 2204
Assembly Bill No. 2518
Assembly Bill No. 2519
Assembly Bill No. 2520
Assembly Bill No. 2521
Assembly Bill No. 1756
Assembly Bill No. 1838
Assembly Bill No. 1910

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 161—An act to amend Section 21 of the Agricultural Code, relating to the salary of the Director of Agriculture.

Referred to Committee on Agriculture.

Assembly Bill No. 899—An act to add Section 569 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Bill No. 236—An act adding Section 956.8 to, and amending Section 958 of, the Streets and Highways Code, relating to the abandonment of county highways.

Referred to Committee on Transportation.

Assembly Bill No. 2492—An act to amend Section 159 of the Vehicle Code, relating to the registration of motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2256—An act to amend Section 164 of the Vehicle Code, relating to the registration of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1278—An act to amend Sections 382 and 384 of the Vehicle Code, relating to the registration of motor vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1277—An act to amend Section 375 of the Vehicle Code, relating to fees to be paid by manufacturers, transporters and dealers.

Referred to Committee on Transportation.

Assembly Bill No. 1274—An act to amend Sections 158, 162, 178, 179, 183 and 226 of, and to add Section 195.5 to, the Vehicle Code, relating to the registration of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 443—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2204—An act to amend Section 504 of the Public Resources Code, relating to the Department of Natural Resources and changing the name of the Division of Parks.

Referred to Committee on Natural Resources.

Assembly Bill No. 2518—An act to add Section 2877 to the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Assembly Bill No. 2519—An act to amend sundry article and chapter headings, to repeal Section 679a of, and to add Section 2876 to, the Penal Code, and to amend Section 6603 of the Welfare and Institutions Code, relating to prisons and prisoners.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2520—An act to add Article 4, comprising Section 2690, to Chapter 4, Title 1, Part 3, of the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Assembly Bill No. 2521—An act to add Section 3404 to the Penal Code, relating to prisons and prisoners.

Referred to Committee on Judiciary.

Assembly Bill No. 1756—An act to amend Sections 5.792 and 5.796 of the School Code, relating to the merit system of noncertificated employees.

Referred to Committee on Education.

Assembly Bill No. 1838—An act to add Sections 5439.5 and 5439.7 to, and to amend Section 5450 of, the Public Resources Code, relating to county recreational districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Natural Resources.

Assembly Bill No. 1910—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Bill No. 1910, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 1910**Resolution to Suspend Constitutional Provision**

The following resolution was offered :

By Senator Rich :

Resolved, That Assembly Bill No. 1910 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote :

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 1910—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read second time.

Assembly Bill No. 1910—An act making an appropriation for the relief of hardship and destitution due to and caused by unemployment, and to provide that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote :

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote :

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning :

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification

or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 104—An act amending Sections 26 and 28 of the County Employees Retirement Act of 1937, relating to retirement, declaring the urgency thereof and that this act shall take effect immediately;
And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of May, 1941, at 1 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 416
Senate Bill No. 591
Senate Bill No. 705

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 293
Senate Bill No. 398
Senate Bill No. 1317

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 260
Senate Bill No. 663
Senate Bill No. 1000

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Senate Bill No. 410
Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Finance.
Committee membership 11; committee vote: Ayes 9; absent 2.

WAGY, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred: Assembly Bill No. 1942

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

WAGY, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2365

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out "seven thousand five hundred dollars (\$7,500)", and insert "six thousand dollars (\$6,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1310—An act making an appropriation to the Department of Natural Resources, Division of Forestry, from unexpended balances remaining of the moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," as amended, approved May 29, 1940, declaring the urgency of the act and that it take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In the title of the printed bill, strike out all of lines 2 to 11, inclusive, and insert "Natural Resources, Division of Forestry, declaring the urgency of the act and that it take".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2, inclusive, and insert "SECTION 1. Out of any money in the State Treasury, not otherwise appropriated, there is hereby appro-".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1049—An act making an appropriation to the Department of Agriculture for the construction and maintenance of highway inspection stations for the purpose of enforcing the provisions of the Agricultural Code, relating to fruit, nut and vegetable standards.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 3, of the printed bill, after "of", insert "sixteen thousand eight hundred ninety".

Amendment No. 2

On page 1, line 3, of the printed bill, after "dollars (\$", insert "16,800".

Amendment No. 3

On page 1, line 7, of the printed bill, strike out "and on the Coast Route in or near Gaviota Pass".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Resolution No. 104—Re interference with legislative process creating a Committee of the Senate to Investigate Facts and report to Senate.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 11, of the typewritten resolution, after "Senate," strike out "one appointed by the Senate Committee on Rules, one appointed by the President of the Senate, said two appointees to appoint the third member of the committee", and insert "to be appointed by the Committee on Rules".

Amendment No. 2

On page 3, line 23, of the typewritten resolution, strike out "three hundred fifty dollars", and insert "five hundred dollars".

Amendments read and adopted, and to third reading.

Senate Bill No. 799—An act to amend Section 19.1 of the Agricultural Prorate Act, relating to the marketing of agricultural products, to the conservation of agricultural and economic wealth and providing for acreage adjustment payments.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 801—An act to amend Sections 2, 15, 18, 18.1, 19.1 and 21 of the Agricultural Prorate Act, relating to agricultural proration programs, including definitions, proration program committees, equalization pools and the deposit of moneys.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 537—An act to amend Sections 1300.12, 1300.14, 1300.17, 1300.20, 1300.23 and 1300.28 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 3, line 7, of the printed bill, immediately following "will", insert ", with respect to any or all of the following,".

Amendment No. 2

On page 3 of the printed bill, strike out all of lines 27 to 29, inclusive, and insert "(b) In making the findings with respect to any or all of the objectives set forth in paragraph (a) of this section, the director shall, whenever any or all of the following economic factors are relevant, take into consideration any and all facts available to him with respect thereto:".

Amendment No. 3

On page 7, line 23, of the printed bill, strike out "act", and insert "chapter".

Amendment No. 4

On page 7, line 32, of the printed bill, strike out "act", and insert "chapter".

Amendment No. 5

On page 7, line 41, of the printed bill, strike out "Section 1300.17 (a).", and insert "paragraph (a) of Section 1300.17."

Amendment No. 6

On page 7, line 44, of the printed bill, strike out "Section 1300.17 (a) hereof", and insert "paragraph (a) of Section 1300.17."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17800 to 17803, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair competition.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 237—An act to amend Sections 2330, 2350 and 2351 of the Labor Code, relating to sanitary conditions of factories and other places of employment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "or other place of employment", and insert "mercantile or other establishment".

Amendment No. 2

On page 1, lines 25 and 26, of the printed bill, as amended, strike out ", work shop, or other place of employment", and insert "or work shop".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 6 and 7, and insert "or other impurities generated in the course of the manufacturing process or handicraft carried on therein."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 848—An act to amend Section 730 of the Fish and Game Code, relating to halibut.

Bill read second time, and ordered to third reading.

Assembly Bill No. 959—An act to add Section 845.2 to the Fish and Game Code, relating to nets seized or violations of law.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1775—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Bill read second time, and ordered to third reading.

Assembly Bill No. 799—An act to amend Section 1179 of the Fish and Game Code, relating to nongame birds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1242—An act to amend Section 453 of the Fish and Game Code, relating to the possession of game birds and animals.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, following "season and", insert "if legally taken or brought into the State during the open season and"

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1229—An act to amend Sections 697.5, 720, 860 and 881 of, to repeal Section 865 of, and to add Section 865 to, the Fish and Game Code, relating to the use of nets and the taking and disposal of salmon, shad, and striped bass, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 2, line 24, of the printed bill, as amended, following the period after "865", strike out "It", and insert "Unless otherwise provided, it".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 383—An act to repeal Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 651.6, 655, 656, 710, 791.5, 791.6, 808.5, 843, 844, 886, 957, 1208, 1213 and 1344 of, and to add Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 651.6, 655, 656, 710, 791.5, 791.6, 808.5, 843, 865, 886, 957, 1208, 1213 and 1344 to the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In the title of the printed bill, as amended, strike out line 2, and insert "618, 651, 651.5, 655, 656, 710, 791.6,".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, strike out "619,".

Amendment No. 3

In the title of the printed bill, as amended, strike out line 5; and in line 6, strike out "865," and insert "651, 651.5, 655, 656, 710, 791.6, 808.5, 843,".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out line 2, and insert "651, 651.5, 655, 656, 710, 791.6, 808.5, 843,".

Amendment No. 5

On page 1, line 3, of the printed bill, as amended, strike out "865,".

Amendment No. 6

On page 2, line 4, of the printed bill, as amended, after "15", insert "and 16".

Amendment No. 7

On page 2 of the printed bill, as amended, strike out lines 35 to 40, inclusive.

Amendment No. 8

On page 2, line 41, of the printed bill, as amended, strike out "SEC. 10", and insert "SEC. 9".

Amendment No. 9

On page 3, line 1, of the printed bill, as amended, strike out "SEC. 11", and insert "SEC. 10".

Amendment No. 10

On page 3 of the printed bill, as amended, strike out lines 8 to 17, inclusive.

Amendment No. 11

On page 3, line 18, of the printed bill, as amended, strike out "SEC. 13", and insert "SEC. 11".

Amendment No. 12

On page 3, line 23, of the printed bill, as amended, strike out "SEC. 14", and insert "SEC. 12".

Amendment No. 13

On page 3, line 30, of the printed bill, as amended, strike out "SEC. 15", and insert "SEC. 13".

Amendment No. 14

On page 3 of the printed bill, as amended, strike out lines 35 to 43, inclusive.

Amendment No. 15

On page 3, line 44, of the printed bill, as amended, strike out "SEC. 17", and insert "SEC. 14".

Amendment No. 16

On page 3, line 48, of the printed bill, as amended, strike out "SEC. 18", and insert "SEC. 15".

Amendment No. 17

On page 4, line 3, of the printed bill, as amended, strike out "SEC. 19", and insert "SEC. 16".

Amendment No. 18

On page 4, line 20, of the printed bill, as amended, strike out "SEC. 20", and insert "SEC. 17".

Amendment No. 19

On page 4, line 32, of the printed bill, as amended, strike out "SEC. 21", and insert "SEC. 18".

Amendment No. 20

On page 4, line 37, of the printed bill, as amended, strike out "Sec. 22", and insert "SEC. 19".

Amendment No. 21

On page 4, line 44, of the printed bill, as amended, strike out "Sec. 23", and insert "SEC. 20".

Amendment No. 22

On page 5, line 1, of the printed bill, as amended, strike out "Sec. 24", and insert "SEC. 21".

Amendment No. 23

On page 5, line 7, of the printed bill, as amended, strike out "Sec. 25", and insert "SEC. 22".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Fish and Game.

Assembly Bill No. 569—An act to add Section 795.8 to the Agricultural Code, and to repeal Section 795.6 of said code, relating to standards for field picking boxes for citrus fruits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 882—An act to amend Section 1083.1 of the Agricultural Code, relating to commercial feeding stuffs licenses, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1250—An act to amend Sections 806, 828.4 and 829.2 of the Agricultural Code, relating to standard containers for fruits and the marking and use thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1542—An act to amend Section 803 of the Agricultural Code, relating to peaches.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1714—An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to standardization requirements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1466—An act to amend Sections 814 and 829.4 of the Agricultural Code, relating to lettuce.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, strike out line 2, and insert "a slight bulge of crates when lidded. Each crate of three and one-half dozen count shall have each layer arranged with four rows of three, four, and four and three heads."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1499—An act to amend Section 817 of the Agricultural Code, relating to peas.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of line 9, and insert "one container or bulk lot, as established by inspection of a representative sample, may be below these requirements, but not".

Amendment read and adopted.

Bill ordered printed, and to third reading.

CONSIDERATION OF SENATE RESOLUTION NO. 104

Senate Resolution No. 104

Relative to possible interference with the legislative process, and creating a Special Committee of the Senate to investigate the facts and report thereon to the Senate.

WHEREAS, It would appear that efforts may have been made to interfere with the legislative process and that members of the Senate may have been threatened, directly or indirectly, in an endeavor to coerce their action as members and to interfere with their freedom of action as representatives of the people of the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, That there is hereby created a Special Committee designated the "Senate Committee on Investigation of Interference with the Legislative Process," to consist of three members of the Senate, to be appointed by the Committee on Rules; and be it further

Resolved, That the committee hereby created shall promptly and fully investigate any and all phases of the matters referred to herein, including particularly the telegrams and other matters referred to in the communication to this body from the member, from the Fortieth Senatorial District, which appears on pages 1448 and 1449 of the Senate Daily Journal for May 1, 1941, and all facts and circumstances connected therewith, the committee to render its report thereon to the Senate prior to final adjournment of this session, including therein such findings as it may have made respecting interference or threatened interference with the legislative process and such recommendations as it may have to make concerning needed legislation on this subject; and be it further

Resolved, That the committee shall have and exercise the following duties and powers:

(1) To select a chairman from its membership and to adopt and from time to time amend such rules governing its procedure as may to it appear appropriate;

(2) To meet at any and all times during this session of the Legislature whether the Senate be actually then sitting or not, and at any and all places within the State, in the performance of its duties and in carrying out the objects and purposes of this resolution;

(3) To summon and subpoena witnesses, to require the production of books, papers, accounts, reports, documents and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and procure testimony, the committee and each of its members being hereby authorized and empowered to administer oaths and all of the provisions of Article 8, Chapter 2, Title 1 of Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and committees thereof being hereby made applicable to the committee hereby created;

(4) To do any and all other things necessary or convenient to enable the committee fully and adequately to exercise its powers and perform its duties and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the Sergeant at Arms of the Senate or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expense for living accommodations and meals incurred in connection with their service upon the committee, or in lieu of such expense

for accommodations and meals, an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of five hundred dollars (\$500) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution to be paid from the Contingent Fund after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, and Tickle—23.

NOES—Carter, DeLap, Keating, McBride, Seawell, Shelley, and Swan—7.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Luckey moved that Assembly Bill No. 566 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 1038—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Mayo moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 930 was passed.

The roll was called, and Senate Bill No. 930 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Above bill ordered to unfinished business file.

Senate Bill No. 775—An act approving and adopting the report of the Department of Public Works on the coordinated plan for the development of the water resources of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixer, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 227—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 227:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 25, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 227

"An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans' Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter."

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Senate Bill No. 227 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Quinn asked for, and was granted, unanimous consent to retain Senate Bill No. 484 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 398—An act to add Section 1545 to the State Civil Service Act, relating to medical examinations of State employees.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Biggar moved a call of the Senate.

Motion carried. Time, 3.12 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 794—An act to add Section 11663 to the Insurance Code, relating to workmen's compensation insurance on the group plan.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.17 p.m., on motion of Senator Biggar, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 398 refused passage by the following vote:

AYES—Senators Biggar, Collier, DeLap, Deuel, Fletcher, Garrison, Gordon, Judah, Luckey, McCormack, Myhand, Parkman, Phillips, Quinn, Rich, Slater, and Tickle—17.

NOES—Senators Breed, Carter, Crittenden, Dillinger, Foley, Jespersen, Keating, Mayo, McBride, Mixer, Powers, Seawell, Shelley, Swan, and Ward—15.

MOTION TO RECONSIDER

Senator Biggar moved to reconsider the vote whereby Senate Bill No. 398 was refused passage.

Postponement of Reconsideration

On motion of Senator Biggar, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 398 was refused passage was continued until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 29, of the printed bill, as amended May 5, 1941, strike out "a majority", and insert "two-thirds".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1323—An act to amend Section 392 of the Penal Code, relating to the running of railroad trains with passenger cars ahead of freight cars.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill, after "carrying", insert "only".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 36: By Senator Deuel—Approving an amendment to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general election held therein on the fourteenth day of April, 1941.

Request for Unanimous Consent

Senator Deuel asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 36, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 36

Senate Concurrent Resolution No. 36—Approving an amendment to the charter of the City of Chico, County of Butte, State of Cali-

fornia, voted for and ratified by the qualified electors of said city at a general election held therein on the fourteenth day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO SET SPECIAL ORDER

Senator Phillips moved that consideration of the Governor's veto to Senate Bill No. 133 be made a special order of business for Monday, May 12, 1941, at 3 p.m.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

The following report by the Committee on Rules was received, read, and ordered printed in the Journal:

May 8, 1941

MR. PRESIDENT: Your Committee on Rules, pursuant to Senate Resolution No. 104, hereby appoints Senators Fletcher, Collier and Carter as members of the Special Investigating Committee created in said resolution.

RICH, Chairman

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 257—An act to amend Section 552 of the Agricultural Code, relating to skim milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 259—An act to amend Section 635 of the Agricultural Code, relating to equipment used in the pasteurization of milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 260—An act to add a new section to the Agricultural Code, to be numbered Section 644.5, relating to milk products plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Ward—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 896—An act to add a new section to Chapter 6 of Division 4 of the Agricultural Code, to be numbered 721.5, relating to proceedings to enjoin violation of certain provisions thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1348—An act to amend Section 559 of the Agricultural Code, relating to acidophilus milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 915—An act to repeal Article 4 of Chapter 1 of Division 3 of the Agricultural Code, relating to poultry brands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—30.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400—An act to add Article 3, consisting of Sections 22175 to 22181, inclusive, to Chapter 12 of Division 8 of the Business and Professions Code, relating to the marking of articles of merchandise made in whole or in part of gold or its alloys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Swan—27.
NOES—None.

Bill ordered transmitted to the Assembly

Assembly Bill No. 67—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1440—An act to amend Sections 1, 2, 5, 6, 6a, 6c, 6d, 6e, 7, 11, 12, 15, 15a, 18 and 19 of an act approved May 23, 1921, as amended, entitled "An act to provide for the organization, incorporation and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," relating to the organization of and annexation to municipal utility districts; control of publicly owned utilities within utility districts; contest of annexation proceedings; powers and duties of a board of directors; powers of the district; special districts within municipal utility districts; incurring, refunding and retirement of indebtedness of special districts; levy and collection of taxes for special district operations and obligations; investment of funds; sale of by-products; loans, contributions and cooperative agreements; limitation of indebtedness; payment of interest from bond funds; fixing and collecting rates, tolls and charges, and the levy and collection of taxes; contracts for the use of commodities or services, and to add Sections 1a, 6b.5, 6f to 6i, inclusive, 7a, 15d to 15q, inclusive, 29a and 29b, defining the term "public agency"; providing for annexation to special districts; annexation of unincorporated territory; oaths of office; creation of special districts for sewage disposal purposes, the contesting of the validity of their creation and any bonds issued by a special district; the issuance of bonds by the electors therein for said purposes, the use of said bonds for investment and security for public deposits; the levy and collection of taxes to pay the principal and interest of said bonds, and the expenses of formation and operation of said special districts, contracts and agreements for the use of sewage disposal facilities, and the dissolution of special districts, and relating to special districts generally; issuance of revenue bonds under general law; disposition of records; and the severability of the act, all relating to municipal utility districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1442—An act to provide for the organization, incorporation and government of joint municipal sewage disposal districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of sewage disposal systems and to levy and collect taxes to pay the principal and interest thereon, and authorizing such districts to issue revenue bonds for the acquisition and construction of sewage disposal systems, and for the fixing, collecting and application of rates and charges for the use of sewage disposal systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, Mayo, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—25.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2543—An act to add Section 604.10 to the Vehicle Code, relating to the transportation, care and treatment of persons injured upon the highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 20—Relative to pension and compensation payments to veterans suffering total permanent disability.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 698—An act to add Section 19123 to the Health and Safety Code, to add Article 2a to Chapter 2, Part 3, Division 13 of said code, consisting of Sections 19130 to 19138, inclusive, and to amend Section 19170 of said code, relating to requirements for earthquake protection in the design and construction of buildings, including the enforcement thereof, the securing of building permits, and the violation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, DeLap, Deuel, Dillinger, Foley, Jespersen, Keating, Mayo, McCormack, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, and Ward—21.

NOES—Senator Collier—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2574—An act to amend Section 13350 of the Health and Safety Code, relating to cleaning establishments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Swan, and Ward—26.

NOES—Senators Quinn, and Slater—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1054—An act to amend Sections 2270 and 2274 of the Health and Safety Code, and to add Section 2292 thereto, relating to mosquito abatement districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Denel, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 728—An act to amend Sections 541 and 542 of the Political Code, relating to State printing and the preparation of copy therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Denel, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Shelley, Slater, Swan, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2015—An act to amend Section 72 of the Agricultural Code, relating to the Division of Exhibits in the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—22.

NOES—Senator Mayo—1.

Motion to Reconsider

Senator Mayo moved to reconsider the vote whereby Assembly Bill No. 2015 was passed.

Postponement of Reconsideration

On motion of Senator Mayo, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2015 was passed, was continued until the next legislative day.

Assembly Bill No. 1613—An act to add Sections 24.25, 24.26, 24.27 and 24.28 to the Alcoholic Beverage Control Act, with reference to the sale of alcoholic beverages for delivery or use outside of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Deuel, Foley, Garrison, Gordon, Jespersen, Judah, Keating, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 906—An act transferring to the United States of America an easement over certain lands of the State of California for lighthouse purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Crittenden moved that Assembly Bill No. 1335 be taken from the inactive file, and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1168

Senator Shelley moved that Senate Bill No. 1168 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 107

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of three hundred dollars (\$300) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman
BREED
MYHAND
DEUEL

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—24.

NOES—None.

INACTIVE FILE

Senate Bill No. 977—An act to regulate the practice of naturopathy. Defines naturopathy. Creates Board of Naturopathic Examiners, prescribing its qualifications, powers, duties and compensation. Board empowered to examine applicants, issue, deny, suspend and revoke licenses to practice naturopathy; investigate and inspect institutions teaching naturopathy and issue or deny certificates of approval thereto. Prescribes educational and other qualifications of licentiates, grounds

for denial, suspension and revocation of licenses. Accords licentiates, within scope of license, same rights granted physicians under public health laws. Specifies unlawful acts, prescribing penalties and disposition of moneys received. Prescribes rights and duties of naturopathic colleges. Defines terms used in act. Repeals conflicting laws.

Bill read.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "diet," insert "nonnarcotic nonpoisonous".

Amendment No. 2

On page 4 of the printed bill, as amended, strike out lines 51 and 52; and on page 5, strike out lines 1 to 8, inclusive, and insert

"Sec. 11. Inspectors and special agents appointed by the board shall have all of the powers and duties of peace officers in the performance of their duties hereunder."

Amendments read and adopted.

Bill ordered printed, engrossed, and to inactive file.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 24: By Senators Breed, Kenny, Fletcher, McBride, Shelley and Quinn—Relative to memorializing the President, the Congress and the Solicitor General with respect to the assertion of any pretended Federal claim to the submerged lands of the State of California.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 314	Assembly Bill No. 1136
Assembly Bill No. 315	Assembly Bill No. 1163
Assembly Bill No. 338	Assembly Bill No. 1204
Assembly Bill No. 359	Assembly Bill No. 1478
Assembly Bill No. 727	Assembly Bill No. 1622
Assembly Bill No. 845	Assembly Bill No. 2318
Assembly Bill No. 929	Assembly Bill No. 2576

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 836
Senate Bill No. 1031
Assembly Bill No. 818

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 785

Assembly Bill No. 907

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1331

Assembly Bill No. 1544

Assembly Bill No. 1536

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1326

Senate Bill No. 1330

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 7, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Senate Bill No. 393

Assembly Bill No. 2203

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Constitutional Amendment No. 53

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

TICKLE, Chairman

Above reported resolution ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 23—Relative to memorializing the President and the Congress of the United States and the United States officials having jurisdiction of the matter in connection with the removal of brush and debris in the area to be flooded by Shasta Dam;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 33—Approving certain amendments to the charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-second day of April, 1941;

And reports that the same has been correctly enrolled, and presented to the Governor on the eighth day of May, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 8, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 799

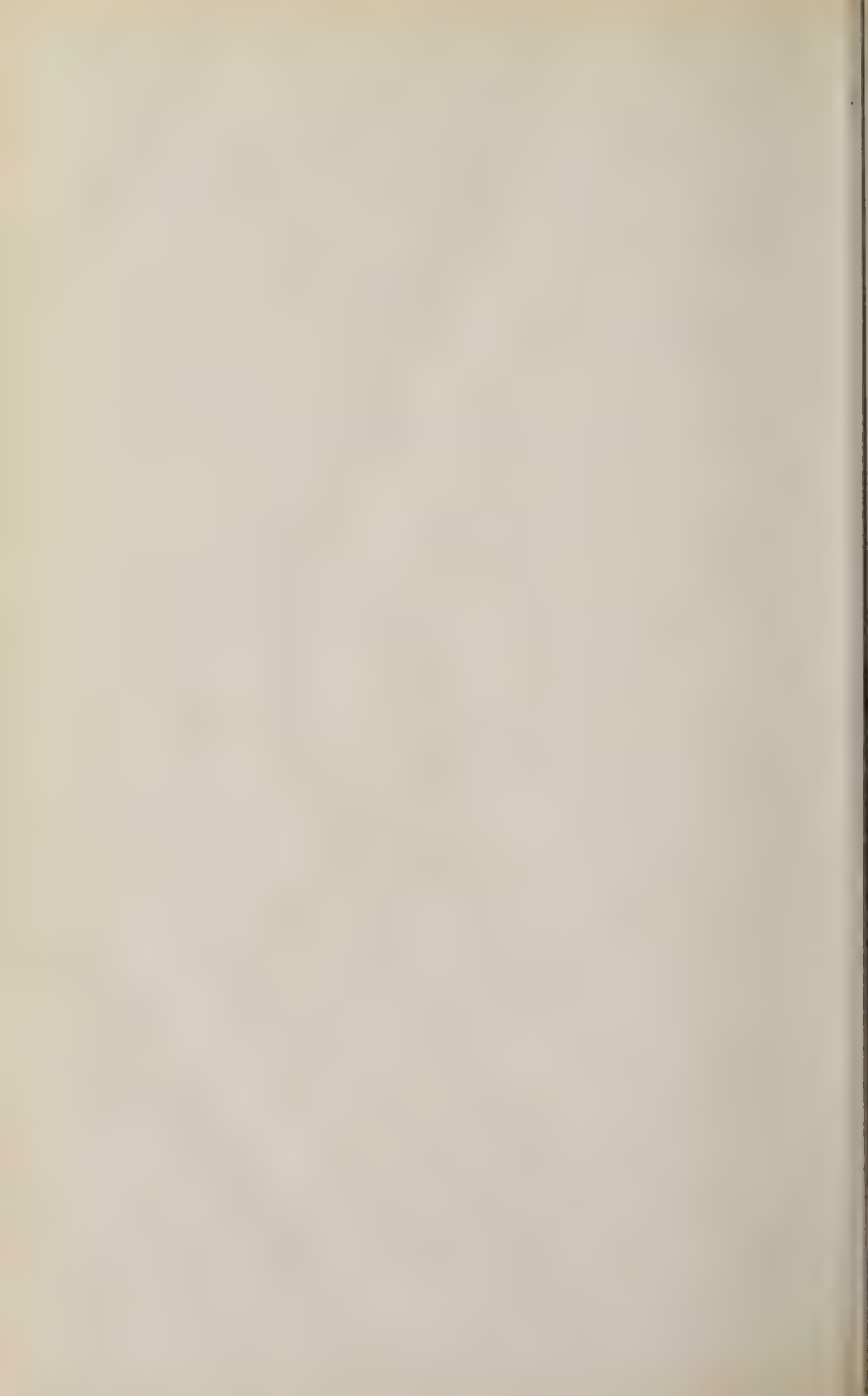
Senate Bill No. 801

And reports the same correctly engrossed.

RICH, Chairman

ADJOURNMENT

At 5.05 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 9 a.m., May 9, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 9, 1941

The Senate met at 9 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Quinn, Rich, and Ward—26.

Quorum present.

PRAYER

At the invitation of the President, prayer was offered by Rev. A. Raymond Grant.

Prayer ordered printed in the Journal.

Eternal Spirit, who art at home in every humble and contrite heart, come to us this morning not so much because we deserve Thy visitation but because we need it.

Steady us amid these turbulent days. May we seek no exemption from the burden bearing of the world. Amid the shattering events and tempestuous emotions of our time, keep in our souls an inner sanctuary, inviolate and still. Give us a place of swift and sure retreat within our souls, where the world's angry voices die, and Thou alone art real. There let quiet assurance come and day by day in these troubled times, help us to live from a GREAT DEPTH of being.

In the spirit of Christ.

Amen.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Waggy, on motion of Senator Rich.

Senator Phillips, on motion of Senator DeLap.

Senator Swing, on motion of Senator DeLap.

Senator Kenny, on motion of Senator Foley.

Senator Seawell, on motion of Senator Mixter.

Senator Powers, on motion of Senator Luckey.

Senator Slater, on motion of Senator Garrison.

Senator Cunningham, on motion of Senator Ward.
Senator Metzger, on motion of Senator Myhand.
Senator Tickle, on motion of Senator Myhand.
Senator Swan, on motion of Senator Foley.
Senator Shelley, on motion of Senator Rich.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 410—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "two", and insert "three".

Amendment No. 2

On page 1 of the printed bill, strike out line 13, and insert "five hundred dollars (\$3,500) annually for a period of 5".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 836—An act to amend Section 5.750 of the School Code, relating to sick leave.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "5.750", and insert "5.750-1".

Amendment No. 2

In the title of the printed bill, strike out all of line 2, and insert "to leaves of absence for persons employed by school districts in positions requiring certification qualifications."

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 1 to 31, inclusive, and insert "SECTION 1. Section 5.750-1 is hereby added to the School Code, to read as follows:

5.750-1. Every person employed by a school district in a position requiring certification qualifications shall be entitled, during each school year, to such number of days, but not less than five days, leave of absence for illness or injury with full pay, as the governing board of the district may prescribe. Any such leave of absence shall be exclusive of any days on which such a person is not required to render service to the district. If such employee does not take the full amount of leave allowed in any school year under this section the amount not taken may, in the discretion of the governing board of the district, be accumulated from year to year for such number of days as the board may determine.

The provisions of School Code Section 5.750, relating to compensation, shall not apply to the first five days of absence of any such employee on account of illness or accident or to such additional days granted by the governing board."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1031—An act to add Article 8 to Chapter 2 of Part 4 of Division 2 of the School Code and to add Section 4.375-1 to said code, relating to visual education.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 3, both inclusive, and insert "An act to add Section 2.1365 to the School Code, relating to the powers and duties of the Director of Education."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 1 to 26, inclusive, and insert "SECTION 1. Section 2.1365 is hereby added to the School Code, to read as follows:

2.1365. The Director of Education is authorized to develop audial and visual curriculum materials, and to evolve means and methods, and to prescribe standards, for the use of such materials in the public elementary and secondary schools."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 785—An act to amend School Code Section 5.731, relating to the public school system.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "School Code Section 5.731", and insert "add a new section to the School Code to be numbered 5.775".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert "A new section is hereby added to the School Code, to be numbered Section 5.775 and to read as follows:

5.775. The governing board of any school district may employ an attorney or attorneys to advise the board from time to time. The board shall determine the amount of compensation to be paid for such legal assistance, which compensation shall be paid out of funds of the district. Any attorney or attorneys employed under the provisions of this section shall be exempt from any merit or civil service system to which such district may be subject."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Senate Bill No. 1331—An act to add a new section to be numbered Section 5.1 to an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without the Governor's approval (February 25, 1901), relating to the issuance and retirement of municipal improvement bonds.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1326—An act to amend Section 12 of the Municipal Water District Act of 1911, relating to the government and powers of municipal water districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, after "Section 12", insert "and Section 19".

Amendment No. 2

On page 2 of the printed bill, after line 45, insert

"SEC. 2. Section 19 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 19. The board of directors shall have power to construct works *along and across* any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right of way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right of way is hereby given, dedicated and set apart to locate, construct and maintain such works *along and across any street or public highway and over and through any of the lands* which are now or may be the property of this State, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the State."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1330—An act to amend an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, by amending Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13 and 15 thereof, and by adding thereto three new sections, to be Sections 4.5, 10.5 and 11.5 thereof, relating to county peace officers' retirement system.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 8, line 33, of the printed bill, following "or", insert "entrance into such service under".

Amendment No. 2

On page 8, line 35, of the printed bill, following "officer", insert "within 90 days after the termination of such service during such war or emergency".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 393—An act to amend Section 5 of The Personal Income Tax Act of 1935, relating to rates of taxation.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1942—An act to add Division 6 to the Public Resources Code, thereby consolidating and revising the law relating

to the natural resources of the State, including the administration, management, leasing, and disposition of public lands and other lands, and the oil and gas and other mineral deposits within or upon such lands, owned by the State, by counties, or by cities, and to add Sections 10012 and 10013 to said code, repealing certain acts and parts of acts specified therein.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

On page 40, line 22, of the printed bill, as amended, strike out "1923 155 317".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2365—An act to add Sections 10c and 10d to the California Real Estate Act, relating to persons licensed as real estate brokers and real estate salesmen entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 314—An act to amend School Code Section 6.471, relating to the purchase of articles by governing boards of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 315—An act to amend School Code Section 3.180 and to add Section 3.223 to the School Code, relating to schools and classes of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 338—An act to add Section 3.265 to the School Code, relating to the average daily attendance of junior high school pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 359—An act to repeal School Code Section 2.889 and to amend School Code Section 2.891, relating to the conducting of elections for members of governing boards of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 727—An act to add Section 1.92 to the School Code, relating to school buses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 845—An act to add Section 5.789 to the School Code, relating to leave of absence for nonecertificated employees of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 929—An act to add Article 2a, comprising Sections 5.785 and 5.786 to Chapter 9, Part 3, Division 5 of the School Code, relating to institutes of noncertificated employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1136—An act to amend Sections 6.195, 6.198 and 6.199 of the School Code, relating to payment by governing boards of commissions for the sale or lease of property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1163—An act to amend School Code Sections 3.122 and 3.172, relating to the admission of pupils to public schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1204—An act to add Article 7 to Chapter 1 of Part 5 of Division 3 of the School Code, relating to the establishment of courses in military science and tactics in the public secondary schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1478—An act to add a section to the School Code, to be numbered 5.798b, relating to the procedure for layoff of classified employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1622—An act to add Section 5.331 to the School Code, relating to authorization of service in schools of the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2318—An act to add a new section to the School Code, to be numbered 5.723a, relating to sabbatical leaves.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2576—An act to amend Sections 1.125, 1.126 and 1.127 of the School Code, relating to dental hygienists.

Bill read second time, and ordered to third reading.

Assembly Bill No. 818—An act to amend Section 6.406 of the School Code, relating to school book depositories.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 4, of the printed bill, after "two", insert "or more".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 907—An act to amend School Code Sections 5.822, 5.854, 5.872 and 5.876, and to add Section 5.872-1 to the School Code, all relating to the California State Teachers' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, as amended, beginning in line 25, strike out "or insurance carriers,".

Amendment No. 2

On page 1, line 26, of the printed bill, as amended, after "agency", insert a comma and "but time after termination of membership as provided in Section 5.844 hereof, shall not be credited, regardless of whether compensation from an insurance carrier continued thereafter".

Amendment No. 3

On page 2, line 2, of the printed bill, as amended, after "America", insert "or of the State of California, or in the medical, nursing, or ambulance service of the American Red Cross,".

Amendment No. 4

On page 2, line 42, of the printed bill, as amended, after "possessions", insert "and in Canada".

Amendment No. 5

On page 4, line 45, of the printed bill, as amended, after "more", insert "but less than 30".

Amendment No. 6

On page 4 of the printed bill, as amended, beginning in line 46, strike out "but not qualifying for retirement under Section 5.870", and insert "the last four years of which shall have been served in this State".

Amendment No. 7

On page 4, line 51, of the printed bill, as amended, after the period, insert "Any such member who, at the time of such application, shall be credited with 30 or more years of such service, the last four years of which shall have been served in this State, shall be retired under Section 5.870 hereof, upon his application stating what time, not more than 30 days subsequent to the execution thereof, he desires to retire."

Amendment No. 8

On page 5, line 31, of the printed bill, as amended, after "chosen", insert "from the members of the retirement board or".

Amendment No. 9

On page 5, line 35, of the printed bill, as amended, after the second word "the", insert "member of the board or".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Assembly Bill No. 1544—An act to amend Sections 4242 and 4242.2 of the Political Code, relating to the compensation for public services in counties of thirteenth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1536—An act to amend Sections 43.6, 45 and 62 of the County Employees Retirement Act of 1937, relating to a retirement system for county and district employees, and attaches of municipal and superior courts, including provisions for the investment of funds of the system.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2203—An act to amend Sections 2983 and 2985 of, and to repeal Sections 2981 and 2982 of, the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, including the determination of the ratio of assessed value to true value.

Bill read second time, and ordered to third reading.

Assembly Bill No. 566—An act to permit holders of certificates of purchase of State school lands to pay certain obligations therein contained to the State in installments, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and orderèd to third reading.

Assembly Bill No. 1335—An act to add Section 38.1 to the State Civil Service Act, relating to the orders and decisions of the State Personnel Board and the enforcement of the provisions thereof.

Bill read second time, and orderèd to third reading.

ADJOURNMENT

At 9.15 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 12, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 12, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagye, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Kuchel, on motion of Senator Breed.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Carter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Roy S. Duggins, coroner and public administrator of Shasta County, of Redding.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. W. Lefever, president State Association of Supervisors, of Ventura.

On request of Lieutenant Governor Patterson and Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Welburn Mayoek of Los Angeles.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Fred W. Dettmer of Ione.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Bliss Hinkle, principal; Bernard Corrigan, teacher; Mrs. Stella Watson, and the following students of the Tahoe branch of the Placer Union High School: James Baker, Barton Barnett, Bill Bechdolt, Richard Carnell, Charles Cross, Billie Jean Gibson, Richard Hinkle, Joyce Palmer, Everett Peterson, Rex Tallefson, Betty Woodruff, Edna Wheat, Helen Worden, Aubrey Welch, Rodney Yeakell and Pietro Vanni.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sisters M. Paola, M. Ursulieve, M. Geraldine, M. Giovanni; M. W. Heineman, and the following students of the Holy Rosary Academy of Woodland: Margaret Heineman, Patricia Ann Davy, Marjorie Nelson, Margaret Mullen, Kathleen Abele, Frieda Hanke, Elizabeth Richards, Donna Williams, Rose Riccio, Joan Sachreiter, Peggy Jenkins, Betty Jean Smith, Mary Peterson, Mary Kirschman, Helen Murphy, Virginia Koch and Eleanor Santos.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 10, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the tenth day of May, 1941, at 6:15 p.m., Senate Bill No. 1052 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable Chris N. Jespersen, Member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 10, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 1052 entitled "An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein; declaring this act to be an urgency measure and providing that it shall take effect immediately."

My objections to this bill are as follows:

This bill creates the Palm Springs Winter Park Authority composed of five members appointed by the City Council of Palm Springs. The authority is created to furnish a tramway and other recreational facilities in connection therewith, so as to make portions of San Jacinto State Park more accessible to the public, and available for winter sports.

Portions of this bill evidence an intent that before using parts of the San Jacinto State Park, the authority created should first receive the consent of the State Park Commission, which is now vested with the jurisdiction over the entire park, and that the operation of the facilities to be provided under the bill within the park should be subject to the approval of the State Park Commission.

However, the provisions of Section 4.10 of the bill are, in my opinion, so broad as to almost wholly negate any control by the Park Commission over the parts of the park which the authority might use for the operation of its facilities. Section 4.10 reads in part as follows:

"The authority has, and is hereby granted all rights of way deemed by the authority necessary or advisable upon which to construct, locate and maintain the transportation facilities, tramways, upskis or other transportation facilities

and all Winter or other recreational facilities which may be acquired, constructed or completed under this act through, over, under, on or across any property of this State, including Mount San Jacinto State Park."

While under the other provisions of the bill the facilities which might be operated by the authority under contract with the State Park Commission might be subject to the approval of the Park Commission, the facilities which could be constructed under this absolute grant of rights of way would not be subject to any approval or control. This absolute grant of jurisdiction and control over a large segment of the scenic resources of the State, without any control or supervision by the agency to which the people have delegated the responsibility of providing for the wise development of these resources, is a step to which I can not consent.

San Jacinto State Park is a part of California's State Park System, paid for with public funds matched by funds contributed from private resources. It is the responsibility of the State Park Commission to see that this natural resource is developed and maintained for the benefit of all the people of California. It is my conviction that the further development of this park and the attractions therein should continue to be the responsibility of such commission. If the development of this tramway, or other facilities in connection therewith, should be delegated to a body other than the State Park Commission, then any use of State park property by such independent body should only be granted subject to the approval of the Park Commission.

A further objection to this bill is that the authority it creates is composed entirely of members appointed by the governing body of a single city. As I have already said, San Jacinto State Park is a part of California's State Park System. Any public agency formed for the purpose of developing a road or tramway or other means of transportation to such a State park, or constructing and operating recreational facilities therein, should be an agency responsible to all of the people of California, and not one responsible only to the governing board of one city.

I am thoroughly in sympathy with the idea that such parts of San Jacinto State Park as are suitable for Winter sports purposes, should be so improved, and that the public should be furnished a means of access thereto. In doing this, a broad view should be taken as to the uses that should be made of the park by the public. Parts of this park, and the adjacent National forests, constitute primitive areas which should be preserved in their natural state, and the opening up of portions of the park for Winter sports should not be permitted to destroy the unspoiled beauty thereof. In other words, the tramway should be constructed and operated in connection with the park; not the park operated in connection with the tramway.

However, at the present time those portions of the park involved in this bill are inaccessible to all but the very few who can afford the time and expense of a horse-back trip. I believe that these portions of the park can and should be made accessible to more people of the State, and that its Winter sports possibilities can be utilized, while at the same time the natural beauties and the primitive conditions in a large part of the park can be preserved.

I have no objection to the financing of the construction of the tramway and other facilities through the issuance of revenue bonds, but I believe that before such revenue bonds are issued, a State agency should be required to carefully consider all aspects of the construction and operation of the project, and that investigations should be made as to its feasibility, in order to avoid any failure of the security. This is particularly important in view of the fact that in order to avoid failure of the project through competition it may be necessary, as provided in this bill, that no new roads excepting necessary fire trails and the like be constructed into this portion of the park as long as the revenue bonds are outstanding. It will be seen that a failure of the tramway might prevent access into the park by other means. For this reason appropriate safeguards should be set up to assure that the tramway is constructed only if it is feasible from both an engineering and financial standpoint.

I hope that another bill meeting these objections will receive your favorable consideration at this session of the Legislature, and I shall welcome an opportunity to approve the same.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 128—An act to add Section 96.5 to the State Civil Service Act, relating to State civil service employees, declaring the urgency of this act and that it shall take effect immediately.

And appointed Messrs. Desmond, Houser, Frederick F., and McCollister as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 36

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1480
Assembly Bill No. 1800
Assembly Bill No. 1855
Assembly Bill No. 1434
Assembly Bill No. 1438
Assembly Bill No. 1164
Assembly Bill No. 2272

Assembly Bill No. 2358
Assembly Bill No. 2218
Assembly Bill No. 1933
Assembly Bill No. 1315
Assembly Bill No. 949
Assembly Bill No. 950

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 150
Assembly Bill No. 2326
Assembly Bill No. 2161
Assembly Bill No. 822
Assembly Bill No. 955
Assembly Bill No. 1088
Assembly Bill No. 2457
Assembly Bill No. 1065
Assembly Bill No. 854
Assembly Bill No. 1381
Assembly Bill No. 1839
Assembly Bill No. 316
Assembly Bill No. 1011
Assembly Bill No. 2299
Assembly Bill No. 1865
Assembly Bill No. 1057

Assembly Bill No. 2078
Assembly Bill No. 951
Assembly Bill No. 957
Assembly Bill No. 188
Assembly Bill No. 975
Assembly Bill No. 681
Assembly Bill No. 168
Assembly Bill No. 1311
Assembly Bill No. 1963
Assembly Bill No. 976
Assembly Bill No. 44
Assembly Bill No. 1377
Assembly Bill No. 988
Assembly Bill No. 989
Assembly Bill No. 619
Assembly Bill No. 1012

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 49

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 9, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 53

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1480—An act to amend Sections 2.02, 2.04 and 12.06 of the Building and Loan Association Act, relating to building and loan associations, names and articles, and restrictions on advertising.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1855—An act to add Section 1630 to the Civil Code, relating to contracts for the sale of agricultural products.

Referred to Committee on Judiciary.

Assembly Bill No. 1434—An act to amend Sections 2, 5, 6, 7, 8, 9, 10, 12 and 14 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of distributors of motor vehicle fuel and the administration of the tax and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1438—An act to amend Sections 5, 5.1, 10, 12, 14, 19, 20, 23, 27 and 29 of the Use Fuel Tax Act of 1937, relating to the taxation of the use of motor vehicle fuel in this State and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1164—An act to add Section 1.51 to the School Code, relating to the maintenance of activities by student organizations on property of a school district.

Referred to Committee on Education.

Assembly Bill No. 2272—An act to add Section 48.2 to the State Lands Act of 1938, and to add Section 6900 to the Public Resources Code, relating to leases of tide and submerged lands for extraction of minerals other than oil and gas.

Referred to Committee on Natural Resources.

Assembly Bill No. 2358—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Referred to Committee on Business and Professions.

Assembly Bill No. 2218—An act to amend Sections 3.362, 4.871, 4.873, 4.884 and 4.885 of, and to add Sections 4.871a and 4.884a to the School Code, relating to the support of the public school system.

Referred to Committee on Education.

Assembly Bill No. 1933—An act to amend Section 3521 of the Political Code, relating to patents for State lands.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1315—An act to amend Section 672 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools in detention homes.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 949—An act to repeal Chapter 395 of the Statutes of 1915 entitled "An act providing for the sale of certain State lands suitable for cultivation," approved May 15, 1915, as amended.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 950—An act to amend Section 1 of Chapter 389, Statutes of 1915, entitled "An act providing for the sale of certain State lands," approved May 15, 1915, relating to State lands.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 150—An act to amend Sections 4005c, 4006, 4234, 4235, 4238, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282 and 4283 and to repeal Sections 4234a, 4242.1, 4242.2, 4242.3, 4242a, 4248a, 4248b, 4248c, 4248d, 4248e, 4248f, 4248g, 4248h, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248p, 4248p2, 4248q, 4248r, 4248s, 4248t, 4248u, 4248v, 4254a, 4254b, 4254c, 4254d, 4254e, 4254f, 4254g, 4254h, 4254i, 4254j, 4254k, 4254l, 4254m, 4254n, 4254o, 4254p, 4254q, 4254r, 4254s, 4254t, 4263a, 4263b, 4263c, 4263d, 4263e, 4263f, 4263g, 4263h, 4263i, 4263j, 4263k, 4263l, 4263m, 4263n, 4263o, 4263p, 4263q, 4263r, 4263s, 4265a, 4270a, 4270b, 4270c, 4270d, 4270e, 4270f, 4270g, 4270h, 4270i, 4270j, 4270k, 4270l, 4270m, 4270n, 4270o, 4270p, 4270q, 4270r and 4272a of the Political Code, relating to the classification of the counties of California and providing for the compensation of public personnel in said counties as so classified.

Referred to Committee on Local Government.

Assembly Bill No. 2326—An act to amend Section 134 of the Vehicle Code, relating to the distribution of publications by the Department of Motor Vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2161—An act relating to the Immigration Inspector of the Division of Immigration and Housing.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 822—An act to add Chapter 9 (consisting of Sections 240, 241, 242, 243, 243.5, 244, 245, 245.5, 246, 246.5, 247 and 248, to Division 3 of the Vehicle Code, and to repeal Sections 235 and 235.5 thereof, relating to the wrecking and dismantling of vehicles, including the business of automobile wreckers.

Referred to Committee on Transportation.

Assembly Bill No. 955—An act to amend Sections 6, 8, 11, 13, 17, 18, 20 and 22 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1088—An act to add a new section to be numbered 154.35 to Chapter 1 of Division 2 of the Agricultural Code, relating to permits to operate seed cleaning equipment.

Referred to Committee on Agriculture.

Assembly Bill No. 2457—An act to repeal Section 3051 of, and to add Section 3051 to, the Business and Professions Code, relating to the training of persons seeking an optometry license.

Referred to Committee on Business and Professions.

Assembly Bill No. 1065—An act to amend Sections 551 and 556 of the Business and Professions Code, relating to the prevention of blindness at childbirth.

Referred to Committee on Business and Professions.

Assembly Bill No. 854—An act to amend Section 531 of the Vehicle Code, and to add Section 531.5 thereto, relating to following other vehicles too closely, and to vehicles being operated in caravan.

Referred to Committee on Transportation.

Assembly Bill No. 1381—An act to amend Sections 61 and 105 of the Bank Act, relating to the investment of trust funds.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1839—An act to amend Section 200 of the Code of Civil Procedure, relating to exemption from jury duty.

Referred to Committee on Judiciary.

Assembly Bill No. 316—An act to amend Section 241 of the Code of Civil Procedure, relating to grand juries.

Referred to Committee on Judiciary.

Assembly Bill No. 1011—An act to amend Sections 8705, 8726, 8727, 8728, 8729, 8730, 8742, 8746, 8748, 8762, 8764, 8765, 8769, 8772, 8781 and 8792 of the Business and Professions Code, relating to the regulation of persons engaged in land surveying.

Referred to Committee on Business and Professions.

Assembly Bill No. 2299—An act to add Section 3131 to the Business and Professions Code, relating to offenses against the chapter on optometry.

Referred to Committee on Business and Professions.

Assembly Bill No. 1865—An act to add Sections 5014 and 6817 to the Public Resources Code, relating to the moneys deposited in the State Park Maintenance and Acquisition Fund and providing the manner in which the moneys in said fund may be expended.

Referred to Committee on Natural Resources.

Assembly Bill No. 1057—An act to repeal Chapter 14, comprising Sections 8500 to 8578, inclusive, of, and to add Chapter 14, comprising Sections 8500 to 8677, inclusive, to, Division 3 of the Business and Professions Code, relating to the regulation of structural pest control.

Referred to Committee on Business and Professions.

Assembly Bill No. 2078—An act to amend Section 8 of an act entitled "An act to regulate the caravanning of vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled 'An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof,' approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately," approved July 1, 1937, regulating the caravanning of vehicles upon the public highways of the State.

Referred to Committee on Transportation.

Assembly Bill No. 951—An act to repeal Chapter 281, Statutes of 1889, entitled "An act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same," approved March 20, 1889.

Referred to Committee on Natural Resources.

Assembly Bill No. 957—An act to amend Section 1 of an act entitled "An act to promote the utilization of the water of streams in this State and for that purpose authorizing the storage of the same underground and the damming of streams and the flowage of lands in effecting such storage for beneficial use," approved May 23, 1919, relating to storage of water underground.

Referred to Committee on Water Resources.

Assembly Bill No. 188—An act to amend Section 5055 of the Welfare and Institutions Code, relating to mentally irresponsible persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 975—An act to amend Section 3 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Referred to Committee on Financial Institutions.

Assembly Bill No. 681—An act to amend Section 694 of the Code of Civil Procedure, relating to sales of real and personal property under execution.

Referred to Committee on Judiciary.

Assembly Bill No. 168—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Referred to Committee on Local Government.

Assembly Bill No. 1311—An act to add Section 1.182, Section 1.183 and Section 1.184 to the School Code, relating to the employment of minor children.

Referred to Committee on Education.

Assembly Bill No. 1963—An act to repeal Sections 3.331 to 3.339, both inclusive, of, and to add Sections 3.331 to 3.339a, both inclusive, to the School Code, and to add Chapter 8 to Part 1 of Division 3 of said code, all relating to the interstate attendance of public school pupils.

Referred to Committee on Education.

Assembly Bill No. 976—An act to amend Sections 828 and 845 of the Insurance Code, relating to insurance securities and brokers' and agents' certificates.

Referred to Committee on Financial Institutions.

Assembly Bill No. 44—An act to add Article 6, comprising Section 4426, to Chapter 2 of Division 4 of the Public Resources Code, relating to safety devices and safeguards on fire lookout towers constructed or maintained by the Department of Natural Resources.

Referred to Committee on Natural Resources.

Assembly Bill No. 1377—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 988—An act to repeal Section 459 and to amend Section 460 of the Fish and Game Code, relating to importation of fish and game.

Referred to Committee on Fish and Game.

Assembly Bill No. 989—An act to amend Section 453 of the Fish and Game Code, relating to possession of fish and game after the season closes.

Referred to Committee on Fish and Game.

Assembly Bill No. 619—An act to amend Sections 650.5, 650.6, 657, 658.5, 659 and to add Sections 657.5 and 658.3 of the Fish and Game Code, relating to salmon.

Referred to Committee on Fish and Game.

Assembly Bill No. 1012—An act to amend Sections 6735, 6752, 6757, 6775, 6787 and 6799 of the Business and Professions Code, relating to persons practicing civil engineering.

Referred to Committee on Business and Professions.

Assembly Joint Resolution No. 49—Relative to real estate brokers and salesmen.

Referred to Committee on Business and Professions.

Assembly Joint Resolution No. 53—Relative to memorializing Congress to pass House Resolution 3570, allocating funds for the building and operation of emergency schools necessitated by reason of National defense.

Request for Unanimous Consent

Senator Fletcher asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 53, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 53

Assembly Joint Resolution No. 53—Relative to memorializing Congress to pass House Resolution 3570, allocating funds for the building and operation of emergency schools necessitated by reason of National defense.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 49	Senate Bill No. 506
Senate Bill No. 98	Senate Bill No. 508
Senate Bill No. 167	Senate Bill No. 619
Senate Bill No. 187	Senate Bill No. 905
Senate Bill No. 302	Senate Bill No. 1299

Senate Constitutional Amendment No. 1

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 49—An act to add to the Code of Civil Procedure Section 1171/2, relating to the deposit of cash in lieu of bond on appeal in small claims courts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 49?

Amendment No. 1

On page 1, line 6, of the printed bill, after "undertaking", insert "; and such deposit shall be equivalent to such undertaking".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 49 by the following vote:

AYES—Senators Brown, Carter, Cunningham, DeLap, Denel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 98—An act to amend the County Water District Act, as amended, by amending Section 12, relating to powers of districts, amending Section 18, relating to right of ways, Section 19, relating to water rates and Section 25, relating to additions to districts; repealing Sections 12.1 and 22a; repealing and reenacting Section 52; and by adding Section 1.1 declaring districts public agencies, 10.1 relating to contracts between districts and their officers or directors, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.8½, 12.9, 12.10, 12.11, 12.12, 12.13, 12.14 and 12.15, relating to powers of districts, 14.1, relating to oaths, 14.2, relating to investment of funds, 16b, relating to callable bonds, 28.1, relating to findings on additions and exclusions of land and 66 to 71, inclusive, relating to dissolution of districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 98?

Amendment No. 1

In line 9 of the title of the printed bill, as amended, strike out "to 12.15, inclusive", and insert "12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.8½, 12.9, 12.10, 12.11, 12.12, 12.13, 12.14, and 12.15".

Amendment No. 2

On page 3 of the printed bill, as amended, between lines 25 and 26, insert

"SEC. 12.5. A new section is hereby added to said act as amended, to be numbered 12.8½ and to read as follows:

Sec. 12.8½. To transfer, sell, lease, or convey to any municipal water district existing pursuant to the Municipal Water District Act of 1911 upon such terms and conditions as may be agreed upon by the board of directors of the county water district and the board of directors of the municipal water district any works, land, or structures within any improvement district formed pursuant to any of the provisions of this act, or to transfer to such a municipal water district upon like terms and conditions the proceeds of any bonds theretofore authorized by or for the improvement district;"

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 98 by the following vote:

AYES—Senators Brown, Carter, Cunningham, DeLap, Denel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 167—An act to amend Sections 5, 7 and 17 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof, and the entering into contracts, and for the issuance of bonds, warrants or other evidence

of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts, including the qualifications of district directors, the qualifications of electors, the qualifications of directors when such directors are elected to represent divisions of the district, and the qualifications of electors entitled to vote for directors who are elected by divisions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 167?

Amendment No. 1

On page 4, line 18, of the printed bill, as amended, strike out "districts", and insert "district".

Amendment No. 2

On page 4, line 46, of the printed bill, as amended, after "large", and before "and", insert a comma.

Amendment No. 3

On page 5, line 18, of the printed bill, as amended, after "bond", insert "shall be in the form prescribed by law for public officers, and".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 167 by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Rich, Slater, Tickle, and Ward—23.
NOES—None.

Above bill ordered enrolled.

Senate Bill No. 187—An act to amend Section 162 of the Probate Code, relating to interest on deferred legacies.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 187?

Amendment No. 1

On page 1, line 4, of the printed bill, after "time", insert "on and after the effective date of this act".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 187 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—26.
NOES—None.

Above bill ordered enrolled.

Senate Bill No. 302—An act to amend Section 29 of the Civil Code, relating to rights of unborn children, and providing for limitation of actions for prenatal injuries and injuries sustained in the course of birth.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 302?

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "four", and insert "six".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 302 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 506—An act to amend Sections 8931, 8938, 8939, 8963, 9000 and 9100 of the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemeteries.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 506?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 9000", and insert ", 9000, and 9100".

Amendment No. 2

In line 2 of the title of the printed bill, after "Code", insert "and to repeal Chapter 106 of the Statutes of 1909".

Amendment No. 3

On page 2 of the printed bill, after line 12, insert

"SEC. 6. Section 9100 of the Health and Safety Code is hereby amended to read as follows:

9100. No right or obligation [accrued by the formation and operation] of a cemetery district *formed and operating* pursuant to the provisions of Chapter 106, Statutes of 1909, as amended, is affected by the repeal of that act, [and] *but any district so organized and operating* may continue in existence [and] *only* subject to [that act] *this part*.

SEC. 7. Chapter 106 of the Statutes of 1909 is hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 506 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Shelley, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 508—An act to amend School Code Sections 5.350 and 5.352, relating to fees for credentials, renewal of credentials, and life diplomas issued by the State Board of Education.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 508?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "sections", insert "5.350 and".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 508 by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Shelley, Slater, Swing, Tickle, and Ward—24.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 619—An act to amend Sections 7302, 7321, 7324, 7330, 7331, 7332, 7334, 7351, 7360, 7372, 7373, 7376, 7382, 7383, 7391,

7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 of, to repeal Article 13, comprising Sections 7450 to 7457, inclusive of, and to add Section 7329 to Article 3 of Chapter 19 of Division 3 of the Business and Professions Code, relating to the practice, the training for and government of, cosmetology.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 619?

Amendment No. 1

On page 1, line 5, of the printed bill, after "a", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 2

On page 2, line 5, of the printed bill, after "waving", insert "machineless permanent waving".

Amendment No. 3

On page 3, line 13, of the printed bill, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 4

On page 3, line 44, of the printed bill, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 5

On page 5, line 2, of the printed bill, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 6

On page 5, line 6, of the printed bill, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 7

On page 5, line 33, of the printed bill, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 8

On page 6, line 9, of the printed bill, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Also:

Amendment No. 1

In line 6 of the title of the printed bill, as amended, strike out "said", and insert "the Business and Professions".

Amendment No. 2

On page 3, line 8, of the printed bill, as amended, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 3

On page 5, line 39, of the printed bill, as amended, after "a", and before "manager", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 4

On page 7 of the printed bill, as amended, strike out lines 20 and 21, and insert "course of training of the minimum number of hours and months required by this chapter."

Amendment No. 5

On page 7, line 49, of the printed bill, as amended, after "registered", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 6

On page 8, line 38, of the printed bill, as amended, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 7

On page 9, line 1, of the printed bill, as amended, after "licensed", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 8

On page 9, line 6, of the printed bill, as amended, after "registered", insert "hairdresser and cosmetician or cosmetologist".

Amendment No. 9

On page 9, line 11, of the printed bill, as amended, after "No", insert "hairdresser and cosmetician or cosmetologist".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 619 by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Denel, Dillinger, Foley, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 905—An act to add Section 450.1 to the Fish and Game Code, making the taking, mutilating, or destruction of any wild bird, mammal or other game lawfully in the possession of another a misdemeanor and providing the penalty therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 905?

Amendment No. 1

In line 3 of the title of the printed bill, strike out "fish".

Amendment No. 2

On page 1, line 4, of the printed bill, strike out "fish".

Amendment No. 3

On page 1, line 9, of the printed bill, strike out "fish".

Amendment No. 4

On page 1, line 12, of the printed bill, strike out "snared, hooked, trapped".

Amendment No. 5

On page 1, line 13, of the printed bill, strike out "snared, hooked, trapped".

Amendment No. 6

On page 1, line 14, of the printed bill, strike out "fish".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 905 by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—25.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1299—An act to amend Sections 6.9, 24, 24.2, 24.3, 27, 33e, 34, 49, 49.2, 51, 66 and 67.5, and to repeal 24.5, 24.7, 27a, 27b, 27c, 27d, 33, 33a, 33b, 33e and 33d of the Alcoholic Beverage Control Act, and to add thereto new sections, to be designated 24.1, 24.5, 24.55, 24.6, 27a, 27b, 27c, 33, 33a, 33b, 33e, 33d, 33f, 33g, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i and 34j, relating to alcoholic beverages.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1299?

Amendment No. 1

On page 14, line 41, of the printed bill, as amended April 7, 1941, after "made.", insert "It is further provided that a railroad, sleeping car, boat or steamship company carrying interstate or foreign passengers on trains or boats shall not be deemed to be importers or subject to an importer's license for bringing into this State from without this State alcoholic beverages for the purpose of sale within this State on

the trains, cars or boats on which the same are brought into this State, exclusively to passengers or employees, and carrying the same or any unsold portion thereof out of this State in due course of operation."

Also:

Amendment No. 1

On page 2, line 10, of the printed bill, after "'Taxpayer'", insert "wherever used in this act".

Amendment No. 2

On page 4, line 37, of the printed bill, following "monthly", strike out "or", and insert "and".

Amendment No. 3

On page 5, line 40, of the printed bill, strike out "hereunder", and insert "with respect to distilled spirits excise taxes".

Amendment No. 4

On page 6, line 18, of the printed bill, after "judgment", insert "entered under Section 33b of this act".

Amendment No. 5

On page 10, line 12, of the printed bill, after "hereunder", insert "by Section 24".

Amendment No. 6

On page 11, line 33, of the printed bill, strike out "If", and insert "With respect to excise taxes imposed by Section 24 of this act, if".

Also:

Amendment No. 1

On page 1, line 20, of the printed bill, as amended, strike out "or by".

Amendment No. 2

On page 2, line 1, of the printed bill, as amended, strike out "common carriers on board boats and trains".

Amendment No. 3

On page 10, line 5, of the printed bill, as amended, strike out "user", and insert "taxpayer".

Amendment No. 4

On page 11, line 20, of the printed bill, as amended, strike out "report", and insert "return".

Amendment No. 5

On page 13, line 35, of the printed bill, as amended, strike out "retailer", and insert "taxpayer".

Amendment No. 6

On page 14, line 17, of the printed bill, as amended, after "car," insert "dining car".

Amendment No. 7

On page 16 of the printed bill, as amended, between lines 7 and 8, insert "An excise tax is hereby levied on sales of distilled spirits made by common carriers on board boats and trains in California at the same rates as set forth in Section 24. On or before the first day of each month such common carriers shall forward to the board a verified report of the sales of distilled spirits made by such common carriers on board boats and trains in California in the calendar month preceding the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to pay the distilled spirits excise tax at the rate set forth in Section 24 on such sales made in said month."

Amendment No. 8

On page 16 of the printed bill, as amended, at the end of said printed bill, insert "Nothing herein contained shall affect any liability for excise taxes imposed on sales of alcoholic beverages occurring prior to the effective date of this act."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1299 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—30.

NOES—None.

Above bill ordered enrolled.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IV thereof a new section, to be numbered 25½, relating to fish and game and funds received in connection therewith.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 1?

Amendment No. 1

On page 2 of the printed measure, strike out lines 12, 13 and 14, and insert "from such fines and forfeitures."

The roll was called, and the Senate concurred in Assembly amendment to Senate Constitutional Amendment No. 1 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—27.

NOES—None.

Above resolution ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 41	Senate Bill No. 685
Senate Bill No. 143	Senate Bill No. 687
Senate Bill No. 144	Senate Bill No. 697
Senate Bill No. 407	Senate Bill No. 754
Senate Bill No. 425	Senate Bill No. 848
Senate Bill No. 442	Senate Bill No. 1033
Senate Bill No. 662	Senate Bill No. 1260
Senate Bill No. 684	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 393	Senate Bill No. 1331
Senate Bill No. 1310	Senate Bill No. 537
Senate Joint Resolution No. 24	

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 30
Senate Bill No. 1323
Senate Bill No. 977

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 836	Senate Bill No. 1326
Senate Bill No. 1031	Senate Bill No. 1330

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 114

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 640

Assembly Bill No. 1479

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 108

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Fund for Payment of Officers and Clerks of the Senate in favor of Cameron Wylie in the sum of five dollars (\$5), same being compensation for services as page of the Senate for May 7 and 8, 1941, and the Treasurer is directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—30.

NOES—None.

By Senator Tickle:

Senate Resolution No. 109

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, beginning May 12, 1941, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the same respective amounts, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Gird Levering, page-----	\$2 50
David Levering, page-----	2 50

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swing, Tickle, and Ward—29.

NOES—None.

By Senator Seawell:

Senate Resolution No. 110

WHEREAS, On Wednesday, May 7, 1941, the wives of the members of the Legislature of California, were the guests of the City and County of San Francisco; and

WHEREAS, Some 60 of the wives who were able to accept the hospitality were met at the ferry by city officials and were transported by busses with police escort, to the women's court presided over by the Honorable Theresa Meikle, judge of the municipal court where they witnessed the proceedings of a day in that court; they were then taken on an extensive sight seeing trip through San Francisco; and thence to a reception at the office of Honorable Angelo J. Rossi, Mayor of San Francisco, where they were presented with beautiful corsages; and then they were taken to lunch at the Clift Hotel; after lunch they were transported to San Francisco's Yacht Harbor where they were boarded on yachts procured by the San Francisco Chamber of Commerce for a trip around San Francisco Bay; and

WHEREAS, The hospitality of the City and County of San Francisco was most generous and was thoroughly enjoyed by the guests who will ever remember the day as an outstanding one in their lives; now, therefore, be it

Resolved by the Senate of the State of California, That it expresses to the City and County of San Francisco its sincere appreciation and thanks for the cordial and generous hospitality that was extended to the wives of the members of the Legislature on Wednesday, May 7, 1941; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send an engrossed copy of this resolution to Honorable Angelo J. Rossi, Mayor of San Francisco, and one to the San Francisco Chamber of Commerce.

Resolution read, and unanimously adopted.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY BILL NO. 128**

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Tickle, Brown and Myhand as a Committee on Conference concerning Assembly Bill No. 128.

RICH, Chairman
Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: Your Committee on Rules has appointed Senator Biggar as a member of the Special Investigating Committee created by Senate Resolution No. 104, vice Senator Collier, resigned.

RICH, Chairman

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Judah:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to add Section 827.1 to the Agricultural Code, relating to apples.

Respectfully submitted.

SENATOR JUDAH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman BREED
MYHAND DEUEL
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—33.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Dillinger:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to repeal Chapter 3, Part 2, Division 2, of the Insurance Code, and to add a new Chapter 3, comprising Sections 10240 to 10249 to Part 2, Division 2, of the Insurance Code, relating to insurance.

Respectfully submitted.

SENATOR DILLINGER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman	MYHAND
TICKLE	BREED
DEUEL	

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—34.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1332: By Senator Judah—An act to add Section 827.1 to the Agricultural Code, relating to apples.

Referred to Committee on Agriculture.

Senate Bill No. 1333: By Senator Dillinger—An act to repeal Chapter 3, Part 2, Division 2, of the Insurance Code, and to add a new Chapter 3, comprising Sections 10240 and 10249 to Part 2, Division 2, of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

SECOND READING OF SENATE BILLS

Senate Bill No. 1168—An act to amend Section 19622 of the Business and Professions Code, and Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment

ratifying its provisions," approved June 5, 1933, relating to the allocation of money in the Fair and Exposition Fund.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "19622", and insert "19626".

Amendment No. 2

In the title of the printed bill, strike out lines 2 to 11, inclusive, and insert "sions Code, relating to the disposition of moneys in the".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "19622", and insert "19626".

Amendment No. 4

On page 1 of the printed bill, between lines 2 and 3, insert

"19626. The second balance of the fund is hereby allocated for expenditure without regard to fiscal years, as follows: Twenty-five per cent for permanent improvements at, or support of, the California Polytechnic School; 33 per cent for permanent improvements at, or support of, the University of California; *one hundred twenty five thousand dollars (\$125,000) to Agricultural District No. 1a, at which not less than fifty five thousand dollars (\$55,000) shall be expended only for premiums*; the remainder for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, in such amounts as may be allocated by executive order of the Director of Finance.

Amendment No. 5

On page 1 of the printed bill, strike out lines 3 to 19, inclusive, and strike out all of pages 2 and 3.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, consideration of the Governor's veto to Senate Bill No. 133 was taken up.

Consideration of Governor's Veto

Senate Bill No. 133—An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502, 2557 and 2558 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 to 2641, inclusive, and Article 7, comprising Sections 2650 to 2659, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code and repealing acts and parts of acts specified herein; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administration to the State Department of Social Welfare and transferring relief cases to county administration.

The question being: Shall Senate Bill No. 133 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Phillips moved a call of the Senate.

Motion carried. Time, 3.17 p.m.

The President directed the Sergeant-at-Arms to close the doors.

PROCEEDINGS UNDER CALL OF THE SENATE REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Senate Bill No. 484 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

Motion to Amend

Senator McCormack moved the adoption of the following amendment:

Amendment No. 1

On page 10 of the printed bill, as amended, between lines 40 and 41, insert "Sec. 14.5. Cost of Operating Enterprise. The cost of operating and maintaining any enterprise for which revenue bonds are issued pursuant to this act shall be paid solely and exclusively from the proceeds of such bonds or from the revenues derived from the operation of such enterprise."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1323—An act to amend Section 392 of the Penal Code, relating to the running of railroad trains with passenger cars ahead of freight cars.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An act to amend Section 411 of the Code of Civil Procedure, relating to service of summons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1317—An act to repeal Section 400.5 and to amend Section 404 of the Civil Code, relating to dissolution of corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211—An act to amend Section 1151 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 24—Relative to memorializing the President, the Congress, and the Solicitor General with respect to the assertion of any pretended Federal claim to the submerged lands of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 836—An act to amend Section 5.750 of the School Code, relating to sick leave.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1031—An act to add Article 8 to Chapter 2 of Part 4 of Division 2 of the School Code and to add Section 4.375-1 to said code, relating to visual education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—Senator Fletcher—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1331—An act to add a new section to be numbered Section 5.1 to an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without the Governor's approval (February 25, 1901), relating to the issuance and retirement of municipal improvement bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1330—An act to amend an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, by amending Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13 and 15 thereof, and by adding thereto three new sections, to be

Sections 4.5, 10.5 and 11.5 thereof, relating to county peace officers' retirement system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Fletcher, Foley, Garrison, Judah, Keating, Mayo, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1326—An act to amend Section 12 and Section 19 of the Municipal Water District Act of 1911, relating to the government and powers of municipal water districts.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 12 and Section", and insert "Sections 2, 12 and".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, before "government", insert "organization".

Amendment No. 3

On page 3 of the printed bill, as amended, following line 13, insert:

"SEC. 3. Section 2 of the act cited in the title hereof is hereby amended to read as follows:

"Sec. 2. The people of any city and county, or of one or more municipal corporations in any county with or without unincorporated territory in such county, whether said city and county, municipal corporation or corporations or unincorporated territory lies wholly within or partly within a county water district, in the State of California, may organize a municipal water district under the provisions of this act by proceeding as herein provided. Such municipal corporations need not be contiguous and such unincorporated territory may consist of one or more parcels which need not be contiguous one with the other or with any municipal corporation included in said district."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 217—An act to add Chapter 12, consisting of Sections 22100 to 22132, inclusive, to Division 8 of the Business and Professions Code, relating to the marking of articles of merchandise made in whole or in part of platinum and other metals in the platinum group or their alloys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1451—An act to amend Section 1672 of the Business and Professions Code, relating to dentistry.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 147—An act to amend Section 55 of the County Employees Retirement Act of 1937, relating to the management of the county employees retirement system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Metzger, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1058—An act relating to National and local defense and public emergencies, authorizing extraterritorial activities by public agencies and providing that the privileges, immunities and benefits applicable to the activity of employees of such public agencies when acting within their territorial limits shall apply to them while engaged in any such work extraterritorially; declaring the urgency hereof, to take effect immediately

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2091—An act to amend Section 542.1 of the Political Code, relating to charges for State printing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1219—An act authorizing the State Director of Finance, with the consent of the Board of Control, to grant, convey, and sell by deed, or any other proper legal conveyance, all the right, title,

and interest of the State of California, in and to the abandoned channel of Petaluma Creek or River in and adjacent to the City of Petaluma, County of Sonoma, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 387—An act to add Section 590 to the Probate Code, relating to the employment of attorneys for estates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 533—An act to amend Section 1007 of, and to add Section 1008 to, the Civil Code, relating to prescription; exemption.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1895—An act to amend Section 1274 of the Code of Civil Procedure, relating to escheated property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2348—An act to add Section 424 to the Military and Veterans Code, relating to the use of uniforms of military and semi-military organizations of foreign governments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 657—An act to add Sections 10202.5 and 10270.55 to the Insurance Code, relating to group insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1407—An act to amend Sections 701, 1191, 10970 and 12923 of, and to add Sections 706.7, 11532.1, 11532.2, 11532.3, 11532.4, 11532.5, 11532.6, 11532.7, 11532.8, 12921.5 and 12973.7 to, the Insurance Code, all relating to insurance and the Insurance Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 663—An act to amend Section 3463 of the Political Code, relating to the lien of assessments for reclamation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 237—An act to amend Sections 2330, 2350 and 2351 of the Labor Code, relating to sanitary conditions of factories and other places of employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 848—An act to amend Section 730 of the Fish and Game Code, relating to halibut.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating,

Luckey, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1499—An act to amend Section 817 of the Agricultural Code, relating to peas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1466—An act to amend Sections 814 and 829.4 of the Agricultural Code, relating to lettuce.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 53—A resolution to propose to the people of the State of California that the Constitution of this State be amended by adding Section 14½ to Article XIII thereof, relating to taxation of insurers.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Metzger, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—30.

NOES—Senator McCormack—1.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 845—An act to add Section 5.789 to the School Code, relating to leave of absence for noncertificated employees of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 929—An act to add Article 2a, comprising Sections 5.785 and 5.786 to Chapter 9, Part 3, Division 5 of the School Code, relating to institutes of noncertificated employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1204—An act to add Article 7 to Chapter 1 of Part 5 of Division 3 of the School Code, relating to the establishment of courses in military science and tactics in the public secondary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1536—An act to amend Sections 43.6, 45 and 62 of the County Employees Retirement Act of 1937, relating to a retirement system for county and district employees, and attaches of municipal and superior courts, including provisions for the investment of funds of the system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Slater moved to reconsider the vote whereby Assembly Bill No. 1219 was passed.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Slater moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1219 was passed.

The roll was called, and Assembly Bill No. 1219 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, and Ward—27.

NOES—None.

Reconsideration of Assembly Bill No. 1219

Assembly Bill No. 1219—An act authorizing the State Director of Finance, with the consent of the Board of Control, to grant, convey, and sell by deed, or any other proper legal conveyance, all the right, title, and interest of the State of California, in and to the abandoned

channel of Petaluma Creek or River in and adjacent to the City of Petaluma, County of Sonoma, State of California.

Motion to Amend

Senator Slater moved the adoption of the following amendments to Assembly Bill No. 1219:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "sion", insert "to grant, convey, and sell".

Amendment No. 2

On page 2, line 28, of the printed bill, as amended, strike out "he", and insert "it"

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 563—An act to amend Section 593 of the Civil Code, relating to the formation and purposes of nonprofit corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Senate Bill No. 1325—An act to amend Section 133 of the Civil Code, relating to entry of final judgment in divorce cases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

INACTIVE FILE

Assembly Bill No. 192—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Bill read.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 7, inclusive, and insert "790. It is unlawful to pickle, can, or otherwise preserve any crab; provided, that fresh crab meat may be preserved in not less than one pound net weight containers by means of refrigeration, under regulations which the commission is hereby authorized to prescribe. Crab meat from outside the State".

Amendment read and adopted.

Bill ordered printed, and to second reading.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Biggar, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 398 was refused passage, was continued until the next legislative day.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Mayo moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 2015 was passed.

The roll was called, and Assembly Bill No. 2015 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Above bill ordered to inactive file.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1775—An act to amend Section 1065 of the Fish and Game Code, relating to sardines.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1622—An act to add Section 5.331 to the School Code, relating to authorization of service in schools of the public school system, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 642—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without

their limits sanitation, sewer, and water revenue-producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds payable solely from the revenues of such enterprises, and in no respect secured by the taxing power; limiting the issuance of revenue bonds to the enterprises defined herein and excluding therefrom systems for the generation or distribution of electricity; authorizing such municipalities to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds; providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "sewer, and water revenue-producing", and insert "and sewer revenue producing".

Amendment No. 2

In line 10 of the title of the printed bill, after "generation", insert "production".

Amendment No. 3

In line 11 of the title of the printed bill, after "electricity", insert "gas or water".

Amendment No. 4

In line 14 of the title of the printed bill, strike out "facilities and commodities", and insert "and facilities".

Amendment No. 5

On page 1, line 2, of the printed bill, strike out "Sewer and Water", and insert "and Sewer".

Amendment No. 6

On page 1, lines 9 and 10, of the printed bill, strike out "water district, metropolitan water district, county water district, county waterworks districts".

Amendment No. 7

On page 2, lines 2 and 3, of the printed bill, strike out "a sewer system or a water system, or any or all thereof", and insert "or a sewer system or both".

Amendment No. 8

On page 2, lines 12 and 13, of the printed bill, strike out "of any or all", and insert "thereof".

Amendment No. 9

On page 2, line 16, of the printed bill, after "garbage", insert "or".

Amendment No. 10

On page 2, line 18, of the printed bill, strike out "or (3) used"; strike out lines 19 and 20; and in line 21, strike out "public and private uses".

Amendment No. 11

On page 2, line 23, of the printed bill, strike out "water rights".

Amendment No. 12

On page 2, line 24, of the printed bill, strike out "reservoirs".

Amendment No. 13

On page 2, lines 28 and 29, of the printed bill, strike out "water mains, filtration works, pumping stations and equipment", and insert "waste and storm water mains".

Amendment No. 14

On page 2, line 32, of the printed bill, after "with", insert "(1)".

Amendment No. 15

On page 2, line 34, of the printed bill, after "uses", insert " (2) the generation, production, transmission and distribution of gas for public or private uses, or (3) the production, transmission and distribution of water for public or private uses".

Amendment No. 16

On page 8, line 25 of the printed bill, strike out "pipes in drains and water mains," and insert "and drains in mains."

Amendment No. 17

On page 8, line 27 of the printed bill, strike out "facilities, and commodities," and insert "and facilities."

Amendment No. 18

On page 8, line 40 of the printed bill, strike out "treated as"

Amendment No. 19

On page 4, line 3 of the printed bill, strike out "the same as"

Amendment No. 20

On page 4, line 15 of the printed bill, after "with," insert "and"

Amendment No. 21

On page 4, line 17 of the printed bill, after "and," insert "(2) the distribution, production, transmission and transportation of gas for public use, or for the production, transmission and transportation of water for public or private use."

Amendment No. 22

On page 10, line 33, of the printed bill, strike out "and commodities".

Amendment No. 23

On page 10, line 34 of the printed bill, strike out "facilities and commodities," and insert "and facilities".

Amendment No. 24

On page 11, lines 1 and 2, of the printed bill, strike out "business," and insert "trade."

Amendments read and adopted

Bill ordered printed, engrossed, and by third reading

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 36—An act to amend Section 4218 of the Political Code, relating to county officers in counties of the ninth class

Bill read third time.

Motion to Amend

Senator Broad moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4238", and insert "4240".

Amendment No. 2

In the title of the printed bill, strike out all of line 2, and insert "to compensation for public services in counties of the ninth class."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "4238", and insert "4240".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 3, and insert "4240. In counties of the ninth class the following:

Amendment No. 5

On page 1, lines 5 and 6, of the printed bill, strike out "qualified to vote", and insert "shall."

Amendment No. 6

On page 3, line 47 of the printed bill, strike out "Amen."

Amendment No. 7

On page 5, line 31, of the printed bill, strike out "District Attorney."

Amendment No. 8

On page 9, line 1, of the printed bill, strike out "Supervisors."

Amendment No. 9

On page 9, line 21, of the printed bill, strike out "Jurors."

Amendment No. 10

On page 10 of the printed bill, strike out all of lines 1 to 8, inclusive, and insert "Sec. 2. The changes made by this act in the compensation of each of these officers whose compensation is subject to the provisions of Section 4240 of the Political Code shall not apply to his compensation until the expiration of his present term of office and, from the effective date of this act to the time that his term expires, the provisions of law applicable to his compensation prior to the enactment of this act shall, notwithstanding this act, continue to apply to his compensation."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2576—An act to amend Sections 1.125, 1.126 and 1.127 of the School Code, relating to dental hygienists.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—33.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Swing:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts and to define and establish such districts.

Respectfully submitted.

SENATOR SWING

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
TICKLE
DEUEL
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1334: By Senator Swing—An act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts and to define and establish such districts.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 12, 1941.

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 280

Assembly Bill No. 82

Assembly Bill No. 1291

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 12, 1941.

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 1268

Assembly Bill No. 1292

Assembly Bill No. 1275

Assembly Bill No. 2191

Assembly Bill No. 1282

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1078: An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

And reports that the same has been correctly enrolled, and presented to the Governor on the twelfth day of May, 1941, at 4 p.m.

RICH, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.57 p.m., on motion of Senator Phillips, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the Senate sustained the Governor's veto by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Judah, Mayo, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Ward—24.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, McBride, Metzger, Quinn, Shelley, Slater, and Swan—14.

REQUEST FOR UNANIMOUS CONSENT

Senator Phillips asked for, and was granted, unanimous consent to retain Senate Bill No. 1048 on third reading file until the next legislative day.

MOTION TO RECONSIDER

Senator Phillips moved to reconsider the vote whereby the Governor's veto to Senate Bill No. 133 was sustained.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Phillips moved that the Senate, at this time, reconsider the vote whereby the Governor's veto to Senate Bill No. 133 was sustained.

The roll was called, and the vote whereby the Governor's veto to Senate Bill No. 133 was sustained was reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Judah, Mayo, McCormack, Metzger, Myland, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, and Ward—22.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, McBride, Quinn, Shelley, Slater, and Swan—12.

MOTION TO SET SPECIAL ORDER

Senator Phillips moved that Senate Bill No. 133 be made a special order of business for Monday, May 19, 1941, at 3 p.m.

Substitute Motion

Senator Shelley moved that Senate Bill No. 133 be made a special order of business for Tuesday, May 13, 1941, at 3 p.m.

Motion lost.

The question being on the motion by Senator Phillips.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 762

Senator Foley moved that Senate Bill No. 762 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion carried.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senators Quinn and Slater:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, we request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 2021, 2186 and 2187 of the Welfare and Institutions Code, relating to aid to aged under the Old Age Security Law, to take effect immediately.

Respectfully submitted.

SENATOR QUINN
SENATOR SLATER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman MYHAND
BREED DEUEL
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Shelley:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide that Sections 100 to 130, inclusive, of the Welfare and Institutions Code shall constitute and comprise Article 1 of Chapter 1 of Division 1 of said code, to add an article heading to said article, to add Article 2, comprising Sections 135 to 138, to Chapter 1 of Division 1 of the Welfare and Institutions Code, relating to the administration of aid for welfare purposes, and appropriating money therefor, declaring the urgency thereof, to take effect immediately.

Respectfully submitted.

SENATOR SHELLEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 12, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman MYHAND
BREED DEUEL
TICKLE

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bills were introduced, and read the first time:

Senate Bill No. 1335: By Senators Quinn and Slater—An act to amend Sections 2021, 2186 and 2187 of the Welfare and Institutions Code, relating to aid to aged under the Old Age Security Law, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Senate Bill No. 1336: By Senator Shelley—An act to provide that Sections 100 to 130, inclusive, of the Welfare and Institutions Code shall constitute and comprise Article 1 of Chapter 1 of Division 1 of said code, to add an article heading to said article, to add Article 2, comprising Sections 135 to 138, to Chapter 1 of Division 1 of the Welfare and Institutions Code, relating to the administration of aid for welfare purposes, and appropriating money therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, May 5, 1941; Tuesday, May 6, 1941; Wednesday, May 7, 1941; Thursday, May 8, 1941; Friday, May 9, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

ADJOURNMENT

At 6.10 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 13, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

**SIXTY-EIGHTH LEGISLATIVE DAY
ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY**

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 13, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLoe, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Keady, Luckey, Mayo, McBride, McCormack, Metzger, Myland, Parnham, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuchel, on motion of Senator Breed.

Senator Collier, on motion of Senator McBride.

Senator Judah, on motion of Senator McBride.

Senator Mixter, on motion of Senator Mayo.

Senator Waggy, on motion of Senator Mayo.

Senator Shelley, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Lieutenant Governor Patterson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mesdames E. A. Patterson, S. R. Lightbody, M. Kamena and V. R. Naylor, all of Berkeley.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. Merle Waterman, Executive Secretary, Tri-County Y. M. C. A. of Ventura.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jack Harris of Modesto, and Mrs. Stanley Freeman of Sacramento.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sergeant Ivan Wright of Fort McDowell.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to City Councilman Frank E. Bonner of Piedmont.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney Toland McGettigan, Assistant District Attorney Chas. McGoldrick, George R. Cadan, Lawrence Meredith, Al Barry and I. D. Wood, all of Santa Rosa.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. M. Brown of Redlands.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edw. M. Nordberg and Mrs. E. M. Nordberg of Berkeley.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John S. Watson, Allen Hart and B. Groverman, all of Petaluma.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. R. Bradley, J. L. McClellan, H. B. Harlow and W. K. Beattie, all of Upland.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Tom Wait and Mrs. Ralph Wait, both of Plymouth.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Kilby and C. P. Teague, both of Corona.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry Van Vlear of Stockton, R. J. Maraceini of Banta, Emerson Herrick of Lodi, and Louie Rozzoni of Stockton.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Leibau of Santa Rosa.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to F. M. Harliss of San Francisco.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 108

Senate Bill No. 373

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 145

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By ROBERT J. FINNIE, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 145—An act to amend Sections 2853 and 2871 of, and to add Section 2803 to, the Health and Safety Code, relating to pest abatement districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 145?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 2853 and 2871", and insert "Section 2853".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 145 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Seawell, Swan, Swing, and Tickle—25.

NOES—None.

Above bill ordered enrolled.

UNFINISHED BUSINESS

Senate Bill No. 373—An act to amend Section 651.6 of the Fish and Game Code, relating to fish, including salmon.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 373?

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, strike out ", Merced, Madera, and Fresno", and insert "and Merced".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 373 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Swan, and Swing—22.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 120
 Assembly Bill No. 287
 Assembly Bill No. 344
 Assembly Bill No. 367
 Assembly Bill No. 442
 Assembly Bill No. 463
 Assembly Bill No. 469
 Assembly Bill No. 656
 Assembly Bill No. 720
 Assembly Bill No. 925
 Assembly Bill No. 926
 Assembly Bill No. 1019
 Assembly Bill No. 1025
 Assembly Bill No. 1036
 Assembly Bill No. 1174
 Assembly Bill No. 1181
 Assembly Bill No. 1305
 Assembly Bill No. 1384
 Assembly Bill No. 1541

Assembly Bill No. 1577
 Assembly Bill No. 1635
 Assembly Bill No. 1708
 Assembly Bill No. 1713
 Assembly Bill No. 1759
 Assembly Bill No. 1924
 Assembly Bill No. 1982
 Assembly Bill No. 2074
 Assembly Bill No. 2111
 Assembly Bill No. 2130
 Assembly Bill No. 2133
 Assembly Bill No. 2197
 Assembly Bill No. 2228
 Assembly Bill No. 2431
 Assembly Bill No. 2514
 Assembly Bill No. 2524
 Assembly Bill No. 2580
 Assembly Bill No. 2578
 Assembly Bill No. 2587

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 120—An act to add Section 205 to the State Civil Service Act, relating to resignations of civil service employees and others, prohibiting appointing powers from using their authority or influence or discriminating against persons in order to obtain undated or postdated resignations or resignations effective at a future date and imposing penalties for violations thereof.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 287—An act to amend Section 112 of the State Civil Service Act, relating to certifications.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 344—An act to add Section 623 to the Streets and Highways Code, relating to State highway routes.

Referred to Committee on Transportation.

Assembly Bill No. 367—An act to amend Sections 2, 13 and 15 of, and to add Sections 12.5 and 16.1 to, the Subdivision Map Act, relating to subdivisions and to the examination of maps by public officers and charging fees therefor.

Referred to Committee on Local Government.

Assembly Bill No. 442—An act to amend Section 170 of, to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Referred to Committee on Judiciary.

Assembly Bill No. 463—An act to add Section 686.7 to the Vehicle Code, relating to designations on State-owned vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 469—An act to add Section 4132.5 to the Political Code, relating to the indexing of instruments or documents recorded.
Referred to Committee on Judiciary.

Assembly Bill No. 656—An act to amend Section 869a of the Civil Code, relating to the effect of omitting beneficiaries in instruments to trustees affecting real property.
Referred to Committee on Judiciary.

Assembly Bill No. 720—An act to add Section 154.5 to the State Civil Service Act, relating to medical examinations of State employees.
Referred to Committee on Governmental Efficiency.

Assembly Bill No. 925—An act to amend Section 5138 of the Revenue and Taxation Code, and to add Sections 5141, 5142 and 5143 to the Revenue and Taxation Code, relating to the refund of taxes paid under protest.
Referred to Committee on Revenue and Taxation.

Assembly Bill No. 926—An act to amend Sections 3520 and 3712 of, and to add Sections 606.5 and 3695.3 to, the Revenue and Taxation Code, relating to property taxation and tax-deeded property, including the assessment of property, declaring the urgency thereof, to take effect immediately.
Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1019—An act to add a new section to the Probate Code to be numbered 1020.1 and to amend Section 1201a of the Probate Code and to repeal Section 530 and 530.1 of the Probate Code, all relating to assignments and transfers of an interest in the estate of a decedent by heirs, devisees and legatees.
Referred to Committee on Judiciary.

Assembly Bill No. 1025—An act to amend the Agricultural Code by adding a new section thereto to be numbered Section 796.2, by amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.
Referred to Committee on Agriculture.

Assembly Bill No. 1036—An act to amend Section 737c of the Political Code, relating to salaries of the judges of the Superior Court of Kern County.
Referred to Committee on Local Government.

Assembly Bill No. 1174—An act to add Sections 2 and 3 to an act entitled "An act providing for the sale or trade of property used by the California Polytechnic School and providing for the purchase of property for the use of said school," approved June 12, 1931, relating to the purchase of additional land for the California Polytechnic School.
Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1181—An act to add Section 136d to the Bank Act, relating to the disposition of property held by a bank or trust company in process of liquidation as trustee or in safe keeping, and the persons entitled thereto are unknown or can not be found and authorizing delivery of such property to persons establishing right thereto.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1305—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday.

Referred to Committee on Education.

Assembly Bill No. 1384—An act to add Section 395.4 to the Military and Veterans Code, relating to State employees engaged in Military or Naval duties.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1541—An act to amend Sections 15151, 15253 and 15255 of the Health and Safety Code, relating to the application and enforcement of the State Housing Act.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1577—An act to amend Sections 2762 and 2763 of the Penal Code, relating to the employment of prisoners upon State highways.

Referred to Committee on Judiciary.

Assembly Bill No. 1635—An act to repeal and add Section 4101.5 of the Revenue and Taxation Code, relating to property taxation, and the redemption of property, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1708—An act to amend Section 20763 of the Business and Professions Code, relating to renewal of licenses to sell petroleum products at retail.

Referred to Committee on Business and Professions.

Assembly Bill No. 1713—An act to amend Section 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1759—An act to amend Section 175 of the Vehicle Code, relating to the registration of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 1924—An act to add Section 643.5 to the Agricultural Code, relating to dairies, and the exemption of dairies with six cows or less producing milk for manufacturing purposes only from certain requirements concerning equipment and facilities.

Referred to Committee on Agriculture.

Assembly Bill No. 1982—An act to amend Section 2 of The Personal Income Tax Act, relating to the definition of residents.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2074—An act to amend Section 130 of the Vehicle Code, relating to records of the Department of Motor Vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2111—An act to amend Sections 4.962 and 4.973 of the School Code, and to add Section 4.978 thereto, relating to school bonds, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 2130—An act to add an article heading for Article 1, and Article 2, comprising Sections 955 and 956, to Chapter 1 of Title 2 of Part 3 of Division 2 of, and Section 3333.5 to, the Civil Code, to amend Section 1880 of the Code of Civil Procedure, and to amend Section 573 of the Probate Code, relating to survival of personal injury actions.

Referred to Committee on Judiciary.

Assembly Bill No. 2133—An act to amend Sections 376 and 377 of the Code of Civil Procedure, all relating to actions for wrongful injury and death.

Referred to Committee on Judiciary.

Assembly Bill No. 2197—An act to repeal Part 2 of Division 13 of the Health and Safety Code, and to add a new Part 2 to said Division 13, relating to auto courts and resorts, and auto and trailer camps.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2228—An act to amend Section 1143 of the Penal Code, relating to jurors' fees and mileage.

Referred to Committee on Judiciary.

Assembly Bill No. 2431—An act to add Section 689.5 to the Code of Civil Procedure, relating to third party claims.

Referred to Committee on Judiciary.

Assembly Bill No. 2514—An act to amend Section 5 of the State Contract Act, relating to bids.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2524—An act to amend Sections 799, 800 and 801 of the Penal Code, relating to time of commencing criminal actions.

Referred to Committee on Judiciary.

Assembly Bill No. 2580—An act to add Chapter 3, comprising Sections 259, 259.1 and 259.2 to Division 2 of the Probate Code, relating to inheritance rights of aliens and declaring that this act shall take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 2578—An act to add Sections 8.1, 8.2 and 8.3 to the County Waterworks District Act, relating to the refunding of the indebtedness of county waterworks districts.

Referred to Committee on Local Government.

Assembly Bill No. 2587—An act to amend Sections 3.90 and 3.101 of the School Code, relating to school holidays, declaring February 12th and February 22d legal holidays, and providing for the observance thereof.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 114

Senate Bill No. 642

Senate Bill No. 1326

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1845

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

DELAPE, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 280—An act to provide for the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the State Highway System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, after "for", insert "a report on".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 3, inclusive, and insert

"SECTION 1. The Department of Public Works is hereby directed to investigate and report to the Legislature upon the desirability of the acquisition of that certain toll road".

Amendment No. 3

On page 1 of the printed bill, strike out lines 10 to 20, inclusive, and insert "Said investigation and report shall include:

(a) A description of the road as to type of improvement, width, alignment and surfacing, and the condition thereof.

(b) The means of financing such acquisition, and whether or not any participation therein would be forthcoming from any local governmental agencies, or any other State agency, including the State Park Commission.

(c) The price at which said toll road could be obtained and the terms of payment.

(d) Any other matters deemed pertinent by the department.

SEC. 2. Said department may, if possible, obtain without cost an option to purchase said toll road at the lowest available price, said option to expire not earlier than January 1, 1944.

SEC. 3. Said report shall contain recommendations as to the acquisition of said road and the inclusion thereof in the State Highway System. Said report shall be completed on or prior to July 1, 1942, and shall be filed after its completion with the Secretary of the Senate and the Chief Clerk of the Assembly at the first opportunity when the Legislature is in session."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 762—An act to add Sections 806.5, 806.6, 806.7 and 806.8 to the Agricultural Code, relating to dried prunes.

Bill read second time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "add", insert "Chapter 1c to Division 5 of the Agricultural Code, relating to grades, standards, inspection, and certification of dried fruits."

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 3 to 5, inclusive.

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 12 and 13, and insert "SECTION 1. Chapter 1c is hereby added to Division 5 of the Agricultural Code, to read as follows:

CHAPTER 1c. DRIED FRUITS

777. The director shall enforce this chapter and may prescribe methods of selecting samples of lots or containers of dried fruits which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled, and make such other rules and regulations as are necessary to secure uniformity in the enforcement of this chapter.

777.1. All enforcing officers may enter and inspect any place or conveyance where any dried fruits are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, or sold, and inspect all such dried fruits and the containers thereof and equipment found in any such places or conveyances and take for inspection such representative samples of the dried fruits as may be necessary to determine whether or not this chapter has been violated.

777.2. All money received by the director under this chapter shall be deposited by him monthly to the credit of the Department of Agriculture Fund to be used in carrying out the provisions of this chapter."

Amendment No. 4

On page 1, line 14, of the printed bill, as amended, strike out "806.5", and insert "777.3".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 32 and 33.

Amendment No. 6

On page 2, line 34, of the printed bill, as amended, strike out "806.6", and insert "777.4".

Amendment No. 7

On page 2 of the printed bill, as amended, between lines 39 and 40, insert

"The cost of such inspection shall be borne by the owner of the prunes being delivered. The processor or packer to whom the prunes are being delivered is hereby constituted the agent of the director to collect the inspection fee so paid. All sums so collected shall be remitted to the director.

777.5. Standard packed prunes are dried prunes of similar varietal characteristics which meet the following requirements:

(a) The color of the skins shall be black, blue black or reddish purple.

(b) The color of the flesh shall not be darker than mirador brown as defined in Maerz and Paul "Dictionary of Color."

(c) The flesh of the prunes shall not be materially damaged by reason of being interspersed with air pockets or of being porous, woody, fibrous or immature.

(d) The flesh of the prunes shall not be materially damaged by fermentation.

(e) The skin of the prunes shall not have growth cracks, splits, breaks or damage of the following descriptions:

(1) Calloused growth cracks aggregating more than three-eighths inch in length.

(2) Splits or breaks not having calloused edges when the flesh is mashed out beyond the protecting skin so as to materially affect the normal appearance of the prune.

(3) Any cracks, splits or breaks open to the pit.

(4) Skin damage (characteristic of prunes with skins weakened by over-dipping, rain or other causes and subsequently further damaged in processing operations).

(f) The prunes shall not show scab spots of the following descriptions:

(1) Tough or thick scab exceeding in the aggregate the area of a circle three-eighths inch in diameter.

(2) Scab of other character exceeding in the aggregate the area of a circle three-fourths inch in diameter.

(g) The prunes shall not be so affected by burning or scorching in the sun or in dehydration as to materially damage the skin or flesh.

(h) Not more than 4 per cent of the prunes by weight shall show insect infestation, decay, mold, imbedded dirt or other foreign material, but not more than one-eighth of this amount or one-half of 1 per cent may be affected by decay.

(i) The prunes shall not show serious insect injury or damage by other means.

The total of all defects mentioned in paragraphs (a) to (i) inclusive shall not exceed 15 per cent, but the total of all defects mentioned in paragraphs (d), (e), (f), (g), (h), and (i) shall not exceed 8 per cent.

The moisture content shall not exceed 24 per cent by weight.

777.6. As used in the next preceding section the following terms have the meanings attributed to them as follows:

"Insect infestation" means the prunes are infested with live insects, insect remains or excreta.

"Serious insect injury" means injury from such cause which may or may not show live insects, insect remains or excreta but which materially affect the flesh or appearance of the prune.

"Tough or thick scab" means thick leathery areas on the skin formed as the result of thrip injury, mildew, leaf chafing, limb rubs, or other means. Such scab is to be distinguished from scab which is more or less inconsequential and practically blends in color with the skin on the portion of the prune not affected.

"Porous, woody, fibrous, or immature" means that the appearance or texture of the flesh is noticeably different from the flesh of mature prunes properly dried, handled and processed.

"Damage by other means" means any injury or defect which materially affects the appearance, edible or shipping quality of the prunes."

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 40 to 52, inclusive, and strike out all of page 3, and insert

"777.7. The director shall inspect all dried prunes packed for shipment by a processor or packer. Every processor or packer shall, upon preparing a quantity of dried prunes for shipment, notify the department and shall not ship said dried prunes until inspection is made as provided in this chapter. The department shall inspect such dried prunes immediately or within a reasonable time after such notification.

777.8. All dried prunes packed for shipment, offered for sale, or delivered by a processor, packer, or other handler shall conform to the standards prescribed by this chapter for standard packed prunes. If upon inspection it is found that such prunes do not conform to the standards for standard packed prunes, such prunes shall not be shipped, offered for sale, or delivered but may be re-sorted and repacked so as to conform to such standards.

777.9. The director shall establish and cause to be collected an inspection fee in such amount as he determines is necessary to cover the cost of such inspection. The cost of inspection of dried prunes packed for shipment shall be borne by the packer or processor and paid to the director."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 640—An act to add Section 132a to the Labor Code, relating to the Industrial Accident Commission.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1479—An act to add Section 259 to the Labor Code, relating to security for payment of wages.

Bill read second time, and ordered to third reading.

Assembly Bill No. 82—An act to add Section 620 to the Streets and Highways Code, relating to State highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 620 to", and insert "amend Section 467 of".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 7, inclusive, and insert "SECTION 1. Section 467 of the Streets and Highways Code is amended to read as follows:
467. Route 167 is from Route 60 in Long Beach via American Avenue and Long Beach Boulevard to Route 174."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1291—An act to amend Sections 623.5, 625, 627 and 694 of the Vehicle Code, relating to lights, other equipment, and loading of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "627 and 694", and insert "and 627".

Amendment No. 2

On page 2 of the printed bill, strike out lines 29 to 51, inclusive; and on page 3, strike out lines 1 to 5, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1268—An act to amend Sections 372, 704 and 705, and to repeal Sections 702 and 703 of the Vehicle Code, relating to weight limitations imposed upon vehicles and combinations of vehicles, and the registration thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1275—An act to add Section 164.7 to the Vehicle Code, relating to stolen or embezzled vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1282—An act to amend Section 24204 of the Health and Safety Code, relating to air pressure tanks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1292—An act to add a new section, to be numbered 604.2, to the Vehicle Code, prohibiting the throwing of substances at vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2191—An act to amend Sections 692, 694, 699, 710 and 624 of the Vehicle Code, relating to the size, weight and equipment upon vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 192—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Bill read second time, and ordered to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Dillinger:

Senate Resolution No. 111

WHEREAS, The Native Sons of the Golden West will be in annual convention at Lake Tahoe May 18th to 22d, and

WHEREAS, That great organization has done much to collect and preserve historical data, and otherwise promoted the interests of California, and

WHEREAS, This appears to be a fitting time to acknowledge that very worth-while service; now, therefore be it

Resolved by the Senate of the Legislature of California, That we do hereby express our commendation and appreciation of the very valuable work of the said organization; of the earnest and effective work of the retiring Grand President, Hon. H. S. Lyon, which service was rendered by him at no little personal sacrifice; that we extend our best wishes for their continued success, and be it further

Resolved, That the Secretary of the Senate be and he is hereby instructed to transmit the above resolution to the Native Sons of the Golden West.

Resolution read, and unanimously adopted.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Senate Bill No. 977 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Senate Bill No. 484 on third reading file until Monday, May 19th.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Biggar moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 398 was refused passage.

The roll was called, and Senate Bill No. 398 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, Tickle, and Ward—26.

NOES—Senator Swan—1.

Motion to Re-refer Senate Bill No. 398

Senator Biggar moved that Senate Bill No. 398 be re-referred to Committee on Governmental Efficiency.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1855

Senator Rich moved that Assembly Bill No. 1855 be withdrawn from Committee on Judiciary, and referred to Committee on Agriculture.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Garrison asked for, and was granted, unanimous consent to retain Senate Bill No. 114 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS

Senate Bill No. 663—An act to add Section 358a to the Political Code, relating to the scope and validity of rules, regulations, and orders adopted by State administrative agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, and Ward—28.

NOES—Senators Kenny, and Swan—2.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1310—An act making an appropriation to the Department of Natural Resources, Division of Forestry, from unexpended balances remaining of the moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," as amended, approved May 29, 1940, declaring the urgency of the act and that it take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1310:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 12, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 1310

"An act making an appropriation to the Department of Natural Resources, Division of Forestry, declaring the urgency of the act and that it take effect immediately".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1310 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 799—An act to amend Section 19.1 of the Agricultural Prorate Act, relating to the marketing of agricultural products, to the conservation of agricultural and economic wealth and providing for acreage adjustment payments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 801—An act to amend Sections 2, 15, 18, 18.1, 19.1 and 21 of the Agricultural Prorate Act, relating to agricultural proration programs, including definitions, proration program committees, equalization pools and the deposit of moneys.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Foley, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1326—An act to amend Section 12 and Section 19 of the Municipal Water District Act of 1911, relating to the government and powers of municipal water districts.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 50, of the printed bill, as amended in the Senate May 12, 1941, strike out “, railway”, and after “flume”, insert “, or across any railway”.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 960—An act to amend the heading of Division 4 and Sections 452, 455, 456, 466, 467, 470, 471, 476, 478, 481, 482, 483, 484, 485, 486, 498, 500, 501, 511, 513, 523, 526, 542, 543, 545, 546, 551, 616, 618, 619, 620, 621, 631, 635, 636, 641, 642, 643, 644, 645, 661, 662, 666, 676, 681, 722 and 723 of, to add Sections 472, 590, 640 and 640.5 to, and to repeal Section 559 of, the Agricultural Code, relating to the dairy industry and milk, milk products, and imitation milk products, processing plants and factories, and retail establishments, milk products, and imitations of milk products, and providing for the taking effect hereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Foley, Garrison, Jespersen, Keating, Kenny, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Seawell, Slater, Swan, Swing, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 37—Relative to memorializing Congress to designate December 15, 1941, as Bill of Rights Day.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 40—Relative to making citrus fruits available to the enlisted personnel of the Military and Naval forces of the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1987—An act to add Section 11331.5 to the Health and Safety Code, relating to narcotics and the use, prescribing, possession, or transportation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2063—An act providing for the publication and distribution of a State Blue Book.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1219—An act authorizing the State Director of Finance, with the consent of the Board of Control, to grant, convey, and sell by deed, or any other proper legal conveyance, all the right, title, and interest of the State of California, in and to the abandoned channel of Petaluma Creek or River in and adjacent to the City of Petaluma, County of Sonoma, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California to amend Section 3 of Article IV of the Constitution of said State, relating to the term of office of members of the Assembly.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Brown, DeLap, and Metzger—3.
NOES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Slater, Swan, and Ward—21.

Assembly Bill No. 1678—An act to amend Section 1662 of the Probate Code, requiring the issuance of public records by the official in charge thereof to be used in matters under the jurisdiction of the Veterans Administration of the United States.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 339—An act to add a new section to the Penal Code of the State of California, to be known as Section 1309, relating to the escheat of certain money deposited as bail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey,

Mayo, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202—An act to amend Section 28a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications, and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to bail in municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 203—An act to amend Section 822 of the Penal Code, relating to bail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 204—An act to amend Section 1269a of the Penal Code, relating to bail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 211—An act to amend Section 7a of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure, and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications, and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal court attaches.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo,

McCormack, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 431—An act to add Sections 73c, 73d, 73e, 73f and 73g to the Code of Civil Procedure, relating to sessions of the superior court held in cities other than the county seat and the transfer of actions or proceedings to the same.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "act," insert "to amend Section 73b of and".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 73b of the Code of Civil Procedure is hereby amended to read as follows:

73b. In addition to the sessions of superior courts provided for in Sections 73 and 142 of this code, or any amendment of either of said sections, at least one session of the superior court shall be held: (1) in each city containing a population of not less than 20,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall is not less than 30 miles distant from the site of the county courthouse; [] ; (2) in each city containing a population of not less than 50,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, or the Legislature of the State of California, wherein the city hall is not less than six miles distant from the site of the county courthouse.

SEC. 1.5. Section 73c is hereby added to said code, to read as follows:".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 432—An act to add Section 73h to the Code of Civil Procedure, relating to designation of assistants to the presiding judge and the furnishing of secretarial and stenographic services to such assistants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—Senators Deuel, and Tickle—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 471—An act to amend Section 89 of the Code of Civil Procedure, relating to original jurisdiction.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

Motion to Amend

Senator Kenny moved the adoption of the following amendment to the title of Assembly Bill No. 471:

Amendment No. 1

In line 2 of the title of the printed bill, after "jurisdiction", insert "of municipal courts".

Amendment read and adopted.

Bill ordered printed, and to the Assembly.

Assembly Bill No. 587—An act to amend an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, as amended, by adding thereto a new section, designated Section 16½, relating to the power of the Los Angeles County Flood Control District to condemn or acquire property and to use or exchange same for other property required by the district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Gordon, Kenny, Luckey, Mayo, McCormick, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 901—An act to add Section 681.5 to the Code of Civil Procedure, relating to execution of judgments.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator DeLap moved a call of the Senate.

Motion carried. Time, 4.32 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1001—An act to validate and legalize the conversions of building and loan associations organized under the laws of this State into Federal savings and loan associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, Metzger, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 32—Relative to providing suitable space and facilities for the office of the Legislative Counsel.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 959—An act to add Section 845.2 to the Fish and Game Code, relating to nets seized or violations of law.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "or violations of law", and insert "for violations of law, declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 15, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution and therefore shall take effect immediately. The facts constituting such necessity are as follows:

Under the present provisions of law applicable thereto when nets of fishermen are seized on a charge of violating the laws relating to fish and game the nets must be held until the final disposition of the charge against the fisherman. The result of this is to deprive the accused of the use of the nets for an indefinite period regardless of his ultimate guilt or innocence, and, in all cases, prevents the use of the net by any one during such period. The provisions of this act will permit the continued use of the nets and will serve the public purpose of keeping valuable nets in operation and thereby increasing the available supply of fish for human consumption, thus materially adding to the food resources of the people of this State, and will further serve to prevent the impairment of earning power of the fishermen involved."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1242—An act to amend Section 453 of the Fish and Game Code, relating to the possession of game birds and animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Jespersen, Keating, Kenny, Luckey, Mayo, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 569—An act to add Section 795.8 to the Agricultural Code, and to repeal Section 795.6 of said code, relating to standards for field picking boxes for citrus fruits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 882—An act to amend Section 1083.1 of the Agricultural Code, relating to commercial feeding stuffs licenses, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1714—An act to amend Section 785 of the Agricultural Code, relating to the disposal of fruits, nuts, and vegetables not conforming to standardization requirements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2365—An act to add Sections 10e and 10d to the California Real Estate Act, relating to persons licensed as real estate brokers and real estate salesmen entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 315—An act to amend School Code Section 3.180 and to add Section 3.223 to the School Code, relating to schools and classes of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.02 p.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 901 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jepsen, Kenny, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Quinn, Rich, Seawell, and Ward—23.

NOES—Senators Garrison, Keating, Powers, Slater, Swan, Swing, and Tickle—7.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 338—An act to add Section 3.265 to the School Code, relating to the average daily attendance of junior high school pupils.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Kenny, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1136—An act to amend Sections 6.195, 6.198 and 6.199 of the School Code, relating to payment by governing boards of commissions for the sale or lease of property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1478—An act to add a section to the School Code, to be numbered 5.798b, relating to the procedure for layoff of classified employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2318—An act to add a new section to the School Code, to be numbered 5.723a, relating to sabbatical leaves.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 818—An act to amend Section 6.406 of the School Code, relating to school book depositories.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2203—An act to amend Sections 2983 and 2985 of, and to repeal Sections 2981 and 2982 of, the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, including the determination of the ratio of assessed value to true value.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swing, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 566—An act to permit holders of certificates of purchase of State school lands to pay certain obligations therein contained to the State in installments, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Kenny, Luckey, Mayo, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward -25.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 1544 be placed on the inactive file.

Motion carried.

MOTION TO RECONSIDER

Senator Ward moved to reconsider the vote whereby Assembly Bill No. 432 was passed.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 432 was passed, was continued until the next legislative day.

MOTION TO RECONSIDER

Senator Kenny moved to reconsider the vote whereby Assembly Constitutional Amendment No. 5 was refused passage.

Postponement of Reconsideration

On motion of Senator Kenny, the further consideration of the motion to reconsider the vote whereby Assembly Constitutional Amendment No. 5 was refused passage, was continued until the next legislative day.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2015

Senator Swan moved that Assembly Bill No. 2015 be re-referred to Committee on Governmental Efficiency.

Motion carried.

INACTIVE FILE

Assembly Bill No. 24—An act to add Section 21.5 to the Municipal Court Act of 1925, relating to departments of the municipal court in cities of the first and one-half class, including judges and attaches thereof.

Bill read.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2, 3 and 4, and insert "1925, relating to mileage of judges of the municipal court in any city or city and county of the first and one-half class."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 3, and insert

"Sec. 21.5. In addition to the salaries in this act provided, the judges of the municipal court in any city or city and county of the first and one-half class shall be allowed their necessary traveling expenses, not exceeding seven cents (\$0.07) per mile, when the business of the court shall require their attendance in any department of the court, situated at a greater distance than 12 miles from the principal office of the court, provided such mileage allowance shall in no case be computed

upon a greater distance than that between the principal office and such department of the court."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 4 to 25, inclusive.

Amendments read and adopted.

Bill ordered printed, and to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 37: By Senator Judah—Approving certain amendments to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the sixth day of May, 1941.

Request for Unanimous Consent

Senator Ward asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 37, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 37

Senate Concurrent Resolution No. 37—Approving certain amendments to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the sixth day of May, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Kenny, Luckey, Mayo, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 369

Assembly Bill No. 934

Assembly Bill No. 379

Assembly Bill No. 956

Assembly Bill No. 398

Assembly Bill No. 2426

Assembly Bill No. 399

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1306

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1175

Assembly Bill No. 556

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 150

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 93

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and place on the inactive file.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 560

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 106

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

(Signed out)

RICHL, Chairman

BREED

TICKLE

DEUEL

MYHAND

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 684. An act to amend Section 1 of an act entitled "An act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties or districts," approved July 1, 1937, relating to capital outlays by cities, counties, cities and counties, or districts;

Senate Bill No. 407—An act to add Section 203.5 to the Streets and Highways Code, relating to funds paid to cities;

Senate Bill No. 41—An act to add to the Code of Civil Procedure new Section 1110b, relating to stay of execution;

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IV thereof a new section, to be numbered 25 $\frac{1}{2}$, relating to fish and game and funds received in connection therewith;

Senate Bill No. 1299—An act to amend Sections 6.9, 24, 24.2, 24.3, 27, 33c, 34, 49, 49.2, 51, 66 and 67.5, and to repeal 24.5, 24.7, 27a, 27b, 27c, 27d, 33, 33a, 33b, 33c and 33d of the Alcoholic Beverage Control Act, and to add thereto new sections, to be designated 24.1, 24.5, 24.55, 24.6, 27a, 27b, 27c, 33, 33a, 33b, 33c, 33d, 33f, 33g, 34a, 34b, 34c, 34d, 34e, 34f, 34g, 34h, 34i and 34j, relating to alcoholic beverages;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of May, 1941, at 4 p.m.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 754—An act to amend the title and Section 1 of "An act to provide for the development of electrical power by irrigation districts," approved May 21, 1919, relating to the acquisition, development, and disposal of electrical power by irrigation districts;

Senate Bill No. 687—An act to amend Section 16f of the Bank Act, relating to adverse claims to bank deposits and the contents of safe deposit boxes standing in the name of one other than the claimant and to add two new sections, Sections 539d and 682a to the Code of Civil Procedure, relating to the attachment of and the levy of execution upon bank accounts and the contents of safe deposit boxes standing in the name of one other than the defendant or judgment debtor;

Senate Bill No. 619—An act to amend Sections 7392, 7321, 7324, 7330, 7331, 7332, 7334, 7351, 7360, 7372, 7373, 7376, 7382, 7383, 7391, 7393, 7394.5, 7396, 7399, 7412, 7431, 7436 and 7437 of, to repeal Article 13, comprising Sections 7450 to 7457, inclusive, of, and to add Section 7329 to Article 3 of Chapter 10 of Division 3 of the Business and Professions Code, relating to the practice, the training for and government of, cosmetology;

Senate Bill No. 848—An act to amend the Building and Loan Association Act by adding to Article 7 thereof a new section to be numbered Section 7.09, relating to liability and assessments of stockholders;

Senate Bill No. 905—An act to add Section 450.1 to the Fish and Game Code, making the taking, mutilating, or destruction of any wild bird, mammal or other game lawfully in the possession of another a misdemeanor and providing the penalty therefor;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of May, 1941, at 4 p.m.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 143—An act to add Section 2901 to the Health and Safety Code, relating to annexation of land to pest control districts;

Senate Bill No. 49—An act to add to the Code of Civil Procedure Section 117H, relating to the deposit of cash in lieu of bond on appeal in small claims courts;

Senate Bill No. 144—An act to amend Section 2871 of, and to add Sections 2822.5, 2871.5, 2871.7 and 2875 to, the Health and Safety Code, relating to pest abatement districts;

Senate Bill No. 187—An act to amend Section 162 of the Probate Code, relating to interest on deferred legacies;

Senate Bill No. 425—An act to amend Section 1623 of the Streets and Highways Code, relating to expenditures by a county out of its special road improvement fund for streets, bridges and culverts in cities within the county;

Senate Bill No. 302—An act to amend Section 29 of the Civil Code, relating to rights of unborn children, and providing for limitation of actions for prenatal injuries and injuries sustained in the course of birth;

Senate Bill No. 662—An act to amend Section 8560 of the Health and Safety Code, relating to cemeteries;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of May, 1941, at 4 p.m.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 685—An act to amend Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other public or municipal corporation within this State, and to repeal all acts or parts of acts in conflict with this act," approved April 28, 1933, relating to deposit of public moneys, to declare the urgency thereof, and to provide that this act shall take effect immediately; And reports that the same has been correctly enrolled, and presented to the Governor on the thirteenth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 697—An act to amend Sections 2799, 2804, 2805, 2806, 2816, 2819 and 2820 of, to repeal Section 2798 of, and to add new Sections 2798, 2798.3 and 2798.5 to the Elections Code, relating to State party conventions, State central committee meetings and the memberships thereof;

Senate Bill No. 98—An act to amend the County Water District Act, as amended, by amending Section 12, relating to powers of districts, amending Section 18, relating to right of ways, Section 19, relating to water rates and Section 25, relating to additions to districts; repealing Sections 12.1 and 22a; repealing and reenacting Section 52; and by adding Section 1.1 declaring districts public agencies, 10.1, relating to contracts between districts and their officers or directors, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 12.8½, 12.9, 12.10, 12.11, 12.12, 12.13, 12.14 and 12.15, relating to powers of districts, 14.1, relating to oaths, 14.2, relating to investment of funds, 16b, relating to callable bonds, 28.1, relating to findings on additions and exclusions of lands and 66 to 71, inclusive, relating to dissolution of districts;

Senate Bill No. 167—An act to amend Sections 5, 7 and 17 of an act entitled "An act to provide for the organization and government of drainage districts, for the drainage of agricultural lands, other than swamp and overflowed lands, to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts, and to provide for the borrowing or procuring of money from the United States or any agency thereof, and the entering into contracts, and for the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof," approved March 20, 1903, relating to drainage districts, including the qualifications of district directors, the qualifications of electors, the qualifications of directors when such directors are elected to represent divisions of the district, and the qualifications of electors entitled to vote for directors who are elected by divisions;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of May, 1941, at 3 p.m.

RICH, Chairman

ADJOURNMENT

At 5:35 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 14, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SIXTY-NINTH LEGISLATIVE DAY

ONE HUNDRED TWENTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 14, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Kuchel, on motion of Senator Carter.

Senator Fletcher, on motion of Senator Swing.

Senator Collier, on motion of Senator McBride.

Senator Judah, on motion of Senator McBride.

Senator Waggy, on motion of Senator McBride.

Senator Metzger, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Louis E. Hoeffler of Hermosillo, Mexico.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. A. G. Spilker of Danville, Contra Costa County.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ross Berglund of Napa.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Fred Rooney of San Jose.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Alice Brennen, Edward Planer, instructors, and the following students of the Fremont High School, Oakland: Charlotte Rebb, Doris Birtwhistle, Bea Biron, Mildred Carter, Donna Crithfield, Dick Collins, Margaret Crosby, Shirley Cramer, Frank Curtis, Robert Dalton, Mary Fujikama, Gloria Gehrki, Julia Hokenson, Blaine Hopkins, Hebe Just, Estelle Kirk, Joanne Killey, Eleanor Kahrt, Alan Levy, Clifford Marco, Bob McLaughlin, Dale Meyer, Bill Nichols, Neal Nelson, Claire Olofson, Len Orr, Edwin O'Brien, Edwin Okrist, Eugene Osegueda, Elaine Ostergren, Bernice Rodriguez, Helen Sandoval, Leon Sher, Emily Scholz, Mary Slater, Cecille Spencer, Mark Thomas, Virginia Yont, and Doris Jansson.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Superior Judge Pat Parker of Mono County.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Guido Lenci, Dr. Robert Grosso, and Stanley Leavell, all of San Francisco.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward Nassour and Mrs. Helen Ivey, both of Los Angeles.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Gus Winkleman of Placerville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Etolia Hordorn, Miss Emeline Pylman, teachers, and the following students from the Courtland Joint Union High School and the Bates Joint Union School, Courtland: Elvin Ensley, Francis Frates, Betty Fox, Donald Phillips, Donald Russell, Walter Goeman, Henry Dewing, Alvorna Bielefeld, Jerry Russell, Eugene Smith, Robert Prue, Maryann Phillips, Manuel Hernandez, Donald Bryan, Helen Walker, Doris Kennedy, Verna Collins, Maxine Durham, George Struve, Patsy Simoni, Janice Ostman, Barbara Jean Isham, Kent Hall, Russell Crane, Norman Simoni, Lorraine Bagdazian, James Buckley, Mary Zayas, Raymond Powers, Louise Owyang, Tomiko Sakata, Shirley Owyang, Betty Jang, Nancy Doi, Daisy Chan, Aki Akiyama, Rosie Chan, Koharn Taketa, Sachiko Uyeda, Kimiko Nakamura, Wallace Chan, George Chan, Fred Chan, Frank Fukushima, Mon Bing Owyang, George Lum, Akio Adachi, Ben Yamada, Shigeru Shimazu, Guy Owyang, Dolores Hendricks, Betty Lou Reeve, Violet Griffith, Dorothy Henderson, Marvin Zraggen, Arthur Jonson, Dicker Pulis, Lloyd Rose, and Billy Rose.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ira C. Landis, Superintendent of Schools, of Riverside.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. B. M. Crittenden and Eudora Crittenden, all of Stockton.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 165	Assembly Bill No. 1066
Assembly Bill No. 209	Assembly Bill No. 1067
Assembly Bill No. 402	Assembly Bill No. 1085
Assembly Bill No. 457	Assembly Bill No. 1320
Assembly Bill No. 525	Assembly Bill No. 1439
Assembly Bill No. 692	Assembly Bill No. 1498
Assembly Bill No. 706	Assembly Bill No. 1516
Assembly Bill No. 886	Assembly Bill No. 1934
Assembly Bill No. 887	Assembly Bill No. 2055
Assembly Bill No. 888	Assembly Bill No. 2059
Assembly Bill No. 948	Assembly Bill No. 2094
Assembly Bill No. 1034	Assembly Bill No. 2332
Assembly Bill No. 1047	Assembly Bill No. 2589

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 190	Assembly Bill No. 1331
Assembly Bill No. 430	Assembly Bill No. 1700
Assembly Bill No. 1113	Assembly Bill No. 2152

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 43

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 165—An act to amend Section 159 of the Code of Civil Procedure, relating to justices of the peace.

Referred to Committee on Judiciary.

Assembly Bill No. 209—An act to add Section 61.2 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages and providing for proof, upon demand, that persons to whom such beverages are served or sold are over the age of 21 years.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 402—An act to add Section 719 to the Fish and Game Code, relating to shad and shad roe.

Referred to Committee on Fish and Game.

Assembly Bill No. 457—An act to amend Section 1063 of the Fish and Game Code, relating to grades of fish and fish products.

Referred to Committee on Fish and Game.

Assembly Bill No. 525—An act to repeal Section 808.5 of the Fish and Game Code, relating to clams.

Referred to Committee on Fish and Game.

Assembly Bill No. 692—An act to amend Section 4600 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 706—An act to amend Sections 10434 and 10435 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 886—An act to add Section 982-a to the Code of Civil Procedure, relating to appeals from justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 887—An act to amend Section 655 of the Code of Civil Procedure, by including therein justices' courts in counties containing a population of not less than 500,000 and not more than 600,000.

Referred to Committee on Judiciary.

Assembly Bill No. 888—An act to add Section 404 to the Code of Civil Procedure, relating to the rules of procedure and practice in civil actions in the justices' courts of counties containing a population of not less than 500,000 and not more than 600,000.

Referred to Committee on Judiciary.

Assembly Bill No. 948—An act to add Section 50.2 to the State Lands Act of 1938, and to add Section 6206.5 to the Public Resources Code, to empower the commission to apply to the United States of America for patents to public lands.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1034—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Referred to Committee on Local Government.

Assembly Bill No. 1047—An act to add Sections 1352.5 to the Fish and Game Code, relating to frogs.

Referred to Committee on Fish and Game.

Assembly Bill No. 1066—An act to amend School Code Sections 5.652 and 5.653, relating to permanent employees of school districts.

Referred to Committee on Education.

Assembly Bill No. 1067—An act to amend School Code Sections 5.490 and 5.491, and to repeal School Code Section 5.492, relating to the employment of lecturers in public schools.

Referred to Committee on Education.

Assembly Bill No. 1085—An act to amend the article heading of Article 6 of Chapter 4, Part 1, Division 7 and Sections 16320, 16321, 16325, 16347, 16410, 16411, 16430 and 16451 of, and to add Sections 16330, 16393, 16394, 16395, 16412 to, the Business and Professions Code, relating to the regulation of itinerant merchants.

Referred to Committee on Business and Professions.

Assembly Bill No. 1320—An act to amend Section 50 $\frac{3}{4}$ of the Public Utilities Act, authorizing the establishment of joint and through rates by highway common carriers.

Referred to Committee on Public Utilities.

Assembly Bill No. 1439—An act to amend Sections 1177 and 1203.6 of the Fish and Game Code, relating to entirely protected birds and to pheasants.

Referred to Committee on Fish and Game.

Assembly Bill No. 1498—An act to amend Section 830 of, and to add Sections 830.1 and 830.2 to the Agricultural Code, relating to by-products disposal.

Referred to Committee on Agriculture.

Assembly Bill No. 1516—An act to add Sections 10830.5, 10830.6, 10831.5, 10832 and 10861.5 to, to amend Sections 10831, 10870, 10875, 10882, 10883, 10901 and 10928 of, and to repeal Sections 384, 10650 and 10811 of, the Insurance Code, and to add Article 4, comprising Sections 10490 to 10494, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1934—An act to repeal Section 3788 of the Political Code, to add a new Section 3788 thereto, and to repeal Sections 4108 and 4108.5 of the Revenue and Taxation Code, relating to the disposition of State lands upon which the full purchase price is not paid and which are sold to the State for taxes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2055—An act authorizing the Department of Finance to sell certain State-owned lands and to acquire by exchange, purchase or otherwise additional lands, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2059—An act to amend Section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2094—An act to amend Section 184 of the Military and Veterans' Code, relating to purchases of property by The Adjutant General.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2332—An act to add Article 4, comprising Sections 11610 to 11613, inclusive, to Chapter 1, Part 3, Division 2, of the Insurance Code, relating to contracts of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2589—An act to amend Section 9 of "An act authorizing the establishment of municipal courts, prescribing their

constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Referred to Committee on Local Government.

Assembly Bill No. 190—An act to add Chapter 4a to Division 20 of the Health and Safety Code, relating to the safety of blind persons.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 430—An act to add Section 1029.5 to the Code of Civil Procedure, relating to costs in civil actions.

Referred to Committee on Judiciary.

Assembly Bill No. 1113—An act to add Section 767 to the Agricultural Code, relating to the furnishing of boxes to growers of vegetables and deciduous fruit.

Referred to Committee on Agriculture.

Assembly Bill No. 1331—An act to add Section 1640.5 to the Labor Code, relating to contracts of minors with employment agencies.

Referred to Committee on Labor.

Assembly Bill No. 1700—An act to amend Section 2 of the Planning Act, relating to planning commissions.

Referred to Committee on Local Government.

Assembly Bill No. 2152—An act to add Section 2.1365 to the School Code, relating to the Department of Education.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 43—Relating to mediation of certain labor controversies.

Request for Unanimous Consent

Senator McCormack asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 43, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 43

Assembly Concurrent Resolution No. 43—Relating to mediation of certain labor controversies.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Denel, Dillinger, Foley, Garrison, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—22.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 877

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bill ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 280

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1326

And reports the same correctly re-engrossed.

RICH, Chairman

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Mixer, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, May 13, 1941

Honorable Frank W. Mixer, Senate Chamber
State Capitol, Sacramento, California

SUBJECT: Consideration of Budget Bill
REQUEST: No. 3303

DEAR SENATOR MIXER: We are inclosing herewith a memorandum discussing the questions you asked regarding the passage of the Budget Bill.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLEN, Deputy

MEMORANDUM

IN RE: Enactment of Budget Bill

Under date of May 8, 1941, Assembly Bill No. 1800, the Budget Act of 1941, was passed by the Assembly by a vote of less than two-thirds of all the members elected to that House.

The Budget Bill that was introduced in the Senate, Senate Bill No. 800, is still in the Senate Committee on Finance.

Section 34a of Article IV of the Constitution provides that appropriations from the General Fund, with certain exceptions, in excess of an amount determined under a formula prescribed therein, must be passed by a two-thirds vote of all the members elected to each house of the Legislature. The section further provides that should the appropriations in the Budget Act exceed the prescribed limitations and such Budget Act be not passed by such two-thirds vote, the several items of appropriation therein shall be deemed reduced by the percentage which the excess amount of appropriation bears to the total appropriation.

Because of the provisions of this section of the Constitution, the General Fund appropriation items in Assembly Bill No. 1800, with certain exceptions, will each be reduced to approximately 22 per cent of the amount therein specified, unless the bill is finally passed by a two-thirds vote of each of the two houses.

Effect of Passage of Assembly Bill No. 1800 by Senate Without Amendment

Inasmuch as Assembly Bill No. 1800 was passed by the Assembly by less than a two-thirds vote, it is clear from the foregoing that if the Senate passes this bill without amendment the items therein subject to reduction will all be reduced as provided in Section 34a of Article IV of the Constitution. This is equally true

regardless of whether the Senate passes the bill by a mere majority, by a two-thirds vote or unanimously.

Situation if Senate Amends Assembly Bill No. 1800

If the Senate amends Assembly Bill No. 1800 and passes the bill as amended by the required two-thirds vote, and if the bill is then returned to the Assembly for concurrence in the amendments, the vote by the Assembly either on such concurrence or on the adoption of a subsequent free conference report will constitute the "vote on final passage" as to this bill. If such amendments are concurred in by the Assembly, or if the conference report is adopted by a two-thirds vote of that House, the bill will then have finally passed each house by the necessary two-thirds vote and the items therein will not be subject to reduction.

The Assembly Standing Rules on concurrence and on adoption of free conference reports (Rules 71 and 73) expressly make provision for such a contingency and expressly provide that the vote taken under those sections shall be deemed as the vote on final passage.

The judicial decisions on the question of what constitutes final passage of a bill are conflicting. However, one line of authorities unqualifiedly holds that the vote on concurrence in amendments or upon the adoption of a free conference report constitutes the vote upon final passage, and certain of the cases holding otherwise appear to do so upon the theory that it is within the power of the Legislature itself to determine what constitutes final passage of a bill and that the courts will not disturb such legislative determination.

We entertain no doubt that the courts will recognize and give effect to Rules such as the Assembly has adopted on this point. Such a rule as to conference reports was recognized and given effect by the Supreme Court of the State of Kansas in *Stephens vs. Board of Commissioners*, 98 Pac. 790, 792, in which case it appears that the Senate of the State of Kansas had such a rule.

The same conclusion is reached by the author of an article in the *Iowa Law Review*, 21 *Iowa Law Review*, 538, at p. 550.

Even in the absence of a rule the cases to the effect that a vote on concurrence is a vote on final passage are strongly persuasive. While this question has never been presented to the appellate courts in this State, it is our opinion that the reasoning of these cases is not only logical, but is particularly pertinent in the matter of enactment of statutes where the Constitution requires more than a mere majority vote in each house.

The case of *Cox vs. Stults Eagle Drug Co.*, decided by the Supreme Court of Arizona in 1933, 21 Pac. (2d) 914, and the case of *State vs. Cox*, decided by the same court in 1934, 30 Pac. (2d) 825, are the latest cases on this point. In the first case the lower house passed a bill containing an urgency section providing that the bill take effect immediately by a two-thirds vote. In the Senate the bill was amended in important particulars and returned to the lower house for concurrence. These amendments were concurred in by the lower house by less than the two-thirds vote required for passage of such bills. The court held that the vote on concurrence was the vote on final passage and that the bill had not received the required two-thirds vote. In the second case, an identical set of facts was presented. The court reached the same conclusion as to what constituted the vote on final passage but overruled the previous case to the extent of holding that the act took effect 90 days after final adjournment and did not absolutely fail of passage.

In view of the foregoing, therefore, it is still possible for Assembly Bill No. 1800 to be passed by both houses by the required two-thirds vote, in the event that such bill is amended in the Senate.

Consideration of Senate Bill No. 800

It is, perhaps, unnecessary to point out that the Senate may elect to consider Senate Bill No. 800, its own Budget Bill, and transmit that bill to the Assembly instead of taking further action with reference to Assembly Bill No. 1800.

Among the factors which should be given weight in considering the advisability of such action is the fact that the questions here under consideration have never been considered and passed upon by the Supreme Court of this State. While we entertain no doubt as to the correctness of our conclusions, it must be borne in mind that, in the absence of a decision of the Supreme Court of this State directly in point, any opinion is at most an attempt to predict what the court will hold if the question is presented. If Senate Bill No. 800 is passed by a two-thirds vote of each house there will be no question which might be presented to the court. If Assembly Bill No. 1800 is enacted, litigation of the question here under discussion may result. Despite our belief that the result of such litigation would be as indicated in this memorandum, we believe it proper to call attention to the fact that the possibility of such litigation may be avoided by the enactment of Senate Bill No. 800.

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

The following communication was received and read, and on motion of Senator Swing, ordered printed in the Journal:

MEMORANDUM

IN RE: *A bill to create secretaries to Members of the California Legislature, and the applicability or inapplicability of the legislative attaches expenditure limitations of the State Constitution.*

Question: Would it be competent for the Legislature to provide for secretaries to the individual members of the Legislature, to be respectively appointed by them?

If so, would the per diem expenditure limitations "for officers, employees and attaches * * * for either house" of the Legislature be applicable?

Opinion: It is our opinion that provision for such secretaries could be made by statute and that said expenditure limitations would be inapplicable.

Analysis: We base this opinion, fundamentally, upon the principle that the expenditure limitations of Section 23a of Article IV of the State Constitution apply to "officers, employees and attaches" of the Senate and of the Assembly, respectively, whereas the proposed secretaries would not be in the employ of either house nor would they be performing any services for either house. They would be in the employ of the several Members of the Legislature as State officers, comparable to Secretaries to the Governor, the Lieutenant Governor, the State Controller, the State Treasurer, and other State officers.

The very wording of Section 23a of Article IV indicates this distinction. It declares:

"In no case shall the total expense for *officers, employees and attaches* exceed the sum of three hundred dollars *for either house*, at any regular session, nor the sum of two hundred dollars per day *for both houses* at any special or extraordinary session, nor shall the pay of *any officer, employee or attache* be increased after he is elected or appointed."

Then follows this statement:

"The Legislature shall provide for the selection of all *officers, employees and attaches of both houses* and so far as advisable shall require such selection to be under the provisions of the law governing civil service."

This seems clearly to refer to officers, employees and attaches of the house, performing duties for and participating in the functions of the house, during session time; not to secretarial work for individual members of the Legislature, during session time or during the interim between sessions.

This view of the significance of the designation "officers, employees and attaches * * * for either house" or "for both houses" or "of both houses" receives added emphasis from the fact that over the years (before, during and after the time when these expenditure limitations went into the Constitution), the California Statutes which enumerate the legislative officials and define their duties have made reference to officers, employees and attaches who clearly perform duties and services for the house, not peculiarly services for the individual members of the Legislature.

Beginning at least as early as 1861 (Statutes of 1861, page 592), codified in 1872 as Sections 253 to 261, 268 and 269 of the Political Code, these statutes have used such designations as "officers and employees of the Senate," "officers and employees of the Assembly," "Secretary of the Senate," "Chief Clerk of the Assembly," "Assistant Sergeant-at-Arms of each house," "Minute Clerk of the Assembly." Stenographers also are listed as "officers and employees of the Senate" or "of the Assembly." There is no necessary inference from these statutes of an intent to include secretaries to the several Senators and Assemblymen among the enumerated "officers, attaches and employees" of either house.

In addition, two judicial decisions construing Section 23a seem quite in harmony with this view.

In 1911, *Hilburn vs. Nye*, 15 Cal. App. 298, decided that the services of the Secretary and the History Clerk of the Senate, and of the Chief Clerk and Assistant Clerk of the Assembly in compiling, after final adjournment, a full calendar of the legislative business of the session, and arranging all bills and papers belonging to the archives of either house and delivering them to the Secretary of State, were services of a kind included in the per diem limitations of Section 23a of Article IV. These were clearly services for the two houses, performed by officers of the houses in closing up the work of the session.

In 1936, *Phillips vs. Riley*, 6 Cal. (2d) 414, held that the expenditure limitations of said Section 23a do not apply to a Special Committee of either house engaged in conducting a legislative investigation during the interim between sessions. Section 23a "relates only to officers, employees or attaches of the Legislature engaged in work in connection with the legislative session proper, including post-session services." Of *Hilburn vs. Nye*, *supra*, the court in the *Phillips* case said:

"The claims there considered were for services rendered by duly appointed officers, employees and attaches of the Legislature in closing up the work of the regular session. Further than to hold that such claims fall within the constitutional limit, the holding in the decision is mere dicta."

It may be noted in passing that it seems well established that not every type of work caused by a session or performed during session time comes within the scope of the limitations of Section 23a.

Thus, it has never been considered by any one that the work of pressmen and proofreaders at the State Printing Plant, engaged in the printing of legislative bills, Journals, Histories and other documents, falls in any such category.

Nor is it considered that the maintenance of the Legislative Bill Room by the State Printer is such a service that the salaries of the persons engaged therein should be included in the \$300 per day limit, though for a good many years prior to 1915 each house did, in fact, maintain a Bill Room of its own for the convenience of its members.

Nor is it considered that salaries of janitors employed by the Superintendent of the State Capitol Building in caring for the legislative halls and committee rooms should be included in the \$300 per day computation.

Neither is the Legislative Reference Service of the State Library, nor is the Bill-Drafting Service of the Legislative Counsel Bureau regarded as the work of "officers, employees or attaches of either house."

Manifestly, not every conceivable item of work that may arise out of or be performed during a legislative session comes within the prescribed expenditure limits of Section 23a. It would seem a strained construction to force secretarial work for individual members of the Legislature within those limits. We think it is not included. Especially in view of the fact that our State Constitution is one of limitation, not of grant. The Legislature possesses all legislative power not clearly prohibited.

In addition we find a significant clause added to the Constitution, as a part of Article XXIV, in 1934. This is the civil service amendment. It declares (in subdivision (a) of Section 4) that the term "State Civil Service" shall include every officer and employee of this State except:

"(1) State officers elected by the people.

(4) State officers and employees directly appointed or employed by the Legislature or either house thereof.

(5) One person holding a confidential position to any officer mentioned in Paragraphs (1), (2) or (4) hereof except that there shall be but one such position to any board or commission composed in whole or in part of officers mentioned in said paragraphs, *each such person to be selected by the officer, board or commission to be served.*

* * * (Italics ours.)

"State officers elected by the people" (Subdivision 1) unquestionably includes Members of the Legislature as well as elective officials of the Executive and of the Judicial Departments of the State.

They are clearly included in the enumeration of officers (Subdivision 5) each of whom may have one confidential appointee. Statutory implementation concededly is necessary to make this completely operative. Funds must be appropriated or there will be no money available for payment of the salaries. And a statute likely is necessary expressly empowering the Legislator "to appoint" a secretary.

But here is express constitutional sanction for "selection" by a Legislator of a "person holding a confidential position" to him, the Legislator being the "officer * * * to be served." Here is express recognition of a capacity in the Legislator to make an appointment distinct and separate from appointments made by the "Legislature or either house thereof,"—all in one and the same section of the Constitution. This is in harmony with the interpretation which we place upon Section 23a of Article IV of the Constitution and gives added emphasis to it.

FRED B. WOOD, Legislative Counsel

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1175—An act providing for the equality of persons, firms, associations, corporations and other parties having relations with the State, the political subdivisions of the State, or the officers and employees of the State and political subdivisions thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 5, inclusive, and insert "An act to amend Section 433.6 of the Political Code, relating to the making of rules and regulations by the State Controller governing pay roll deductions for insurance premiums and medical or hospital services."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 11, inclusive, and insert "SECTION 1. Section 433.6 of the Political Code is hereby amended to read as follows:

433.6. The State Controller is hereby authorized and directed to make rules and regulations governing the deduction of such sums of money from the salary or wages of any officer or employee of the State of California, as may be requested of him in writing by any such officer or employee, for the purposes of: (1) paying premiums on any policy or certificate of group insurance issued by an insurance company authorized to do business in this State, to such officer or employee insured under any plan of group insurance [approved by the Director of Finance], and or (2) paying the dues or charges under any plan approved by the Director of Finance of any nonprofit membership corporation organized under the laws of this State, for the purpose of defraying the cost of medical services (including for the purpose of this section services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic) or hospital care, or both, of any such officer or employee.

Such rules and regulations shall provide that deductions will be made upon the written request of any State officer or employee for the purpose of paying premiums on any such policy or certificate issued to such officer or employee by any admitted insurance company. In event that requests are made for deductions to be paid to more than one insurance company, the rules and regulations shall provide for making monthly lump sum payments to one representative of all insurance companies, which representative shall be a certified public accountant or a firm of certified public accountants bonded to all such insurance companies and not interested in the writing of insurance, such money to be distributed among the insurance companies by their representative."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 977—An act to regulate the practice of naturopathy. Defines naturopathy. Creates Board of Naturopathic Examiners, prescribing its qualifications, powers, duties and compensation. Board empowered to examine applicants, issue, deny, suspend and revoke licenses to practice naturopathy; investigate and inspect institutions teaching naturopathy and issue or deny certificates of approval thereto. Prescribes educational and other qualifications of licentiates, grounds for denial, suspension and revocation of licenses. Accords licentiates, within scope of license, same rights granted physicians under public health laws. Specifies unlawful acts, prescribing penalties and disposition of moneys received. Prescribes rights and duties of naturopathic colleges. Defines terms used in act. Repeals conflicting laws.

Bill read second time, and ordered to third reading.

Senate Bill No. 93—An act to amend Sections 52.1, 53 and 57 of the Unemployment Insurance Act, relating to the amount of wages required to be earned in the base period.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2 of the printed bill, strike out lines 31 to 52, inclusive, and insert

"Amount of Base Period Earnings"		Maximum Insurance Payable
\$150 00 --	\$199 99	875
200 00 --	249 99	90
250 00 --	299 99	105
300 00 --	349 99	120
350 00 --	399 99	135
400 00 --	499 99	155
500 00 --	599 99	175
600 00 --	699 99	195
700 00 --	799 99	215
800 00 --	899 99	235
900 00 --	999 99	255
1,000 00 --	1,099 99	275
1,100 00 --	1,199 99	295
1,200 00 --	1,299 99	315
1,300 00 --	1,399 99	335
1,400 00 --	1,499 99	355
1,500 00 --	1,599 99	375
1,600 00 --	1,699 99	395
1,700 00 --	1,799 99	415
1,800 00 --	1,899 99	435
1,900 00 --	1,999 99	450
2,000 00 --	and over	465

Amendment read and adopted.

Bill ordered printed, engrossed, and to inactive file.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1845—An act to amend Section 12422 of the Insurance Code, relating to mortgage insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 369—An act to add Section 4024 to the Penal Code, relating to discharge of prisoners from the county jail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 379—An act to amend Sections 226 and 227a of the Civil Code, relating to adoption.

Bill read second time, and ordered to third reading.

Assembly Bill No. 398—An act to add Section 1985.5 to the Code of Civil Procedure, relating to subpoena.

Bill read second time, and ordered to third reading.

Assembly Bill No. 399—An act to amend Section 1991 of the Code of Civil Procedure, relating to disobedience of subpoena.

Bill read second time, and ordered to third reading.

Assembly Bill No. 934—An act to amend Section 690.7 of the Code of Civil Procedure, relating to property exempt from execution and attachment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 956—An act to amend Sections 842 and 844 of the Civil Code, relating to joint use of conduits, wells and pumping plants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2426—An act to amend Section 19a of the Penal Code, relating to punishment for crime.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1306—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 36 to 39, inclusive, and insert "the person in lawful possession; or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 556—An act to add Section 4015a to the Political Code, relating to justices of the peace.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 16, of the printed bill, strike out "and stationery only", and insert ", stationery and legal forms, and may provide suitable courtrooms and offices and courtroom and office furniture".

Amendment No. 2

On page 1 of the printed bill, between lines 16 and 17, insert "The population of each township shall be deemed to be as shown by the last preceding census taken under the direction of the Congress of the United States."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Assembly Bill No. 560—An act to amend Sections 2, 7, 11, 12, 13, 15, 41, 44.2, 45, 45.9, 45.10, 52.2, 53, 54, 55, 56, 57, 57.5, 58, 61, 66, 75, 91, 92 and 94, to amend and renumber Section 70, and to repeal Sections 47, 48, 49, 50, 51, 58, 67, 68, 69, 71 and 72 of, and to add Sections 7.1, 7.2, 67, 68, 69, 70, 71 and 73 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "58,".

Amendment No. 2

In line 5 of the title of the printed bill, as amended, after "7.2," insert "23.1, 28,".

***Amendment No. 3**

On page 6, line 52, of the printed bill, as amended, strike out the period, and insert a semicolon.

Amendment No. 4

On page 9 of the printed bill, as amended, between lines 2 and 3, insert

"SEC. 8.4. Section 23.1 is hereby added to said act, to read as follows:

Sec. 23.1. Subject to the provisions and for the purposes provided by Section 23, all moneys received from the Social Security Board pursuant to Section 302 of the Social Security Act shall be deposited in the Unemployment Administration Fund and shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this act.

SEC. 8.5. Section 28 is hereby added to said act, to read as follows:

Sec. 28. This State recognizes its obligations to replace, and hereby pledges the faith of this State that funds will be provided in the future, and applied to the replacement of, any moneys received on and after July 1, 1941, from the Social Security Board under Title 3 of the Social Security Act, any unencumbered balances in the Unemployment Administration Fund as of that date, any moneys on and after July 1, 1941, granted to this State pursuant to the provisions of the Wagner-Peyser Act, and any moneys on and after July 1, 1941, made available by this State or its political subdivisions matched by moneys granted to this State pursuant to the provisions of the Wagner-Peyser Act, which the Social Security Board finds have, because of any action or contingency, been lost or have been expended for purposes other than, or in amounts in excess of, those found necessary by the Social Security Board for the proper administration of this act. Such moneys shall be replaced within a reasonable time by moneys appropriated by the Legislature from the general funds of this State to the Unemployment Administration Fund. The commission shall report to the Director of Finance, in the same manner as is provided generally for the submission of financial requirements for the ensuing biennium, and the Governor shall include in his budget report to the next regular session of the Legislature, the amount required for such replacement. This section shall not be construed to relieve this State of its obligation with respect to funds received prior to July 1, 1941, pursuant to the provisions of Title 3 of the Social Security Act."

Amendment No. 5

On page 16, line 42, of the printed bill, as amended, strike out the period, and insert a colon.

Amendment No. 6

On page 19, line 4, of the printed bill, as amended, after "25.", insert "Effective December 1, 1941,".

Amendment No. 7

On page 19, line 6, of the printed bill, as amended, after "26.", insert "Effective December 1, 1941,".

Amendment No. 8

On page 20, line 22, of the printed bill, as amended, after "27.", insert "Effective December 1, 1941,".

Amendment No. 9

On page 21, line 1, of the printed bill, as amended, after "28.", insert "Effective December 1, 1941,".

Amendment No. 10

On page 21, line 41, of the printed bill, as amended, after "29.", insert "Effective December 1, 1941,".

Amendment No. 11

On page 22 of the printed bill, as amended, between lines 26 and 27, insert

"(c) Every proceeding heard by the commission shall be heard and decided by all five members of the commission, or by the commissioner representing the State and public, either alone or together with an equal number of commissioners representing employers and commissioners representing employees."

Amendment No. 12

On page 22, line 27, of the printed bill, as amended, after "30.", insert "Effective December 1, 1941,".

Amendment No. 13

On page 23, line 6, of the printed bill, as amended, after "31.", insert "Effective December 1, 1941,".

Amendment No. 13.5

On page 24 of the printed bill, as amended, strike out lines 4, 5 and 6.

Amendment No. 14

On page 25 of the printed bill, as amended, after line 7, insert

"SEC. 37. (a) No person, who by reason of employment for employers prior to the effective date of this amendatory act would have been eligible for benefits

under the provisions of the Unemployment Insurance Act, shall be denied benefits after the effective date of this amendatory act solely by reason of the amendments made by this amendatory act to Sections 7 and 44.2 of the Unemployment Insurance Act.

(b) The amendment made by this amendatory act to Section 41 of the Unemployment Insurance Act shall apply only to benefits paid with respect to benefit years commencing after the effective date of this amendatory act.

(c) Sections 57 and 57.5 of the Unemployment Insurance Act, as amended by this amendatory act, apply with respect to all benefits claimed by an individual after the effective date of this amendatory act, irrespective of whether or not he has established a benefit year on or prior to the effective date of this amendatory act, when the events, situations, or conditions mentioned in Section 57 or Section 57.5, both as amended by this amendatory act, either occur or exist on or after the effective date of this amendatory act. Nothing in this subdivision (c) shall make eligible for benefits any person ineligible therefor under the provisions of the Unemployment Insurance Act as it existed prior to its amendment to this amendatory act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 24—An act to add Section 21.5 to the Municipal Court Act of 1925, relating to departments of the municipal court in cities of the first and one-half class, including judges and attaches thereof.

Bill read second time, and ordered to third reading.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 432 was passed, was continued until the next legislative day.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Kenny moved to withdraw his motion to reconsider the vote whereby Assembly Constitutional Amendment No. 5 was refused adoption.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 1326—An act to amend Section 12 and Section 19 of the Municipal Water District Act of 1911, relating to the government and powers of municipal water districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 393—An act to amend Section 5 of The Personal Income Tax Act of 1935, relating to rates of taxation.

Bill read third time.

The roll was called.

• **Call of the Senate**

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 2.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RECESS

At 2.56 p.m., on motion of Senator Mayo, the Senate recessed until 3.11 p.m., to hear the Angels Camp Miners Band, and to receive a cordial invitation to attend the annual Jumping Frog Jubilee at Angels Camp, May 16th, 17th and 18th, extended by George E. Dietz, President of the Thirty-ninth District Fair, on behalf of a large costumed delegation from Calaveras County. Entertainment was furnished by the Ladies Choral Club and by Harry Auten, instructor in the Bret Harte High School.

REASSEMBLED

At 3.11 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 280—An act to provide for a report on the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the State Highway System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Resolution No. 106

By Senators Phillips, Jespersen, Breed, Parkman, Seawell, Brown, McCormack, Waggy, Judah, DeLap, Tickle, Myhand, Rich, Biggar, Keating, Kenny, Fletcher, Gordon and Crittenden:

Relative to finances of the State, Budget and tax reduction

WHEREAS, It is our sincere belief that California is approaching a crisis in its history; and

WHEREAS, In this crisis, the finances of the State, as well as its economic, social and human factors, will be required to stand their greatest test; and

WHEREAS, It is necessary that this situation be separated from all political considerations and fully understood by the citizens of California; now, therefore, be it

Resolved by the members of the California State Senate, That we adopt the following statement on the subjects of tax reductions, on economy, on the Budget and on special appropriations:

We state first that the adoption of the resolution providing for a Legislative Budget Adviser should be one of the most urgent matters before the present State Legislature. This, in our opinions, will provide us with the necessary information and advice in the future to meet the problems referred to in the memorandum.

ECONOMY. We urge simple economy as the most important matter before the Legislature. The daily headlines should convince every reader that the Federal Government is laying a staggering debt on the taxpayers. From 1933 to 1941,

without the 31 billions just voted, the Federal debt has increased from 22 to 49 billions of dollars. California's share of the increase is greater than the total of all State income for the past seven years. Whether the war ends quickly or continues, it is unlikely that we shall see a reduction of this program for years to come.

The world, as we have known it, is coming to an end in Europe. We face the likelihood of changed standards in the United States. It is the obligation of every thoughtful member of the Legislature to defend, by his votes and his actions, what we proudly call the "American Way of Life."

This is not an empty phrase. The American Way of Life means a good living, against the unbelievable living conditions of Germany, France, Russia or Italy, even through the past 10 years. It means recognition of the rights of the men and women who work, as compared with national socialism under any name, by which men and women are regimented, and controlled. It means educational opportunities which would be unknown and unbelievable to the citizens of other countries. It means care for the aged, and the blind, and the orphans, and the tuberculous. It means freedoms of thought, and of speech, and of assembly, and of the press and the radio. It means an asylum for peoples from the nations where these freedoms no longer exist, and from countries where they never existed.

We state that the influence of the Legislature of this State should be directed to the solution of California's part of this tremendous and tragic problem.

Economy must become a matter for practical and serious thought. A Legislative Budget Adviser must begin his work soon, to the end that every unnecessary item of expense, big or little, may be eliminated, so that the resulting economies may accrue to the taxpayers who can then apply these savings upon the staggering increases in taxes which will result from defense spending.

BUDGET. The preparation of a State Budget of the size of the California State Budget is a highly technical problem. Members of the Assembly have worked conscientiously on the present Budget. Their work has shown the possibilities of economy and the difficulties of a budget revision under present-day methods.

TAX REDUCTIONS. A wise family pays its bills and prepares for the future during such times as its income is rising and when the income is greater than the desired expenses. The State of California is only a multiple of its separate families. Today the projected deficit is approximately fifty million dollars (\$50,000,000). The urgent need of remodeling the institutions and of making certain necessary improvements and additions is a matter of common knowledge and desire. The wise family would pay its debts and make these repairs before it talked of cutting down its income or before this income were to be cut down by some outside influence.

We who vote to adopt this statement are all for tax reductions, but only when we know that these reductions can be made safely, and only after we have paid our debts, and repaired our institutions.

Four years ago this institutional need was so great that a bond issue of twenty million dollars (\$20,000,000) was suggested. Those of us who were then in the Legislature opposed that suggestion. We felt incomes were rising, including the State's income. We said the time would come shortly when we could make these additions and repairs out of our tax income. We can not now break that promise.

We pledge ourselves to see that the income of the State, not used for its most necessary expenses, is applied to the reduction of the present deficit. We will support the creation of a plan of expenditures to prepare for the eventual let-down in business, and to remodel and enlarge the institutions. We will include in that plan urgently needed improvements in our schools and colleges, as well as imperative flood control projects.

When these expenditures are made, and not before, we will consider and vote for tax reductions. We will then know how long this rising income will last. We do not know that now. War is an uncertain factor in government economy. The current talk of tax reduction is based on no more certain a factor than that the present war in Europe, and the defense program in this country, have increased the momentary income of the State.

SPECIAL APPROPRIATIONS. We will vote for those special appropriations which fall under the following classifications: (1) those which for some technical or other reason could not be included in the Budget at the time it was made up and which justify a separate supporting vote; and (2) those which can be included in the "plan" referred to above, which should list all appropriations the Legislature feels are warranted, under the emergency conditions of the present and of the immediate future, and upon which the taxpayers' money should properly be spent, when, as and if the rising State income has paid off the present deficit. This plan can prepare for the future; if the increasing income continues, the plan will be ready.

Governments, and forms of government, can be changed by taxation, as well as by revolution. They can be changed by unemployment. They can be lost by a lack of foresight, or the courage to support this foresight. These things are in our minds as we adopt this resolution.

Resolution read.

Previous Question

Senator Keating moved the previous question.

Motion carried.

The question being on the adoption of Senate Resolution No. 106.
Resolution adopted.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 4.30 p.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 393 passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Gordon, Jespersen, Kenny, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Swan, Swing, Tickle, and Ward—22.

NOES—Senators Biggar, Dillinger, Foley, Garrison, Keating, Mayo, Rich, Seawell, Shelley, and Slater—10.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 150—An act to amend Sections 4005c, 4006, 4234, 4235, 4238, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282 and 4283 and to repeal Sections 4234a, 4242.1, 4242.2, 4242.3, 4242a, 4248a, 4248b, 4248c, 4248d, 4248e, 4248f, 4248g, 4248h, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248p, 4248p2, 4248q, 4248r, 4248s, 4248t, 4248u, 4248v, 4254a, 4254b, 4254c, 4254d, 4254e, 4254f, 4254g, 4254h, 4254i, 4254j, 4254k, 4254l, 4254m, 4254n, 4254o, 4254p, 4254q, 4254r, 4254s, 4254t, 4263a, 4263b, 4263c, 4263d, 4263e, 4263f, 4263g, 4263h, 4263i, 4263j, 4263k, 4263l, 4263m, 4263n, 4263o, 4263p, 4263q, 4263r, 4263s, 4265a, 4270a, 4270b, 4270c, 4270d, 4270e, 4270f, 4270g, 4270h, 4270i, 4270j, 4270k, 4270l, 4270m, 4270n, 4270o, 4270p, 4270q, 4270r, and 4272a of the Political Code, relating to the classification of the counties of California and providing for the compensation of public personnel in said counties as so classified.

Bill read second time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

In line 7 of the title of the printed bill, as amended, after "4242a," and before "4248a," insert "4246a,".

Amendment No. 2

In line 18 of the title of the printed bill, strike out "of".

Amendment No. 3

On page 15 of the printed bill, between lines 14 and 15, insert "SEC. 14.5. Section 4246a of said code is hereby repealed".

Amendment No. 4

On page 22, line 28, of the printed bill, as amended, strike out "6", and insert "26".

Amendment No. 5

On page 25, line 8, of the printed bill, as amended, strike out "mileage".

Amendment No. 6

On page 30, line 29, of the printed bill, as amended, strike out "of", and insert a comma.

Amendment No. 7

On page 34, line 1, of the printed bill, as amended, strike out "of Calaveras".

Amendment No. 8

On page 34, line 28, of the printed bill, as amended, strike out "mileage."

Amendment No. 9

On page 36, after line 24, of the printed bill, as amended, insert "SEC. 56. Unless otherwise expressly provided, the provisions of the Political Code, as amended by this act, shall not apply to the compensation paid for public services during his current term to any person, whose compensation the Legislature is required or authorized to regulate, and from the effective date of this act to the time that his current term expires, such person shall be paid the same compensation as he was paid prior to the effective date of this act."

Amendments read and adopted.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 150 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended. Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senators Shelley, Foley, McBride, Ward, Biggar, Parkman, Cunningham, Kenny, Crittenden, Keating, McCormack, Quinn, Mixer, Gordon, Brown, Tickle, Myhand, DeLap, Phillips, Dillinger, Garrison, Mayo, Luckey, and Swan:

Senate Resolution No. 7 cum 11

WHEREAS, The Senate of the State of California is deeply concerned with the matter of unemployment and stimulation of business among the businesses of the State; and

WHEREAS, It is rumored that one member of the Senate reputed to be a man of means has been giving liberal patronage to a certain class of businessmen, i. e., the jewelers of the State of California, thus aiding their business and giving employment to people engaged in production of jewelry; and

WHEREAS, The purchase of products of the jewelers' art frequently precedes an embarkation on another worthy enterprise, i. e., matrimony; now, therefore be it

Resolved by the Senate of the State of California, That we heartily congratulate and commend that one of our Senators, Hon. Oliver J. Carter, who has been making the investments hereinabove referred to and giving evidence of worthy aspirations, upon such generosity and upon such aspirations, and we hope that his plans will be happily realized and that he will depart from the unworthy and willful ways of the bachelor and in due time enter the fold of the benedicts.

Resolution read, and unanimously adopted.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 431—An act to add Sections 73c, 73d, 73e, 73f and 73g to the Code of Civil Procedure, relating to sessions of the superior court held in cities other than the county seat and the transfer of actions or proceedings to the same.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 959—An act to add Section 845.2 to the Fish and Game Code, relating to nets seized for violations of law, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of the legislative day:

Senator Myhand, on motion of Senator Parkman.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 877—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134 and 1135 to Part 3, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 877?

Amendment No. 1

On page 1, line 23, of the printed bill, as amended, after "organization", insert "or any combination or agreement resulting in a refusal by employers to handle goods or perform any services for another employer because of an agreement between such other employer and his employees or a labor organization".

Amendment No. 2

On page 2, line 8, of the printed bill, as amended, after "organization", insert "or any combination or agreement to cease performing, or to cause any employer to cease performing any services for another employer, or to cause any loss or injury to such other employer, or to his employees, for the purpose of inducing or com-

pulling such other employer to refrain from doing business with, or handling the products of any other employer, because of an agreement between the latter and his employees or a labor organization".

Amendment No. 3

On page 2, line 17, of the printed bill, as amended, after "indirectly", insert "and any association of employers, including growers and other hirers of labor."

Also:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "and 1135", and insert "1135 and 1136".

Amendment No. 2

On page 2 of the printed bill, as amended, between lines 32 and 33, insert "1135. This chapter shall be in effect until May 1, 1943, and thereafter:

(a) During the continuance of the existence of the National emergency declared by the President of the United States to exist, by his Proclamation issued under date of September 8, 1939.

(b) During any period of war between the United States of America and any foreign power, legally declared to exist."

Amendment No. 3

On page 2, line 33, of the printed bill, as amended, strike out "1135", and insert "1136".

Amendment No. 4

On page 2 of the printed bill, as amended, after line 37, insert

"SEC. 2. This act is enacted for the purpose of preserving tranquillity among the citizens of this commonwealth and to insure during this present critical period of National emergency and intensive armament the unobstructed production and distribution of the products of our factories and fields, for the continued protection and preservation of our democratic way of life and for the general welfare of the people of this State."

The roll was called, and the Senate concurred in the Assembly amendments to Senate Bill No. 877 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Keating, Mayo, McCormack, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—25.

NOES—Senators Kenny, Shelley, and Swan—3.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1424—An act to amend Section 243 of the State Civil Service Act, relating to the State Personnel Board and the executive officer thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Foley, Jespersen, Keating, Kenny, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1229—An act to amend Sections 697.5, 720, 860 and 881 of, to repeal Section 865 of, and to add Section 865 to, the Fish and Game Code, relating to the use of nets and the taking and disposal of salmon, shad, and striped bass, declaring the urgency of this act, to take effect immediately.

Bill read third time.

* Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 5 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1250—An act to amend Sections 806, 828.4 and 829.2 of the Agricultural Code, relating to standard containers for fruits and the marking and use thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 5.05 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 1229 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Tickle—27.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1542—An act to amend Section 803 of the Agricultural Code, relating to peaches.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, and Tickle—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 640—An act to add Section 132a to the Labor Code, relating to the Industrial Accident Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1479—An act to add Section 259 to the Labor Code, relating to security for payment of wages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 82—An act to add Section 620 to the Streets and Highways Code, relating to State highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1268—An act to amend Sections 372, 704 and 705, and to repeal Sections 702 and 703 of the Vehicle Code, relating to weight limitations imposed upon vehicles and combinations of vehicles, and the registration thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1048—An act to amend School Code Section 5.820, relating to the Teachers Retirement Board.

Bill read third time.

• Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 5.820", and insert "Sections 5.820, 5.831, and 5.832".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, after the first comma, insert "and".

Amendment No. 3

Beginning in line 2 of the title of the printed bill, as amended, strike out "Sections 5.831, 5.832 and", and insert "Section".

Amendment No. 4

Beginning in line 3 of the title of the printed bill, as amended, strike out "and to add Section 5.831 to said code,".

Amendment No. 5

On page 1 of the printed bill, as amended, beginning in line 3, strike out "except for the investment of funds,".

Amendment No. 6

On page 2, line 7, of the printed bill, as amended, after the period, insert "Of the three members of the teachers retirement system elected hereunder as members of the Retirement Board created by this act, one shall be elected from the northern district, one from the central district and one from the southern district. The northern district consists of all that portion of the State lying north of the northerly lines of the counties of Marin, Contra Costa, San Joaquin, Calaveras and Amador; the central district consists of all that portion of the State south of the northerly lines of said counties and north of the northerly lines of San Luis Obispo, Kern and San Bernardino counties; and the southern district consists of all that portion of the State lying south of the northerly lines of the counties last named."

Amendment No. 7

On page 2, line 24, of the printed bill, as amended, after "class", insert "and, in the case of an elected member, the district".

Amendment No. 8

On page 2, line 36, of the printed bill, as amended, after "Board", strike out the period, and insert a comma and "and committee thereof."

Amendment No. 9

On page 3 of the printed bill, as amended, strike out all of lines 4 to 13, both inclusive, and insert

"Sec. 2. School Code Section 5.831 is hereby amended to read as follows:

5.831. The Retirement Board shall have exclusive control of the investment of the permanent fund and the annuity deposit fund, including the purchase of securities and the sale thereof, but said investment shall be confined to securities approved in this State for the investment of funds of savings banks. The said board may appoint a committee composed of one or more of its members, which shall have authority to purchase securities in the open market from time to time as cash becomes available for investment, from a list of securities previously approved by said board according to title or source of issue. Purchases of securities by said committee shall be reported forthwith to the other members of the Retirement Board.

Sec. 3. School Code Section 5.832 is hereby amended to read as follows:

5.832. The Retirement Board shall have exclusive control of the administration of the funds created in Section 5.830 hereof. No transfers or disbursements, except disbursements made in the purchase of securities, of any amount from said funds shall be made except upon the authorization of said Retirement Board, as provided in Section 5.830 hereof, for the purpose of carrying into effect the provisions of this chapter.

Sec. 4. School Code Section 5.833 is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

INACTIVE FILE

Assembly Bill No. 1629—An act to provide for the sale and conveyance of certain lands lying within the abandoned river channel of

the American River lying in the County of Sacramento, State of California.

Bill read.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed bill, as amended, strike out "he", and insert "it".

Amendment No. 2

On page 1, line 8, of the printed bill, as amended, after "California," insert "and".

Amendment No. 3

On page 2, line 5, of the printed bill, as amended, strike out "lines", and insert "center lines".

Amendment No. 4

On page 2, line 8, of the printed bill, as amended, strike out "and", and insert "or".

Amendment No. 5

On page 2, line 15, of the printed bill, as amended, after "made", insert "for".

Amendment No. 6

On page 2, line 17, of the printed bill, as amended, strike out "six months", and insert "two year".

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

Assembly Bill No. 1544—An act to amend Sections 4242 and 4242.2 of the Political Code, relating to the compensation for public services in counties of thirteenth class.

Bill read.

Motion to Amend

Senator Mixer moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Sections 4242 and 4242.2", and insert "4244".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, strike out "thirteenth", and insert "fifteenth".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4242", and insert "4244".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of lines 3 to 25, inclusive; and on page 2, strike out lines 1 to 30, inclusive, and insert

"4244. In counties of the fifteenth class, the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

1. The auditor, five thousand dollars (\$5,000) per annum.
2. The district attorney, five thousand dollars (\$5,000) per annum.
3. Each supervisor, three thousand dollars (\$3,000) per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. There is hereby allowed to each supervisor a sum not to exceed 25 per cent of his monthly salary for expenses necessarily incurred in the conduct of his office. Each supervisor shall file an itemized statement, supported by receipts or vouchers, on the first day of each and every month, designating the actual expenditure on his part of expenses necessarily incurred in the conduct of his office for the preceding month, and no allowance shall be made to any supervisor for expenses necessarily incurred in the conduct of his said office unless the same shall be itemized and designated in said claim filed by him as herein provided.
4. Grand jurors and trial jurors, three dollars (\$3) per day and mileage for each attendance at the rate of seven cents (\$.07) for each mile actually traveled.

No official of the county, whose compensation is fixed by this section, shall receive any other compensation in any form in any other capacity from the county. The

salaries and expenses provided in this section shall be in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on such officers, or by virtue of their offices shall be by such officers paid into the county treasury at such times and in such manner as required by law, except that until such time as the county provides for such officers and makes available to their use such numbers of automobiles as are reasonably necessary to carry out the duties of their respective offices, such officers shall be allowed to retain for their own use and benefit such mileage as may be allowed by law. In lieu of the mileage allowed members of the board of supervisors each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep and maintenance of automobiles for members of the board of supervisors shall be paid from county funds."

Amendments read and adopted.

Bill ordered printed, and to second reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Jespersen:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to the Division of Forestry, Department of Natural Resources, for support, construction and equipment, declaring the urgency thereof, to take effect immediately.

Respectfully submitted.

SENATOR JESPERSEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 14, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED

TICKLE
DEUEL

The roll was called, and permission granted by the following vote:

AYES: Senators Baggar, Breed, Brown, Carter, Crittenden, Cuninghame, DeLap, Deuel, Dillinger, Foley, Garrison, Jespersen, Keatrag, Kenny, Luckey, Mayo, McBride, McCormack, Minter, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—30.

NOES: None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1337: By Senator Jespersen—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for support, construction and equipment, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance.

REQUEST FOR UNANIMOUS CONSENT

Senator Swan asked for, and was granted, unanimous consent to retain Assembly Bill No. 1163, on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to retain Assembly Bill No. 1335, on third reading file until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 340 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Mixter moved that Senate Bill No. 875 be taken from the inactive file, and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1013

Senator Carter moved that Senate Bill No. 1013 be withdrawn from Committee on Public Health and Safety for purpose of amendment.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to retain Senate Bill No. 1000 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to retain Senate Bill No. 537 on third reading file until the next legislative day.

MOTION TO RECONSIDER

Senator Quinn moved to reconsider the vote whereby Senate Bill No. 393 was passed.

Postponement of Reconsideration

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 393 was passed, was continued until the next legislative day.

REPORTS OF STANDING COMMITTEES**Committee on Agriculture**

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 1308

Has had the same under consideration, and reports the same back with the recommendation: Without recommendation. To be placed on inactive file.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 559

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 780

Assembly Bill No. 1087

Assembly Bill No. 904

Assembly Bill No. 1089

Assembly Bill No. 905

Assembly Bill No. 1500

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1552

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 1090

Assembly Bill No. 1893

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Joint Resolution No. 41

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; absent 3.

CRITTENDEN, Chairman

Above reported resolution ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 126

Assembly Bill No. 2518

Assembly Bill No. 325

Assembly Bill No. 2520

Assembly Bill No. 2027

Assembly Bill No. 2521

Assembly Bill No. 1543

Assembly Bill No. 377

Assembly Bill No. 180

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1683

Assembly Bill No. 155

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 2150

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 145—An act to amend Section 2853 of, and to add Section 2803 to, the Health and Safety Code, relating to pest abatement districts;**Senate Bill No. 373**—An act to amend Section 651.6 of the Fish and Game Code, relating to fish, including salmon;**Senate Bill No. 506**—An act to amend Sections 8931, 8938, 8939, 8963, 9000 and 9100 of the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemeteries;**Senate Bill No. 1260**—An act to add Article 5, comprising Sections 2780 to 2792, inclusive, to Chapter 5, Title 1, Part 3, and to amend Section 3040, of the Penal Code, relating to prisons and prisoners and their employment in parks, forests and fish and game camps;**Senate Concurrent Resolution No. 36**—Approving an amendment to the charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1941;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of May, 1941, at 4 p.m.

RICH, Chairman

ADJOURNMENT

At 5.40 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 15, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTIETH LEGISLATIVE DAY

ONE HUNDRED THIRTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 15, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Collier, on motion of Senator McBride.

Senator Wagy, on motion of Senator McBride.

Senator Kuchel, on motion of Senator Breed.

Senator Fletcher, on motion of Senator Crittenden.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph T. Grace of Santa Rosa.

On request of Senators Keating and Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Walter Mails of Point San Quentin, and Larry Woodall of San Francisco, representing the San Francisco Seals baseball club.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack W. Pratt of Berkeley.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Hazel Signorotti of Patterson, John Cuneo of Modesto, S. E. Tracy of Berkeley, and Russel R. Hand of Montebello.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Brizaide G. Hare, home teacher, and the following students of the adult citizenship classes of the Tompkins and La Fayette schools of Oakland: Mr. Giacomo Parodi, Mrs. Antonette Dastros, Mrs. Celeste Newell, Mrs. Cruz Lozado, Mrs. Fresquez, Mrs. Grace Hubbard, Mrs. Bertha Baxter, Mrs. Rose Mazza, Mrs. Maurilia Munoz, Mrs. Magdeline Angelakis, Mr. George Angelakis, Mrs. Catherine Paras, Mrs. Annunziata Morganti, Mrs. Frances Scribante, Mrs. Bessie Conrad, Mrs. M. Stoicich, Mrs. Agnes Harris, Mrs. Josephine Gonzalez, Mrs. E. Becerra, Mrs. Micaela Macias, Mrs. Ester Garcia, Mrs. Esperanza Ortiz, Mrs. Teresa Perez, Mrs. M. Hurtado, Mrs. Mary Valdez, Mrs. Cecile Lang, Mrs. Flora Celia, Mrs. Virginia Cruz, Mrs. Bessie La Tour, Mr. Elias Perez, Mrs. Katie McCole, Mrs. Paul Stevenson, D. R. Franklin, and L. C. M. Hare, the latter a guest.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. Harold B. Holmberg of Eureka.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack D. Patterson of Patterson.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Mildred Dyer Myers, teacher, and the following students of the adult citizenship classes of the Cole and Clawson schools of Oakland: Mesdames Mary Rose Alcaide, Italia Baroni, Clara Barouh, Josephine Ceremello, Eleanora Cafferata, Rose Campos, Maria Damele, Lucile Domonick, Gema Reverdito, B. Farrell, Mary Ferrero, Albina Giani, Mary Gomes, Aurelia Guglielmone, Antoinette Kersich, Marie Laclaustra, Josephine La Rosa, L. Lampart, Arcadia Malijen, Isabelle Oliver, Anna Pacheco, Caterina Pino, Assunta Ratio, and Arax Tash; and Messrs. Simon Bouhaben and Manuel Laclaustra.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 37

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 128—An act to add Section 96.5 to the State Civil Service Act, relating to State civil service employees, declaring the urgency of this act and that it shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2547—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations and the applicability thereof.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 33
Assembly Bill No. 106
Assembly Bill No. 108
Assembly Bill No. 111
Assembly Bill No. 171
Assembly Bill No. 354
Assembly Bill No. 381
Assembly Bill No. 565
Assembly Bill No. 648
Assembly Bill No. 649
Assembly Bill No. 707
Assembly Bill No. 734
Assembly Bill No. 735
Assembly Bill No. 736
Assembly Bill No. 737
Assembly Bill No. 738
Assembly Bill No. 739
Assembly Bill No. 740
Assembly Bill No. 741
Assembly Bill No. 743
Assembly Bill No. 744

Assembly Bill No. 758
Assembly Bill No. 759
Assembly Bill No. 760
Assembly Bill No. 762
Assembly Bill No. 763
Assembly Bill No. 764
Assembly Bill No. 765
Assembly Bill No. 782
Assembly Bill No. 788
Assembly Bill No. 917
Assembly Bill No. 918
Assembly Bill No. 1024
Assembly Bill No. 1033
Assembly Bill No. 1039
Assembly Bill No. 1060
Assembly Bill No. 1071
Assembly Bill No. 1075
Assembly Bill No. 1116
Assembly Bill No. 1117
Assembly Bill No. 1240
Assembly Bill No. 1308

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1428
Assembly Bill No. 1574
Assembly Bill No. 1600
Assembly Bill No. 1652
Assembly Bill No. 1871
Assembly Bill No. 1922
Assembly Bill No. 1938

Assembly Bill No. 2115
Assembly Bill No. 2162
Assembly Bill No. 2280
Assembly Bill No. 2291
Assembly Bill No. 2321
Assembly Bill No. 2359

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 47

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 33—An act to amend Section 990 of the Fish and Game Code, relating to commercial fishing licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 106—An act to amend Section 81 of the Code of Civil Procedure, relating to the classification of judicial townships and the jurisdiction of justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 108—An act to add Section 969.5 to the Streets and Highways Code, relating to improvement and repair of privately owned roads.

Referred to Committee on Transportation.

Assembly Bill No. 111—An act to amend Section 305 of the Agricultural Code, relating to the inspection of slaughtered animals, the sale of the meat thereof, and the operation of establishments for the slaughtering of animals or manufacturing of meat food products.

Referred to Committee on Agriculture.

Assembly Bill No. 171—An act to add a new section to the Political Code, to be numbered 4076a, relating to procedure for audit, allowance and payment or rejection of claims in counties.

Referred to Committee on Local Government.

Assembly Bill No. 354—An act to add Chapter 11, comprising Sections 22000 to 22001, inclusive, to Division 8 of the Business and Professions Code, relating to unfair trade practices in the jewelry business.

Referred to Committee on Business and Professions.

Assembly Bill No. 381—An act to add Sections 2607, 2608, 2609 and 2610 to the Welfare and Institutions Code, relating to the property of indigents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 565—An act to add Section 10601.5 to the Elections Code, relating to filing of declaration of intention to become a candidate for a judicial office.

Referred to Committee on Elections.

Assembly Bill No. 648—An act to amend Section 7057 of the Welfare and Institutions Code, relating to the determination of the alleged defective or psychopathic delinquencies.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 649—An act to amend Section 7001 of the Welfare and Institutions Code, relating to purposes of State homes for the feeble-minded.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 707—An act to amend Section 7113 of the Labor Code, relating to safety of employment.

Referred to Committee on Labor.

Assembly Bill No. 734—An act to amend Section 742 of the Welfare and Institutions Code, relating to prohibited commitments of wards of the juvenile court.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 735—An act to amend Section 901 of the Welfare and Institutions Code, relating to establishment of juvenile camps.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 736—An act to amend Section 5075 of the Welfare and Institutions Code, pertaining to the commitment of mentally disordered persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 737—An act to amend Section 5100 of the Welfare and Institutions Code, pertaining to the order of commitment of mentally ill persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 738—An act to amend Section 5101 of the Welfare and Institutions Code, relating to the County Clerk's Index.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 739—An act to amend Section 5102 of the Welfare and Institutions Code, relating to the prohibition of commitment to State hospitals of certain persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 740—An act to amend Section 5103 of the Welfare and Institutions Code, relating to delivery to State hospitals of persons committed.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 741—An act to amend Section 5251 of the Welfare and Institutions Code, relating to commitment to homes for the feeble-minded.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 743—An act to amend Section 5258 of the Welfare and Institutions Code, relating to the order of commitment of feeble-minded persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 744—An act to amend Section 6664 of the Welfare and Institutions Code, relating to payment of expenses when person committed charged with crime.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 758—An act to add Section 6660.5 to the Welfare and Institutions Code, relating to the care of patients' estates where the value of said estate does not warrant a guardianship.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 759—An act to amend Section 6661 of the Welfare and Institutions Code, relating to estates under three hundred dollars (\$300) of persons committed to State institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 760—An act to amend Section 6663 of the Welfare and Institutions Code, pertaining to payment of board bills.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 762—An act to amend Section 7011 of the Welfare and Institutions Code, relating to payments of county officers.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 763—An act to amend Section 7052 and Section 7050 of the Welfare and Institutions Code, relating to the commitment of defective or psychopathic delinquents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 764—An act to add Section 7052.5 to the Welfare and Institutions Code, relating to the commitment of defective or psychopathic delinquents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 765—An act to amend Section 7066 of the Welfare and Institutions Code, relating to the parole of defective or psychopathic delinquents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 782—An act to amend Section 576 of the Vehicle Code, relating to special stops required of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 788—An act to amend Section 12200 of the Business and Professions Code, relating to terms of county sealers.

Referred to Committee on Business and Professions.

Assembly Bill No. 917—An act to add a new section to Chapter 7 of Division 5 of the Business and Professions Code, to be numbered 12701.5, relating to weighmaster bond and license.

Referred to Committee on Business and Professions.

Assembly Bill No. 918—An act to amend Section 12700 of the Business and Professions Code, relating to public weighmasters.

Referred to Committee on Business and Professions.

Assembly Bill No. 1024—An act to renumber and amend Section 800 to be Section 800.5 and to add Section 800 to the Health and Safety Code, relating to the regulation of plumbing.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1033—An act to add Article 11, consisting of Sections 5450 to 5459, inclusive, to Chapter 1 of Division 5 of, to add Chapter 5, consisting of Sections 5300 to 5302, inclusive, to Division 7 of, and to amend Sections 2831, 2832, 2840, 2841, 2842 and 2843 of,

the Elections Code, relating to county central committees and campaign funds.

Referred to Committee on Elections.

Assembly Bill No. 1039—An act to amend Sections 8 and 9.4 of, and to add Section 8.1 to, The Personal Income Tax Act, relating to deduction of a net operating loss, other deductions and the computation of capital gains and losses.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1060—An act to amend School Code Section 5.750, relating to absences from duty of employees of school districts.

Referred to Committee on Education.

Assembly Bill No. 1071—An act to amend Sections 26472, 26520 and 26541 of, and add Section 26540.2 to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising and sale of foods and the powers of the State Department of Public Health in relation thereto.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1075—An act to amend Sections 4, 4A, 5A, 6, 7, 9 and 13 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries under the State Board of Health," approved May 23, 1925, relating to the regulation of canneries and costs of inspection thereof.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1116—An act to amend Section 62 and to repeal Section 141 of the Fish and Game Code, relating to fish and game districts.

Referred to Committee on Fish and Game.

Assembly Bill No. 1117—An act to amend Section 62.6 of the Fish and Game Code, relating to Fish and Game District 13.

Referred to Committee on Fish and Game.

Assembly Bill No. 1240—An act to amend Section 737d of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Butte.

Referred to Committee on Local Government

Assembly Bill No. 1308—An act to permit the sale of certain land by the Department of Institutions.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1428—An act to amend Section 18 of the Alcoholic Beverage Control Act, relating to restrictions on issuance of on-sale beer and wine and distilled spirits licenses and off-sale beer and wine licenses.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1574—An act to amend Section 790 of the Fish and Game Code, relating to crabs and crab meat.

Referred to Committee on Fish and Game.

Assembly Bill No. 1600—An act to add Section 4097.5 to the Political Code, relating to the counting of money in the county treasury.

Referred to Committee on Local Government.

Assembly Bill No. 1652—An act to add Section 15.1 to the California Irrigation District Act, relating to the government of irrigation districts, authorizing them to acquire and improve land for airports or aviation schools and operate and lease the same, declaring the urgency hereof, and to take effect immediately.

Referred to Committee on Water Resources.

Assembly Bill No. 1871—An act to amend Section 1081 of the Probate Code, relating to determination of heirship.

Referred to Committee on Judiciary.

Assembly Bill No. 1922—An act to amend Section 953a of the Code of Civil Procedure relating to appeals.

Referred to Committee on Judiciary.

Assembly Bill No. 1938—An act to add Section 1.107 to the School Code, relating to the pupils of the public schools.

Referred to Committee on Education.

Assembly Bill No. 2115—An act to add Section 326.5 to the Political Code and to repeal Section 13 of the Business and Professions Code, relating to the construction of statutes.

Referred to Committee on Judiciary.

Assembly Bill No. 2162—An act to add Article 8, comprising Sections 420 to 421, to Chapter 2, Part 1, Division 1 of the Health and Safety Code, and to repeal Chapter 3, comprising Sections 75 to 77, of Division 1 of the Labor Code, relating to the Division of Immigration and Housing and the Commission of Immigration and Housing in the Department of Industrial Relations, and to the State Department of Public Health.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2280—An act to add Section 7377 to the Business and Professions Code, relating to cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 2291—An act to amend the title and Section 8c of, and to add Sections 3e and 38f to the State Employees' Retirement Act, relating to the State Employees' Retirement System, including city policemen and city, county, and fire protection district firemen, and officers and employees of county forestry and county firewarden departments.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2321—An act to amend Section 4246 of the Political Code, relating to the compensation for public services in counties of the seventeenth class.

Referred to Committee on Local Government.

Assembly Bill No. 2359—An act to add Section 599 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Joint Resolution No. 47—Relative to memorializing the President, Secretary of Agriculture, and the Congress of the United States to aid in furthering the development of Highway 20.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 93

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1048

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 877—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134, 1135 and 1136 to Part 3, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts;

And reports that the same has been correctly enrolled, and presented to the Governor on the fifteenth day of May, 1941, at 11 a.m.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 619

Assembly Bill No. 989

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 988

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

GORDON, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1337

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

BREED, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1165

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

BREED, Vice Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 1865

Assembly Bill No. 2272

Assembly Bill No. 2204

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

BROWN, Vice Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

Senate Resolution No. 112

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of three thousand eight hundred two dollars and thirty-nine cents (\$3,802.39) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses incurred or to be incurred during the Fifty-fourth Session of the Senate, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

Western Union-----	\$141 09
Postal Telegraph-Cable Company-----	108 10
Bank of America (Chase Codes)-----	23 18
State Printer (Bill Room equipment)-----	188 49
Pacific Telephone and Telegraph Company-----	406 50
Art Morris-----	2 50
Patrick & Moise Klinkner Company-----	7 09
Graybar Electric Company-----	34 59
Hammond Typewriter Company-----	245 66
State Agricultural Society-----	12 00
Remington Rand Company-----	12 36
Cascade Towel Supply Company-----	40 43
Railway Express Agency-----	12 92
H. S. Crocker Company-----	724 53
State Department of Finance-----	359 89
Postage-----	1,000 00
State Supply Department-----	483 06

\$3,802 39

(Signed out)

RICH, Chairman
BREED
DEUEL

MYHAND
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—23.

NOES—None.

By Senator Swing:

Senate Resolution No. 113

Pertaining to the one hundredth birthday of Dr. Zeeb Gilman,
Civil War Veteran and Redlands resident

WHEREAS, Dr. Zeeb Gilman, born to Zeeb Gilman and Naomi McNiel Gilman, in Piermont, New Hampshire, on May 13, 1841, who on the thirteenth day of May, 1941, celebrated his 100 years of life, which has been colored and marked with outstanding services to his country, community and home, and who enjoys the association of his beloved wife, who at the age of 88 years enjoys good health and who by this union and marital happiness extending over the average span of human life, brought into this world three of California's distinguished women, Mrs. Grace Shoemaker of Los Angeles, California; Mrs. George Tyree and Eunice Gilman of Redlands, California; and,

WHEREAS, Dr. Zeeb Gilman now living in the City of Redlands, State of California, is one of that city's most beloved characters, and because of the services rendered to his country during the dark days of the Civil War, in which he performed and had the signal honor of guarding Abraham Lincoln, President of the United States of America, and was given personal recognition by the great emancipator—and further because of his exemplary life as citizen in private life, his achievements in business, his contribution to the development of the great State of California, and

WHEREAS, In tribute to one now living who has attained the outstanding age of 100 years of life; be it

Resolved by the Senate, And through it the people of the State of California, express to Dr. Zeeb Gilman, and to his beloved wife their sincere felicitations upon the attaining of his one hundredth birthday, and for his long life as a citizen of this great commonwealth, and extend every good wish for continued happiness and joy throughout the remaining years the Giver of life might extend; and be it

Resolved, That a suitably engrossed copy of this resolution be sent by the Secretary of the Senate to Dr. Zeeb Gilman.

Resolution read.

Remarks

Senator Swing offered appropriate remarks as to the record of the life of Dr. Gilman and emphasized the effect of a virtuous life upon longevity, and suggested that the life of Dr. Gilman was one that any member of the Legislature might well emulate.

Resolution unanimously adopted.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 875—An act to amend Sections 9 and 36 of the California Water Storage District Act, relating to voting in California water storage districts.

Bill read second time, and ordered to third reading.

Senate Bill No. 1013—An act to amend Section 14055 of the Health and Safety Code, relating to fire protection districts in unincorporated areas.

Bill read second time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out line 1, and insert "An act to add Section 14226.5 and amend Section 14227 of the Health and Safety Code".

Amendment No. 2

In line 3 of the title of the printed bill, preceding the period, insert a comma and "and the inclusion of contiguous territory".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 7, inclusive, and insert "Section 1. Section 14226.5 is hereby added to the Health and Safety Code, to read as follows:

14226.5. As used in this article, "real property" includes:

(a) The possession of, claim to ownership of, or right to the possession of land.

(b) All mines, minerals, and products in the land, all standing timber whether or not belonging to the owner of the land and all rights and privileges appertaining thereto.

(c) Improvements.

Sec. 2. Section 14227 of the Health and Safety Code is hereby amended to read as follows:

14227. Owners of real property in contiguous territory, which represents at least seventy-five (75) per cent of the total assessed valuation of the contiguous territory, as shown on the last equalized assessment roll of the county in which the district is located, may petition for inclusion of the territory within the district."

Amendment's read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 559—An act to amend Section 560 of the Agricultural Code, relating to modified milk, by adding Section 560.1 to the Agricultural Code, relating to vitaminized milk.

Bill read second time, and ordered to third reading.

Assembly Bill No. 780—An act to amend Section 1145 of the Agricultural Code, relating to imported egg products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 904—An act to add Sections 106.1 and 106.2 to Chapter 1 of Division 2 of the Agricultural Code, relating to plant quarantine inspection.

Bill read second time, and ordered to third reading.

Assembly Bill No. 905—An act to amend Section 118 of the Agricultural Code, relating to the admissibility of the hosts of fruit flies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1087—An act to amend Section 120 of the Agricultural Code, relating to nursery licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1089—An act to amend Section 121 of the Agricultural Code, relating to moneys to be paid into the Department of Agriculture Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1500—An act to amend Sections 781, 782, 784.2, 784.3 and 787 of, and to add Sections 782.3, 782.6 and 784.8 to, the Agricultural Code, relating to fruit, nut and vegetable standards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1552—An act to amend the Agricultural Code by amending Section 1043; and to provide exemption from the provisions of said section to nonprofit, cooperative, agricultural marketing associations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1090—An act to add a new section to the Agricultural Code, to be numbered 120.5, relating to plant registrations and certifications.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, between lines 24 and 25, insert

"The services authorized in this section shall not be duplicative of those being rendered by commissioners."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1893—An act to amend Sections 6 and 14 of the California Agricultural Products Marketing Act of 1937, relating to terms and conditions of agreements and orders issued under such be an urgency measure, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

Correct the title of the printed bill, as amended in the Assembly on April 3, 1941, to read as follows:

"An act to amend Sections 6 and 14 of the California Agricultural Products Marketing Act of 1937, relating to terms and conditions of agreements and orders issued under such act, enforcement of such agreements and orders, and declaring this act to be an urgency measure, to take effect immediately."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 126—An act to amend Section 596 of the Penal Code, relating to the use of poisons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 325—An act to add Section 996 to the Civil Code, relating to property and other rights in and to fur bearing animals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2027—An act to amend Section 403d of the Civil Code, relating to unclaimed and disputed shares and debts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1543—An act to amend Section 16 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and

providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, relating to the terms of office and election of judges of such courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 180—An act to add Section 5078 to the Welfare and Institutions Code, relating to the restoration to competency of persons committed to the care and custody of the psychopathic probation officer.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2518—An act to add Section 2877 to the Penal Code, relating to prisons and prisoners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2520—An act to add Article 4, comprising Section 2690, to Chapter 4, Title 1, Part 3, of the Penal Code, relating to prisons and prisoners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2521—An act to add Section 3404 to the Penal Code, relating to prisons and prisoners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 377—An act to amend Sections 925 and 1008 of the Penal Code, relating to accusations against district, county, township or municipal officers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1683—An act to add Sections 3066, 3066a, 3066b, 3066c, 3066d and 3066e to the Civil Code, to provide for liens in favor of private hospitals in this State upon all causes of action for damages accruing to an injured person therein or to the legal representatives of such person for the reasonable charges for hospital care, treatment and maintenance necessitated by the injuries giving rise to such causes of action.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 4 to 18, inclusive, and insert

"3066. Every person, partnership, association, corporation, trust or institution, maintaining and operating a private hospital in this State, which shall furnish hospitalization, care and maintenance to an injured person, if such injured person asserts and maintains a claim against another person, firm or corporation for damages on account of such injury, shall be entitled to a lien for its reasonable charges for hospital care, treatment and maintenance of said person, including drugs, supplies, X-ray and laboratory services, upon any recovery of any sum had or collected by said person or by his heirs or personal representatives in case of his death, whether by judgment or by settlement or compromise, not, however, to exceed 50 per cent of such recovery."

Amendment No. 2

On page 1 of the printed bill, strike out lines 19 and 20; and on page 2, strike out lines 1 to 27, inclusive, and insert

"3066a. No lien provided for in Section 3066 shall be effective, however, unless on or before the time of the discharge of said person or within five days thereafter, a written notice containing the name and address of the injured person, the date of the accident, the name and location of the hospital, the general nature of and the total amount claimed for such hospital care, treatment and maintenance and the name of the person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received, shall be filed in the office of the county recorder of the county in which such hospital is located, prior to the payment of any moneys to such injured person, his attorneys, or legal representatives as compensation for such injuries; nor unless the hospital shall also mail, postage prepaid, a copy of such notice with a statement of the date of filing thereof to the person or persons, firm or firms, corporation or corporations, believed to be liable to the injured person for the injuries sustained prior to the payment of any moneys to such injured person, his attorneys or legal representative, as compensation for such injuries. Such hospital shall mail a copy of such notice to any insurance carrier known by it to have insured such person, firm or corporation against such liability."

Amendment No. 3

On page 2 of the printed bill, strike out lines 31 to 37, inclusive.

Amendment No. 4

On page 2 of the printed bill, strike out lines 38 to 48, inclusive, and insert

"3066c. Any person or persons, firm or firms, corporation or corporations, including any insurance carrier, or carriers, making any payment to such person or to his attorneys or heirs or legal representatives as compensation for the injury sustained, after the filing and mailing of the notice provided in Section 3066a, without paying to such hospital the amount of its lien or so much thereof as can be satisfied out of the moneys due under any final judgment or compromise or settlement agreement after paying the amount of any prior liens, shall for a period of one year from the date of payment to such patient or his heirs, attorneys or legal representatives, as aforesaid, be and remain liable to such hospital for the amount which such hospital was entitled to receive as aforesaid, up to the amount of the lien of said hospital as provided in Section 3066; and any such person, partnership, association, corporation or other institution maintaining such hospital may, within such period, enforce its lien by a suit at law against such person or persons, firm or firms, corporation or corporations making any such payment. Any person or persons, firm or firms, corporation or corporations, against whom a claim shall be asserted for damages for such injuries, shall be permitted to examine the record of the hospital in reference to such treatment, care and maintenance of such injured person."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 155—An act to add Article 3, comprising Section 1980, to Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to the employment of persons who are members of the Communist Party or of any organization or group which advocates the overthrow of the Government by force and violence.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, beginning in line 8, after "who", strike out "is a member of the Communist Party, or of any other group or organization which".

Amendment No. 2

Strike out lines 14 to 19, inclusive, of the printed bill, and insert

"Any person employed by any State department, office, board, commission, or bureau on the effective date of this article shall be immediately discharged from his employment when it becomes known to his appointing power that such person has, during the period of his employment, committed any of the acts hereinabove described."

Amendment No. 3

Strike out lines 20 and 21 of the printed bill; and strike out line 22 through "designation".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2150—An act to add Section 5.604 to the School Code, relating to the attendance of teachers upon institutes and educational meetings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 340—An act to amend School Code Sections 2.90 and 2.92, relating to superintendents of schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1544—An act to amend Sections 4242 and 4242.2 of the Political Code, relating to the compensation for public services in counties of thirteenth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1629—An act to provide for the sale and conveyance of certain lands lying within the abandoned river channel of the American River lying in the County of Sacramento, State of California.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 642—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits sanitation, sewer, and water revenue-producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds payable solely from the revenues of such enterprises, and in no respect secured by the taxing power; limiting the issuance of revenue bonds to the enterprises defined herein and excluding therefrom systems for the generation or distribution of electricity; authorizing such municipalities to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds; providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Garrison, Gordon, Judah, Keating, Kenny, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue-producing enterprises as herein defined, and providing an additional and alternative method of financing such enter-

prises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 21, of the printed bill, after the period following "semiannually", insert

"Providing, however, that after the passage of the resolution by any municipality as mentioned in Section 4, Subdivision (a) of this act, and before the submission to the qualified voters of such municipality, the governing body of such municipality shall submit such petition by resolution to the California District Securities Commission for their investigation and approval upon the following points:

(a) The economic engineering and legal feasibility of the proposed project.

(b) If it is a water and power project they shall investigate, and if found feasible, approve the supply of water available for the project, and the right of the municipality to so much water as may be needed.

(c) If it is a power project they must investigate and report upon the amount of power available for said project, the cost of such power, and the legal right to, and the feasibility of, obtaining such power."

Amendment read.

Roll Call Demanded

Senators Garrison, Carter and Metzger demanded a roll call.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Gordon, Judah, Keating, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Swing, Tickle, and Ward—20.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Kenny, Luckey, Mayo, Metzger, Myhand, Powers, Slater, and Swan—13.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 21, of the printed bill, before paragraph (b) insert

"Provided further, that in the event the proposed municipality project contemplate obtaining power from the Central Valley Water Project, the resolution providing for the same passed by said municipality must be filed with the water authorities and must receive their approval, and said Water Authority must determine before granting such application how much primary power is available for the use of said municipality after first determining how much water will be consumed and used in the development of the lands within said Central Valley, and how much power will be consumed by and for the domestic use of the owners and operators of agricultural projects and farms within the district, and furthermore, no grant to any municipality of power for domestic purposes shall be made to any municipality until there has first been provided for sufficient water and power for the *ultimate* development of the lands within the Central Valley Water Project."

Amendment read.

Roll Call Demanded

Senators Carter, Garrison and Swan demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Breed, Brown, Crittenden, DeLap, Deuel, Gordon, McBride, Mixter, Parkman, and Tickle—10.

NOES—Senators Biggar, Carter, Cunningham, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—24.

RECESS

At 3.40 p.m., on motion of Senator Keating, the Senate recessed until 3.45 p.m., to hear from Walter Mails, publicity director for the San Francisco club of the Pacific Coast Baseball League.

REASSEMBLED

At 3.45 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

FURTHER CONSIDERATION OF SENATE BILL NO. 114

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

On page 6 of the printed bill, as amended, strike out line 3, and insert "shall be payable from and secured by a first lien upon the gross revenues".

Amendment No. 2

On page 8, line 7, of the printed bill, as amended, after the semicolon, insert "but in no event shall the fees, tolls, rentals, rates and other charges be less than that agreed to be charged in the resolution or resolutions authorizing the issuance of the bonds or any other contract or agreement with the holders of the bonds or any modification of any of these made pursuant to their terms or unanimously agreed upon in writing by the holders of all bonds involved;".

Amendment No. 3

On page 9 of the printed bill, as amended, strike out line 38, and insert

"(k) The establishment of sinking funds for the payment of principal and interest on bonds and the amounts of revenues which shall be paid into the funds from time to time;

(l) Minimum fees, tolls, rentals, rates and other charges to be charged by the municipality for services furnished through the enterprise;

(m) Any other acts and things as may be necessary or".

Amendment No. 4

On page 10 of the printed bill, as amended, strike out line 50, and insert

"SEC. 15. Management in Case of Default. The remedies conferred by this section are absolutely independent of remedies conferred by any other section. The remedies conferred by this section may not be waived in the resolution or resolu-

tions authorizing the issuance of bonds, in any contract or agreement with the holders of bonds, or otherwise.

Any bondholder or bondholders owning or holding 25 per cent or more of any outstanding and unpaid issue of bonds of a municipality, when payments of principal or interest or both or into sinking fund have been in default for a period of not less than one year, may institute proceedings in the superior court of the county in which the municipality or greater part of it is situated by filing with the clerk of the county a complaint in which the municipality shall be named as a defendant setting forth that on the date therein named payments on bond principal or interest or both for payments into sinking fund were in default for a period of more than one year and praying that the municipality be adjudged in default of payments on its bond obligations, that a receiver be appointed by the court to manage and conduct the affairs of the municipality in connection with the enterprise in connection with which the issue of bonds was issued, and that the receiver be vested with any other duties that the court may determine to be for the best interests of the municipality and the owners and holders of its outstanding and unpaid revenue bonds. The summons in the proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in each county in which any portion of the municipality is situated. Within 30 days after the last publication of the summons is completed and proof thereof filed in the court any person or entity may appear and answer the complaint. On the expiration of 60 days after the last publication of the summons is completed and proof thereof filed in the court, and it having been proved to the court that the default exists and continues, the court shall assume jurisdiction over the affairs of the district, appoint a receiver for the purposes aforesaid, and the jurisdiction of the court over the affairs of the district shall continue until the time when the default in payments of bond principal and interest and into sinking fund has been discharged by the appropriate payments. Whenever all default in payments on bond principal and interest and into sinking fund have been cured, the court after notice and hearing which it deems reasonable shall direct the receiver to surrender jurisdiction over the affairs of the municipality. The receiver while in charge of the enterprise shall have no power, except upon order of the court, to sell, assign, mortgage or otherwise dispose of the property of the municipality or any part thereof except in the ordinary course of business, and the authority of any receiver shall be limited to the operation and maintenance of the enterprise of the municipality and the payments on the obligation thereof. No court shall have jurisdiction to enter any order or decree requiring or permitting the receiver to sell, assign, mortgage, or otherwise dispose of or encumber the property of the municipality or any part thereof unless consent therefor is given by the governing body of the municipality.

SEC. 16. Construction of Act. This act constitutes".

Amendment No. 5

On page 11, line 27, of the printed bill, as amended, strike out "16", and insert "17".

Amendments read.

President Pro Tempore Presiding

At 4 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

Roll Call Demanded

Senators Mayo, Garrison and Deuel demanded a roll call on the amendments by Senator Mayo.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Mayo moved a call of the Senate.

Motion carried. Time, 4.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1048—An act to amend School Code Section 5.820, relating to the Teachers Retirement Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to retain Senate Bill No. 1000 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 977—An act to regulate the practice of naturopathy. Defines naturopathy. Creates Board of Naturopathic Examiners, prescribing its qualifications, powers, duties and compensation. Board empowered to examine applicants, issue, deny, suspend and revoke licenses to practice naturopathy; investigate and inspect institutions teaching naturopathy and issue or deny certificates of approval thereto. Prescribes educational and other qualifications of licentiates, grounds for denial, suspension and revocation of licenses. Accords licentiates, within scope of license, same rights granted physicians under public health laws. Specifies unlawful acts, prescribing penalties and disposition of moneys received. Prescribes rights and duties of naturopathic colleges. Defines terms used in act. Repeals conflicting laws.

Bill read third time.

Motion to Re-refer Senate Bill No. 977

Senator Mayo moved that Senate Bill No. 977 be re-referred to Committee on Business and Professions.

Roll Call Demanded

Senators Phillips, Swan and Garrison demanded a roll call.

The roll was called, and the motion to re-refer lost by the following vote:

AYES—Senators Biggar, Breed, Carter, DeLap, Deuel, Dillinger, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, and Rich—14.

NOES—Senators Brown, Crittenden, Cunningham, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Myhand, Phillips, Shelley, Slater, Swan, Tickle, and Ward—17.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Crittenden, Phillips, Shelley, Swan, Swing, and Ward—7.

NOES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, and Tickle—28.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 563—An act to amend Section 593 of the Civil Code, relating to the formation and purposes of nonprofit corporations;

And appointed Messrs. Cronin, Poulson and Gallagher as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By ROBERT J. FINNIE, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY BILL NO. 563

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swing, Luckey and Swan as a Senate Committee on Conference concerning Assembly Bill No. 563 to meet a like Committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 128—An act to add Section 965 to the State Civil Service Act, relating to State civil service employees, declaring the urgency of this act and that it shall take effect immediately;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on April 30, 1941, be further amended as follows:

Amendment No. 1

On page 2, line 3, of the printed bill, as amended, after "States", insert ", or who is not discharged from the armed forces of the United States within two years after the effective date of this section".

TICKLE

BROWN

MYHAND

Senate Committee on Conference

DESMOND

HOUSER, FREDERICK F.

McCOLLISTER

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Senator DeLap Presiding

At 5 p.m., Hon. T. H. DeLap, of the Seventeenth District, presiding.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Quinn moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 393 was passed.

The roll was called, and Senate Bill No. 393 refused reconsideration by the following vote:

AYES—Senators Foley, Gordon, Jespersen, Mayo, Powers, Quinn, Rich, Shelley, Slater, and Swing—10.

NOES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Garrison, Judah, Keating, Kenny, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Seawell, Swan, Tickle, and Ward—23.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.30 p.m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the amendments offered by Senator Mayo to Senate Bill No. 114 refused adoption by the following vote:

AYES—Senators Breed, Brown, Crittenden, DeLap, Deuel, Judah, Mayo, McBride, Mixer, Myhand, Parkman, Rich, and Seawell—13.

NOES—Senators Biggar, Carter, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, McCormack, Metzger, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, Tickle, and Ward—22.

Motion to Reconsider

Senator Garrison moved to reconsider the vote whereby the amendment to Senate Bill No. 114, offered by Senator Crittenden, was this day adopted.

Postponement of Reconsideration

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendment to Senate Bill No. 114, offered by Senator Crittenden, was this day adopted, was continued until the next legislative day.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of this legislative day:

Senator Biggar, on motion of Senator Cunningham.

REPORTS OF SENATE COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 195

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 195—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation

therefor, declaring the urgency thereof, to take effect as therein provided.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1.5", and insert "1.7".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "and to amend Section 4 of the Cali-"; and strike out all of lines 3 and 4; and in line 5, strike out "1935".

Amendment No. 3

In lines 9 and 10 of the title of the printed bill, strike out "as therein provided", and insert "immediately".

Amendment No. 4

On page 1, line 1, of the printed bill, strike out "1.5", and insert "1.7".

Amendment No. 5

On page 1 of the printed bill, strike out line 3, and insert

"Sec. 1.7 (a) The sum of one million seven hundred fifty thousand dollars (\$1,750,000) is hereby appropriated to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment and the administration thereof as provided in the act and the California Unemployment Relief Act of 1935, during the fourth quarter of the Ninety-second Fiscal Year. Of the money appropriated by this subdivision, sixty thousand six hundred forty-two and fifty-two hundredths dollars (\$60,642.52) shall be drawn from that certain special deposit fund known and designated as "Unemployment Relief Donations, Horse Racing Tracks" and the remainder shall be drawn from the General Fund in the State Treasury.

(b) Except for the apportionment for the administrative expenses of the Controller, all sums remaining unexpended under Sections 1, 1.5, 1.6 and 3 of this act shall be available for expenditure during the fourth quarter of the Ninety-second Fiscal Year by the Relief Administrator and the Relief Commission. The apportionment for the administrative expenses of the Controller provided in Sections 1 and 1.5 of this act remaining unexpended shall be available for expenditure by the Controller during the fourth quarter of the Ninety-second Fiscal Year.

(c) As used in this section (i) "Unexpended" describes sums of money which are unencumbered and against which no commitments have been made by the Relief Administrator and Relief Commission or which having been encumbered or committed, have been unencumbered and the commitment released by the Relief Administrator and the Relief Commission, and (ii) "Expended" describes sums of money which are encumbered and against which commitments are made.

(d) "Appropriation," as used in this act (including Section 18) refers to the appropriation made by this section.

(e) The sum appropriated by subdivision (a) shall, upon order of the State Controller, be transferred to the Unemployment Relief Fund and shall be disbursed therefrom for the purposes herein provided. Until such time as such transfer is made, or when there is no money in said fund, the procedure for transfer of money from other funds prescribed by Section 1a of the California Unemployment Relief Act of 1935 shall be applicable hereto.

(f) All money appropriated by this section shall be subject to all the limitations and conditions imposed by this act upon the money appropriated by Sections 1, 1.5 and 1.6.

Sec. 2. It is hereby declared to be the policy of the Legislature that only the competitively employable may receive assistance from unemployment relief funds and that the laws providing unemployment relief shall be definitely and strictly administered in accordance with this policy. To this end it is hereby further declared that the Legislature will make such changes in the laws, if changes are necessary, to absolutely insure the accomplishment of this objective."

Amendment No. 6

On page 1 of the printed bill, strike out lines 4 to 18, inclusive; and strike out all of page 2; and on page 3, strike out all of lines 1 to 5, inclusive.

Amendment No. 7

On page 3, line 6, of the printed bill, strike out "5", and insert "3".

Amendment No. 8

On page 3 of the printed bill, strike out lines 21 to 24, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1165--An act to add Section 2.5 to the California Unemployment Relief Act of 1935, establishing a revolving fund for use in the operation of the Federal stamp plan, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, after "therefor," insert "abolishing the revolving fund created by the Unemployment Relief Appropriation Act of 1940,".

Amendment No. 2

On page 1, lines 3 and 4, of the printed bill, strike out "dollars (\$1,000,000)", and insert "two hundred fifty thousand dollars (\$1,250,000)".

Amendment No. 3

On page 1 of the printed bill, between lines 13 and 14, insert "The Relief Administrator, with the approval of the Department of Finance, may secure armored car service and provide means to safeguard the money and assets in the revolving fund from losses."

Amendment No. 4

On page 1, line 15, of the printed bill, strike out "dollars (\$1,000,000)", and insert "two hundred fifty thousand dollars (\$1,250,000)".

Amendment No. 5

On page 1, line 19, of the printed bill, after "Sec. 3", insert "(a) The revolving fund created by Sections 3.8 and 3.9 of the Unemployment Relief Appropriation Act of 1940 (hereinafter referred to as the First Revolving Fund) is hereby abolished.

(b) Except for the money transferred to the First Revolving Fund from the Emergency Fund established by Item 212 of the Budget Act of 1939, all money and assets in the First Revolving Fund shall be returned to the appropriation or appropriations from which the money for the First Revolving Fund was transferred and shall be available for the purposes for which it was appropriated. With the approval of the Board of Control, losses incurred by the First Revolving Fund may be paid from the surplus commodity salvage account.

(c) All money transferred to the First Revolving Fund from the Emergency Fund established by Item 212 of the Budget Act of 1939, shall revert to the General Fund in the State Treasury.

SEC. 4. The Controller and the Relief Administrator may make the necessary transfers upon their books to accomplish the purposes of this act in order to avoid the unnecessary sale of registered General Fund warrants.

SEC. 5."

Amendment No. 6

On page 2, line 4, of the printed bill, after "ately", insert "upon a permanent basis".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 432 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 150—An act to amend Sections 4005c, 4006, 4234, 4235, 4238, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282 and 4283 and to repeal Sections 4234a, 4242.1, 4242.2, 4242.3, 4242a, 4248a, 4248b, 4248c, 4248d, 4248e, 4248f, 4248g, 4248h, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248p, 4248p2, 4248q, 4248r, 4248s, 4248t, 4248u, 4248v, 4254a, 4254b, 4254c, 4254d, 4254e, 4254f, 4254g, 4254h, 4254i, 4254j, 4254k, 4254l, 4254m, 4254n, 4354o, 4254p, 4254q, 4254r, 4254s, 4254t, 4263a, 4263b, 4263c, 4263d, 4263e, 4263f, 4263g, 4263h, 4263i, 4263j, 4263k, 4263l, 4263m, 4263n, 4263o, 4263p, 4263q, 4263r, 4263s, 4265a, 4270a, 4270b, 4270c, 4270d, 4270e, 4270f, 4270g, 4270h, 4270i, 4270j, 4270k, 4270l, 4270m, 4270n, 4270o, 4270p, 4270q, 4270r and 4272a of the Political Code, relating to the classification of the counties of California and providing for the compensation of public personnel in said counties as so classified.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Delinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Metzger:

Senate Resolution No. 114

Relating to the withdrawal of Assembly Bill No. 2477 from the Committee on Transportation

WHEREAS, Assembly Bill No. 2477 provides for the addition of a new route to the State Highway System from U. S. Highway 99E near Vina westward to Fort Bragg via Corning, Covelo, and Laytonville; and

WHEREAS, This proposed highway is routed through country containing valuable timber; and

WHEREAS, It is essential that this timber be available for the National defense; and

WHEREAS, This timber is now inaccessible because of the lack of road facilities; - .
now, therefore, be it

Resolved by the Senate of the State of California, That Assembly Bill No. 2477 be withdrawn from the Senate Committee on Transportation and placed on file for immediate passage.

Resolution read, and ordered held at the desk.

INACTIVE FILE

Assembly Bill No. 727—An act to add Section 1.92 to the School Code, relating to school buses.

Bill read.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, strike out line 4, and insert "or any other person, knowingly operating, or permitting or directing the operation of,".

Amendment No. 2

On page 1, line 6, of the printed bill, after "its", insert "seating".

Amendments read and adopted.

Bill ordered printed, and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1845—An act to amend Section 12422 of the Insurance Code, relating to mortgage insurers.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 12422", and insert "Sections 12422 and 12423".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 14, insert "Sec. 2. Section 12423 of the Insurance Code is hereby amended to read as follows:

12423. "First mortgage" means a mortgage constituting a lien or charge on the title in fee to real estate, such lien or charge being prior and superior to all other liens or charges on the real estate except:

(a) The lien of any public bond, assessment or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent.

(b) Outstanding mineral, oil or timber rights, rights of way, easements or rights of wall or support, *sewer rights*, building restrictions or other restrictions or covenants or conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

For the purposes of this section, delinquent taxes funded on any deferred payment plan shall be deemed delinquent."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 2547—An act to amend Section 1 of an act entitled "An act to provide for the classification of municipal corporations," approved March 2, 1883, relating to the classification of municipal corporations and the applicability thereof;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Senate be concurred in and that the bill, as amended on April 11, 1941, be further amended as follows:

Amendment No. 1

On page 2, line 4, of the printed bill, as amended, strike out "but the classi-"; and strike out lines 5 to 7, inclusive, and insert a period.

SWAN
QUINN
BREED

Senate Committee on Conference

DESMOND
JOHNSON
CRONIN

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, and Ward—22.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 13, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 2548—An act to amend Sections 103 and 103½ of the Code of Civil Procedure, relating to justices' courts in townships and cities; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on April 15, 1941, be further amended as follows:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 16 and 17, insert

"(c) In counties containing a population of more than 400,000 and less than 600,000, justices of the peace shall each receive the following salaries to be paid by warrants drawn each month upon the salary fund, or, if there be no salary fund, then upon the general fund of the county, such warrants to be audited and paid as the salary of any county or township officer, and which salaries shall be in full for all services rendered by such justices of the peace: in any townships in said counties which have a population of more than 200,000, six thousand dollars (\$6,000) per annum; in any of said townships having a population of 100,000 and less than 200,000, six thousand dollars (\$6,000) per annum; in any of said townships having a population of 35,000 and less than 50,000, three thousand three hundred dollars (\$3,300) per annum; in any of said townships having a population of 30,000 and less than 35,000, three thousand three hundred dollars (\$3,300) per annum; in any of said townships having a population of less than 30,000, two thousand seven hundred dollars (\$2,700) per annum; provided, however, that no justice of the peace in any such township shall receive a salary of more than six thousand dollars (\$6,000)."

Amendment No. 2

On page 2 of the printed bill, as amended, between lines 31 and 32, insert

"(e) The salary of each of said justices of the peace shall be three thousand dollars (\$3,000) a year and shall be paid by warrant drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund of the county, such warrants to be audited and paid as salary of any county or township officer."

Amendment No. 3

On page 4 of the printed bill, as amended, strike out all of line 10; and in line 11, strike out "county".

Amendment No. 4

On page 4, line 46, of the printed bill, as amended, strike out "and the second".

Amendment No. 5

On page 4, line 47, of the printed bill, as amended, strike out "and one-half class".

Amendment No. 6

On page 4, line 50, of the printed bill, as amended, after "(\$2,700)," insert "and every clerk of the justices' court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the Charter, shall receive an annual salary of three thousand three hundred dollars (\$3,300)."

SWAN
QUINN
BREED

Senate Committee on Conference

DESMOND
JOHNSON
CRONIN

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Foley, Judah, Kenny, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, and Ward—21.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 2490

Assembly Bill No. 1109

Assembly Bill No. 2274

Assembly Bill No. 1490

Assembly Bill No. 2578

Assembly Bill No. 1491

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 168

Assembly Bill No. 367

Assembly Bill No. 1537

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

POWERS, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 785

Assembly Bill No. 1508

Assembly Bill No. 360

Assembly Bill No. 1963

Assembly Bill No. 1066

Assembly Bill No. 1995

Assembly Bill No. 1164

Assembly Bill No. 1996

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 874

Assembly Bill No. 1686

Assembly Bill No. 680

Assembly Bill No. 1944

Assembly Bill No. 1305

Assembly Bill No. 2219

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1067

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 53

Assembly Bill No. 1209

Assembly Bill No. 385

Assembly Bill No. 1210

Assembly Bill No. 1832

Assembly Bill No. 1501

Assembly Bill No. 2106

Assembly Bill No. 1833

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 15, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1033

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

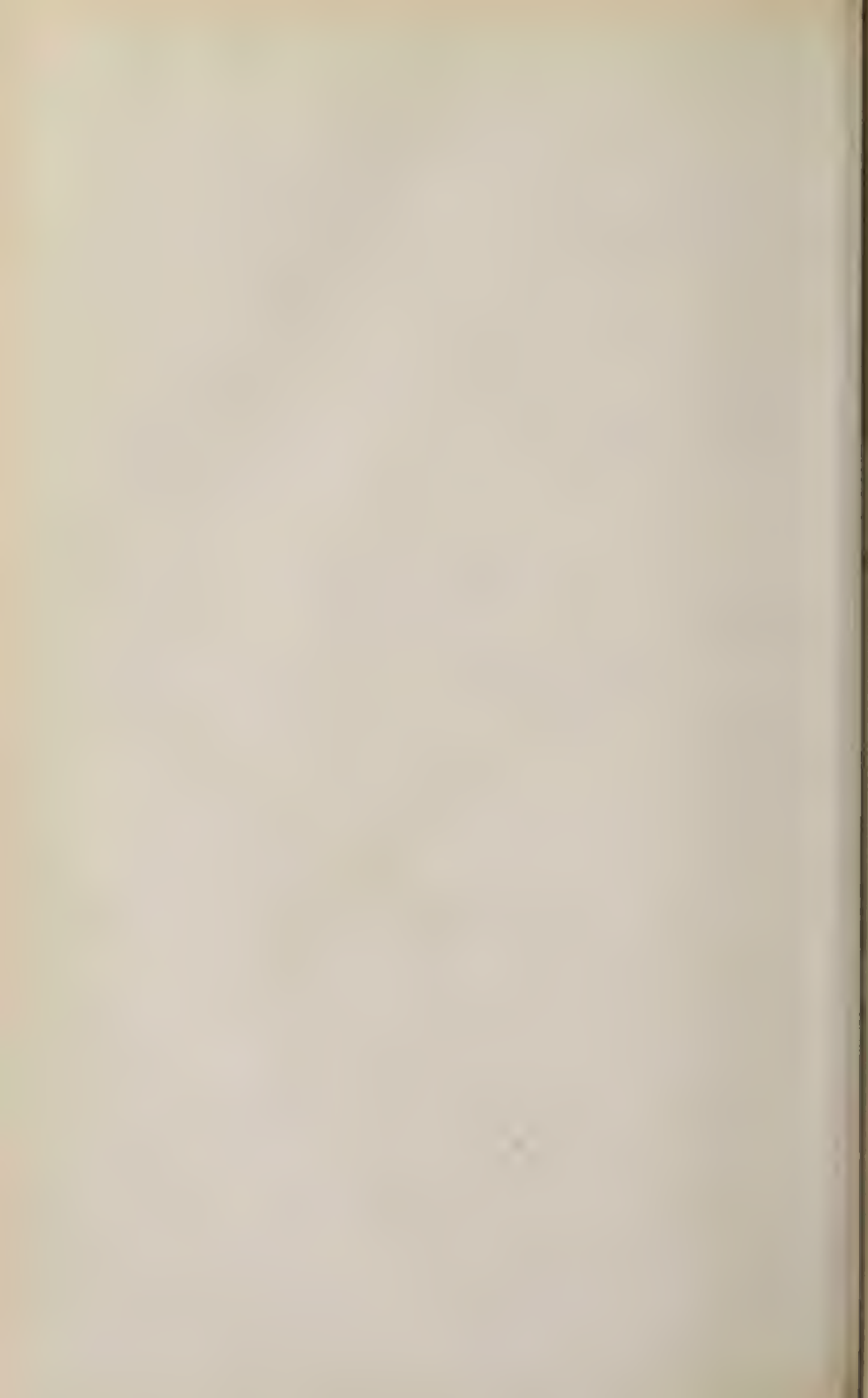
MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Senate Bill No. 518 be taken from the inactive file, and placed on the second reading file.

Motion carried.

ADJOURNMENT

At 5.57 p.m., on motion of Senator Rich, the presiding Senator declared the Senate adjourned until 2 p.m., May 16, 1941.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-FIRST LEGISLATIVE DAY
ONE HUNDRED THIRTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 16, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Chief Assistant Secretary John F. Lea at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Fletcher, on motion of Senator Crittenden.

Senator Carter, on motion of Senator McBride.

Senator Biggar, on motion of Senator Cunningham.

Senator Kuchel, on motion of Senator Breed.

Senator Wagy, on motion of Senator McBride.

Senator Rich, on motion of Senator Swing.

Senator Parkman, on motion of Senator Myhand.

Senator Jespersen, on motion of Senator Swan.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Adell Lingo and Thelma Bailey of Calipatria.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to District Attorney

Toland McGettigan and Deputy District Attorney Bernard Plover of Santa Rosa.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joseph DeCristoforo of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harry E. Shaffer, principal; Mrs. Iola S. Young, teacher, and the following fifth, sixth, seventh and eighth grade students of the Banta School, San Joaquin County: Robert Barenchi, Inez Barendelli, Henry Dethlefsen, Elsie Frei, Theresa Gwerder, Betty Farmer, Joe Gaines, Albert Kieliger, Ralph Wells, Manuel Amaral, Louise Ando, Felix Castro, Curtis Gaines, Harold Gallagher, Beatrice Castro, Betty Frei, Carlotta Hauschildt, Frank Colli, Paul Obad, George Pombo, Henry Cardoza, Kenneth Smith, William Long, Tommie Garner, Paul Gukan, Frank Jacks, Raymond Long, Francis Mello, Dick Peters, Betty Petrig, Claudia Shupe, Frank Silva, Belmeda Simas, Herbert Sneed, Robert Varela, Josephine Bettencourt, Darlene Canale, Eva Mello, Adeline Neto, Marie Sanguinetti, Harold Barenchi, Ernest Pombo, John Obad, Henry Varela, George Ando, Leanna Schlappkohl, Robert Hunter and Leslie Smith.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. B. Ellis, principal, Helen Ellis and Howard Olivier, teachers, and the following students of the Lafayette Grammar School, Contra Costa County: Nancy Mallet, Betty Jo Blankenship, Jane Ann Westfall, Frances Stanley, Sara Jean Kittredge, Ruth Pape, Lorna Vogt, Rosina Brauderick, Eileen Zuir, Laverne Doty, Laura Peightal, John Huovinen, Bill Ingram, Bill Rupp, Donald Ryan, George Kaya, Donald Matthews, Jay Bartiness, Donald Hoskins, Stanley Antoft, Jack Malley, Bill Collins, Allan Campbell, Teddy Alpen, Bill Ledson, Gilbert Baker, Ronald O'Dell, Jack Brecht, Marcheta Bradshaw, Lois Willson, Pat Manners, Ardelle Schmidt, Joey Machado, Maurice Smith, Richard Stanley, Wilfred Hallmeyer, Lee Willson, Donald Stark, Hubert Hall, Connie Peugh, Mary Memmenshimer, Sarah Ramsey, Rose Labo, Mary Kido, Barbara Lee Berry, Ruth Mortensen, Mary Louise Wilkinson, Lois Hagen, Mickey Cook, Ronald Lyons, Jack Ingram, Jimmy Coddling, J. T. Brandrick, Frank King, Joe Soares, Stanley Franke, Les Robertson, Raymond Frank, Lorraine Eckwall, Margaret Neeler, Virginia Odom, Barbara Franke, Margaret Rasmussen and Barbara Powell.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 3

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 26	Senate Bill No. 448
Senate Bill No. 39	Senate Bill No. 467
Senate Bill No. 60	Senate Bill No. 468
Senate Bill No. 76	Senate Bill No. 495
Senate Bill No. 77	Senate Bill No. 496
Senate Bill No. 90	Senate Bill No. 498
Senate Bill No. 105	Senate Bill No. 504
Senate Bill No. 142	Senate Bill No. 522
Senate Bill No. 181	Senate Bill No. 532
Senate Bill No. 220	Senate Bill No. 540
Senate Bill No. 233	Senate Bill No. 543
Senate Bill No. 258	Senate Bill No. 544
Senate Bill No. 276	Senate Bill No. 550
Senate Bill No. 295	Senate Bill No. 557
Senate Bill No. 304	Senate Bill No. 584
Senate Bill No. 305	Senate Bill No. 606
Senate Bill No. 312	Senate Bill No. 613
Senate Bill No. 313	Senate Bill No. 627
Senate Bill No. 364	Senate Bill No. 649
Senate Bill No. 423	Senate Bill No. 654

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 656	Senate Bill No. 838
Senate Bill No. 657	Senate Bill No. 882
Senate Bill No. 659	Senate Bill No. 883
Senate Bill No. 667	Senate Bill No. 888
Senate Bill No. 668	Senate Bill No. 918
Senate Bill No. 674	Senate Bill No. 919
Senate Bill No. 675	Senate Bill No. 1016
Senate Bill No. 692	Senate Bill No. 1043
Senate Bill No. 694	Senate Bill No. 1056
Senate Bill No. 710	Senate Bill No. 1062
Senate Bill No. 714	Senate Bill No. 1124
Senate Bill No. 743	Senate Bill No. 1138
Senate Bill No. 756	Senate Bill No. 1266
Senate Bill No. 757	Senate Bill No. 1302
Senate Bill No. 787	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 117	Senate Bill No. 658
Senate Bill No. 123	Senate Bill No. 661
Senate Bill No. 179	Senate Bill No. 748
Senate Bill No. 216	Senate Bill No. 822
Senate Bill No. 341	Senate Bill No. 889
Senate Bill No. 363	Senate Bill No. 1045
Senate Bill No. 386	Senate Bill No. 1154
Senate Bill No. 545	Senate Bill No. 1184
Senate Bill No. 562	Senate Bill No. 1276
Senate Bill No. 563	Senate Bill No. 1306
Senate Bill No. 564	Senate Concurrent Resolution No. 16
Senate Bill No. 655	

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 74
Assembly Bill No. 407

Assembly Bill No. 927
Assembly Bill No. 1032

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 74—An act making an appropriation for the eradication of dourine, a communicable disease of horses, mules, and asses; amending Section 182 of, and adding Section 207.7 to, the Agricultural Code, relating to animals affected with dourine; and declaring the urgency thereof.

Referred to Committee on Finance.

Assembly Bill No. 407—An act to add Article 3.5 (comprising Sections 13330 to 13342, inclusive) to Chapter 2 of Part 2 of Division 12 of the Health and Safety Code, and to amend Section 13450 thereof, relating to clothes cleaning establishments, including the examination of operators and persons in charge thereof, the issuance of certificates of competency to such persons, the fees for such certificates, the revocation and suspension of such certificates, and the control of operations by persons having such certificates.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 927—An act to amend Sections 5096, 5098 and 5099 of the Revenue and Taxation Code, to repeal Section 5101 of the Revenue and Taxation Code, and to add Sections 5101, 5103, 5104, 5105, 5106 and 5107 to the Revenue and Taxation Code, relating to the refund of taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1032—An act to amend the Agricultural Code by amending Sections 795, 828, 828.5, 828.85, 829.1 thereof, by adding new sections thereto, to be numbered 795.1, 795.2, 796, 796.1, 828.83, and by repealing Sections 796 and 797 thereof; and to provide standards for oranges, grapefruit, lemons and other citrus fruits and for the enforcement thereof, to provide for mandatory standard containers for citrus fruits and the marking thereof.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 949

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 2; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1080

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 416

Assembly Bill No. 950

Assembly Bill No. 1358

Assembly Bill No. 209

Assembly Bill No. 1933

Assembly Bill No. 2161

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 336

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 720

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1377

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1265

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 778

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 1320

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 786

Assembly Bill No. 1453

Assembly Bill No. 1012

Assembly Bill No. 1452

Assembly Bill No. 1011

Assembly Bill No. 2358

Assembly Bill No. 2088

Assembly Bill No. 1497

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

SWAN, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1708

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

SWAN, Vice Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 195

Senate Bill No. 1165

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 508—An act to amend School Code Section 5.350 and 5.352, relating to fees for credentials, renewal of credentials, and life diplomas issued by the State Board of Education;

Senate Bill No. 1033—An act to amend Section 4458 of the Labor Code, relating to workmen's compensation;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixteenth day of May, 1941, at 12 m.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1337—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for support, construction and equipment, declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 785—An act to add a new section to the School Code to be numbered 5.775, relating to the Public School System.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 874—An act to amend School Code Section 2.1428, relating to the courses of study and projects in the public school system.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, strike out lines 8 to 29, inclusive, and insert

"The State Superintendent of Public Instruction is hereby authorized, with the approval of the State Board of Education, to establish rules and regulations governing agreements affecting courses of study in the schools of the Public School System or cooperative arrangements entered into between any agency, officer or employee of any part of the Public School System and the Government of the United States or any agency thereof; provided, however, that the Government of the United States may not be empowered to establish or conduct separate or competing schools.

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 518—An act to repeal Chapter 5 of Part 1 of Division 2, and Chapter 3 of Part 2 of Division 2, of the School Code, relating to consolidated school districts.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 619—An act to amend Sections 650.5, 650.6, 657, 658.5, 659 and to add Sections 657.5 and 658.3 of the Fish and Game Code, relating to salmon.

Bill read second time, and ordered to third reading.

Assembly Bill No. 989—An act to amend Section 453 of the Fish and Game Code, relating to possession of fish and game after the season closes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 988—An act to repeal Section 459 and to amend Section 460 of the Fish and Game Code, relating to importation of fish and game.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 7, of the printed bill, following the period, insert

"The commission may also allow the bringing in of birds, mammals, fish, mollusks and crustaceans, except those taken for commercial purposes, without such written permit if a record is made at the time of entry with the nearest justice of peace or notary public, or with any State or Federal agency designated by the commission.

Such record shall be in a form prescribed by the commission. One copy of the record shall be carried by the person bringing in such birds, mammals, fish, mollusks and crustaceans, except those taken for commercial purposes, while the same are in his possession; one copy left on file with the person or agency before whom such record is made, and one copy sent to the commission."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1865—An act to add Sections 5014 and 6817 to the Public Resources Code, relating to the moneys deposited in the State Park Maintenance and Acquisition Fund and providing the manner in which the moneys in said fund may be expended.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2204—An act to amend Section 504 of the Public Resources Code, relating to the Department of Natural Resources and changing the name of the Division of Parks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2272—An act to add Section 48.2 to the State Lands Act of 1938, and to add Section 6900 to the Public Resources Code, relating to leases of tide and submerged lands for extraction of minerals other than oil and gas.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2490—An act to amend Section 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to a county peace officers' retirement system.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2274—An act to amend Section 4 of an act entitled "An act authorizing the creation of a personnel system, merit system or civil service system in cities; the creation of the office of personnel director; the appointment of a Civil Service Commission; the delegation of certain authority to said personnel officer or commission in municipalities within this State; and prohibiting certain political activities and providing penalties for the violation of said provisions," approved April 11, 1935, relative to circulation of petitions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2578—An act to add Sections 8.1, 8.2 and 8.3 to the County Waterworks District Act, relating to the refunding of the indebtedness of county waterworks districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1109—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, as amended, by adding a new section thereto, to be numbered Section 5, relating to the reconversion of registered bonds into coupon bonds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1490—An act to amend Section 19 of the "Assessment Bond Refunding Act of 1933," relating to certification of delinquencies to tax collector.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1491—An act to amend Sections 27 and 76 of the "Improvement Act of 1911," and to amend Sections 5398 and 6590 of the Streets and Highways Code, relating to certification of delinquencies to tax collector.

Bill read second time, and ordered to third reading.

Assembly Bill No. 168—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4252", and insert "4251".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "of county officers and employees", and insert "for public services".

Amendment No. 3

In line 3 of the title of the printed bill, as amended, strike out "third", and insert "second".

Amendment No. 4

On page 1, line 1, of the printed bill, as amended, strike out "4252", and insert "4251".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out all of line 3; and in line 4, strike out "officers", and insert "4251. In counties of the twenty-second class the following".

Amendment No. 6

In lines 5 and 6 of the printed bill, as amended, strike out "salaries, to wit", and insert "sums".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 367—An act to amend Sections 2, 13 and 15 of, and to add Sections 12.5 and 16.1 to, the Subdivision Map Act, relating to subdivisions and to the examination of maps by public officers and charging fees therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 3 of the printed bill, as amended April 17, 1941, strike out all of lines 3 to 13, inclusive, and insert "ing the following types of interests, may be omitted if the names of such persons and the nature of their respective interests are indorsed on the map:

(1) Rights of way, easements or other interests, none of which can ripen into a fee and which signatures are not required by the governing body.

(2) Rights of way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of such signatures, shall also be indorsed on the map."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1537—An act adding Section 4041.12a to the Political Code, authorizing the board of supervisors to appoint a county counsel in counties having a population of over 100,000.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "adding Section 4041.12a to the Political Code, author-"; and strike out all of lines 2 and 3, and insert "to amend Section 4153 of, and to add Section 4041.12a to, the Political Code, relating to the performance of legal services for the counties and the officers performing them."

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, after "Section 1.", insert "Section 4153 of the Political Code is hereby amended to read as follows:

4153. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in

criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the State or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the State or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

7. Prepare, without fee, upon request of any board of education, board of school trustees or high school board, all the legal papers and forms necessary for the voting of school bond issues within the county and advise such boards as may be necessary in relation to school bond issues.

8. When requested by the auditor or treasurer so to do, defend or prosecute, except as hereinafter provided, any action brought by or against the auditor or treasurer for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county in those cases only where the interest of the county is not adverse; provided, that in counties having a [freeholders' charter creating the office of] county counsel, it shall be the duty of the county counsel to defend or prosecute any such action and any and all other civil actions or proceedings in which the county or any other officer thereof is concerned or is a party, to perform all the duties mentioned in Subdivisions 6 and 7 of this section and to defend all suits for damages instituted against officers or employees or former officers or employees for acts performed by them in furtherance of their duties while in the employ of the county or of any district therein, the legal services for which are required by law to be performed by such county counsel.

9. When requested by any judge of the superior or municipal court so to do, appear for and represent such court or judge if such court, or judge in his official capacity, is made a party defendant in any action; provided, that in counties having a [freeholders' charter creating the office of] county counsel, it shall be the duty of the county counsel, when requested by any judge of the superior or municipal court so to do, to appear for and represent such court or judge if such court, or judge in his official capacity, is made a party defendant in any action.

SEC. 2."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 53—An act to amend Section 7962 of the Elections Code, relating to the canvass and return of results at primary elections.

Bill read second time, and ordered to third reading.

Assembly Bill No. 385—An act to add Section 2671.5 to the Elections Code, relating to fees for filing declaration of candidacy.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1832—An act to amend Section 9918 of the Elections Code, and Sections 852 and 858 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to the time of canvassing of votes in municipal elections, and providing for the meeting of municipal legislative bodies for that purpose.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2106—An act to amend Sections 1003 and 1005 of the Elections Code, relating to elections including the publication and posting of election proclamations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1209—An act to amend Section 292 of, and to add Sections 291.4 and 291.6 to, the Elections Code, relating to registration of voters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1210—An act to add Section 5567 to the Elections Code, relating to the conduct of elections.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1501—An act to add Sections 3994, 3995 and 3996 to the Elections Code, relating to nominations and filing of nomination papers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1833—An act to amend Sections 1771, 9700, 11060, 11103 and 11121 of, and to add Section 9482 to, the Elections Code, relating to municipal elections, including procedure in the referendum and recall.

Bill read second time, and ordered to third reading.

Assembly Bill No. 360—An act to amend School Code Sections 2.870, 2.871, 2.879 and 2.879½, all relating to the election of members of governing boards of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1066—An act to amend School Code Sections 5.652 and 5.653, relating to permanent employees of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1164—An act to add Section 1.51 to the School Code, relating to the maintenance of activities by student organizations on property of a school district.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1508—An act to add Sections 5.852-1 and 5.1112 to the School Code, relating to members of the California State Teachers' Retirement System and of district retirement systems serving in the armed forces of the United States of America or of the State of California, or in the medical, nursing or ambulance service of the American Red Cross, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1963—An act to repeal Sections 3.331 to 3.339, both inclusive, of, and to add Sections 3.331 to 3.339a, both inclusive, to the School Code, and to add Chapter 8 to Part 1 of Division 3 of said code, all relating to the interstate attendance of public school pupils.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1995—An act to amend Section 4.910 of the School Code, relating to high school courses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1996—An act to add Article 3 to Chapter 11 of Part 1 of Division 2 of the School Code, relating to junior college districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 680—An act to add Section 3.103 to the School Code, relating to the observance of Bill of Rights Week in public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 13, and insert "3.103. All public schools and educational institutions are directed to include in the school work on or near the anniversary of the adoption of the Constitution of the United States exercises and instruction for pupils of the various ages in the purpose, meaning and importance of the Constitution of the United States, including the Bill of Rights."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1305—An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "3.93", and insert "3.94".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "3.93", and insert "3.94".

Amendment No. 3

On page 1, line 3, of the printed bill, strike out "3.93", and insert "3.94".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1686—An act to add Section 5.27-1 to the School Code, relating to the maintenance of cafeterias on the campuses of the State colleges.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 6, of the printed bill, after "store", strike out "for", and all of line 7.

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1944—An act to amend Sections 3.422, 3.460 and 3.480 of, and to repeal Section 3.482 of the School Code, all relating to evening schools and special day and evening classes.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Section 3.482", and insert "Sections 3.482 and 3.807".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2219—An act to amend the title of Chapter 8 of Part 1 of Division 2 of the School Code and to amend Section 2.510 of said code.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "a majority of the heads of families, or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1067—An act to amend School Code Sections 5.490 and 5.491, and to repeal School Code Section 5.492, relating to the employment of lecturers in public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, as amended, following line 20, insert "Permission for the employment of such lecturer shall be previously obtained from the commission of credentials of the State Department of Education."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

Assembly Bill No. 1033—An act to add Article 11, consisting of Sections 5450 to 5459, inclusive, to Chapter 1 of Division 5 of, to add Chapter 5, consisting of Sections 5300 to 5302, inclusive, to Division 7 of, and to amend Sections 2831, 2832, 2840, 2841, 2842 and 2843 of, the Elections Code, relating to county central committees and campaign funds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "5450 to 5459," and insert "2450 to 2459,".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, after "of," insert "to add Section 6310 to,".

Amendment No. 3

On page 5 of the printed bill, as amended, strike out lines 5 to 7, inclusive, and insert "mittee shall meet".

Amendment No. 4

On page 5 of the printed bill, as amended, between lines 25 and 26, insert "SEC. 10. Section 6310 is hereby added to the Elections Code, to read as follows:

6310. At the presidential primary, if the voting machine will accommodate it, the county central committee election ballot shall be placed upon the voting machine together with the presidential primary ballot.

SEC. 11. Sections 1 to 10, inclusive, of this act shall take effect on January 1, 1943."

Amendment No. 5

On page 5, line 26, of the printed bill, as amended, strike out "10", and insert "12".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 727—An act to add Section 1.92 to the School Code, relating to school buses.

Bill read second time, and ordered to third reading.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 44

Senator Deuel moved that Senate Bill No. 44 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 74

Senator Metzger moved that Assembly Bill No. 74 be withdrawn from Committee on Finance, and referred to Committee on Public Health and Safety.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby the amendment to Senate Bill No. 114, offered by Senator Crittenden, was adopted was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1163—An act to amend School Code Sections 3.122 and 3.172, relating to the admission of pupils to public schools

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Shelley, Slater, Swan, and Swing—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1335—An act to add Section 38.1 to the State Civil Service Act, relating to the orders and decisions of the State Personnel Board and the enforcement of the provisions thereof.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 19 to 24, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 195—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect as therein provided.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1165—An act to add Section 2.5 to the California Unemployment Relief Act of 1935, establishing a revolving fund for use in the operation of the Federal Stamp Plan, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 38: By Senator Deuel—Approving certain amendments to the city charter of the City of Oroville, a municipal corporation of the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1941.

Request for Unanimous Consent

Senator Deuel asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 38, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 38

Senate Concurrent Resolution No. 38—Approving certain amendments to the city charter of the City of Oroville, a municipal corporation of the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Ward moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 432 was passed.

The roll was called, and Assembly Bill No. 432 reconsidered by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer,

Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Reconsideration of Assembly Bill No. 432

Assembly Bill No. 432—An act to add Section 73h to the Code of Civil Procedure, relating to designation of assistants to the presiding judge.

Bill read.

Motion to Amend

Senator Ward moved the adoption of the following amendment to Assembly Bill No. 432:

Amendment No. 1

On page 1 of the printed bill, as amended, after line 23, insert

"The provisions of this section shall not apply to any county having less than three superior court judges."

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1291—An act to amend Sections 623.5, 625, 627 and 694 of the Vehicle Code, relating to lights, other equipment, and loading of vehicles.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Breed, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 875—An act to amend Sections 9 and 36 of the California Water Storage District Act, relating to voting in California water storage districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Cunningham, DeLap, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2274

Senator Myhand moved that Assembly Bill No. 2274 be re-referred to Committee on Local Government.

Roll Call Demanded

Senators Slater, McCormack and Luckey demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Gordon, Luckey, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Slater, Tickle, and Ward—15.

NOES—Senators Garrison, Judah, Kenny, Mayo, McBride, and Swan—6.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1282—An act to amend Section 24204 of the Health and Safety Code, relating to air pressure tanks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1292—An act to add a new section, to be numbered 604.2, to the Vehicle Code, prohibiting the throwing of substances at vehicles.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 6, of the printed bill, after "who", insert "with intent to do great bodily injury".

Amendment read.

Motion to Re-refer Assembly Bill No. 1292

Senator Dillinger moved that Assembly Bill No. 1292 be re-referred to Committee on Transportation.

Motion lost.

The question being on the adoption of the amendment offered by Senator DeLap.

Amendment adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2191—An act to amend Sections 692, 694, 699, 710 and 624 of the Vehicle Code, relating to the size, weight and equipment upon vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1845—An act to amend Section 12422 of the Insurance Code, relating to mortgage insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Seawell, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 44—An act to repeal the Agricultural Prorate Act.
Bill read second time.

Motion to Amend

Senator Deuel moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out "repeal the Agricultural Prorate Act", and insert "add Section 8.2 to the Agricultural Prorate Act, relating to proration programs for olives and olive products and providing for the termination thereof."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2, and insert
"SECTION 1. Section 8.2 is hereby added to the Agricultural Prorate Act, to read as follows:

Sec. 8.2. By reason of conditions relating to the marketing of olives and olive products, no proration program under this act shall be established for olives and olive products or either of them. Any such program now in existence shall be forthwith terminated and no further proceedings shall be had thereunder except proceedings relating to such termination."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 369—An act to add Section 4024 to the Penal Code, relating to discharge of prisoners from the county jail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 379—An act to amend Sections 226 and 227a of the Civil Code, relating to adoption.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Seawell, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 398—An act to add Section 1985.5 to the Code of Civil Procedure, relating to subpoena.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 399—An act to amend Section 1991 of the Code of Civil Procedure, relating to disobedience of subpoena.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 192—An act to amend Section 790 of the Fish and Game Code, relating to crab meat.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Quinn moved a call of the Senate.

Motion carried. Time, 3.43 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 956—An act to amend Sections 842 and 844 of the Civil Code, relating to joint use of conduits, wells and pumping plants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1306—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 35, of the printed bill, following "agent or by", insert "the person in lawful possession; provided, that nothing contained in this subdivision shall be deemed to affect any angler going upon the lands of another for the purpose of legally fishing thereon; or".

Amendment read.

Roll Call Demanded

Senators Collier, Seawell and Mayo demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Dillinger, Foley, Judah, Keating, Luckey, Mayo, Seawell, Swan, and Ward—13.

NOES—Senators Breed, DeLap, Deuel, Garrison, Gordon, Kenny, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Shelley, Slater, Swing, and Tickle—16.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Powers, Slater, Swing, Tickle, and Ward—21.

NOES—Senators Collier, Judah, Keating, Kenny, Quinn, Seawell, Shelley, and Swan—8.

MOTION TO RECONSIDER

Senator Seawell moved to reconsider the vote whereby Assembly Bill No. 1306 was passed.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1306 was passed, was continued until the next legislative day.

Assembly Bill No. 24—An act to add Section 21.5 to the Municipal Court Act of 1925, relating to departments of the municipal court in cities of the first and one-half class, including judges and attaches thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 41—Relative to memorializing Congress to investigate the feasibility of growing of guayule rubber in California and if found feasible to subsidize the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 904—An act to add Sections 106.1 and 106.2 to Chapter 1 of Division 2 of the Agricultural Code, relating to plant quarantine inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—Senator Collier—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 905—An act to amend Section 118 of the Agricultural Code, relating to the admissibility of the hosts of fruit flies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1087—An act to amend Section 120 of the Agricultural Code, relating to nursery licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1089—An act to amend Section 121 of the Agricultural Code, relating to moneys to be paid into the Department of Agriculture Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1090—An act to add a new section to the Agricultural Code, to be numbered 120.5, relating to plant registrations and certifications.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1500—An act to amend Sections 781, 782, 784.2, 784.3 and 787 of, and to add Sections 782.3, 782.6 and 784.8 to, the Agricultural Code, relating to fruit, nut and vegetable standards.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride,

McCormack, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1552—An act to amend the Agricultural Code by amending Section 1043; and to provide exemption from the provisions of said section to nonprofit, cooperative, agricultural marketing associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 325—An act to add Section 996 to the Civil Code, relating to property and other rights in and to fur bearing animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1543—An act to amend Section 16 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, relating to the terms of office and election of judges of such courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2027—An act to amend Section 403d of the Civil Code, relating to unclaimed and disputed shares and debts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack,

Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 180—An act to add Section 5078 to the Welfare and Institutions Code, relating to the restoration to competency of persons committed to the care and custody of the psychopathic probation officer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377—An act to amend Sections 925 and 1008 of the Penal Code, relating to accusations against district, county, township or municipal officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1683—An act to add Sections 3066, 3066a, 3066b, 3066c, 3066d and 3066e to the Civil Code to provide for liens in favor of private hospitals in this State upon all causes of action for damages accruing to an injured person therein or to the legal representatives of such person for the reasonable charges for hospital care, treatment and maintenance necessitated by the injuries giving rise to such causes of action.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2518—An act to add Section 2877 to the Penal Code, relating to prisons and prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 36—An act to amend Section 4238 of the Political Code, relating to county officers in counties of the ninth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2520—An act to add Article 4, comprising Section 2690, to Chapter 4, Title 1, Part 3, of the Penal Code, relating to prisons and prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.45 p.m., on motion of Senator Quinn, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 192 passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Denel, Dillinger, Garrison, Gordon, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Myland, Phillips, Powers, Quinn, Slater, and Swing—21.

NOES—Senators DeLap, Foley, Judah, McBride, Metzger, Seawell, Shelley, Swan, Tickle and Ward—10.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of this legislative day:

Senator Breed, on motion of Senator Swing.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2521—An act to add Section 3404 to the Penal Code, relating to prisons and prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, Tickle, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1276—An act to amend Section 4251 of the Political Code, relating to the compensation for public services in counties of the twenty-second class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1276?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4251", and insert "4254".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "second", and insert "fifth".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4251", and insert "4254".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of line 3; and in line 4, strike out "and township officers", and insert "4254. In counties of the twenty-fifth class, the following".

Amendment No. 5

On page 1, line 6, of the printed bill, as amended, strike out "salaries, to wit", and insert "sums".

Amendment No. 6

On page 1, line 7, of the printed bill, as amended, strike out "(a)", and insert "1."

Amendment No. 7

On page 1, line 17, of the printed bill, as amended, strike out "(b)", and insert "2."

Amendment No. 8

On page 1, line 24, of the printed bill, as amended, strike out "(c)", and insert "3."

Amendment No. 9

On page 2, line 6, of the printed bill, as amended, strike out "(d)", and insert "4."

Amendment No. 10

On page 2, line 7, of the printed bill, as amended, strike out "of the twenty-second class".

Amendment No. 11

On page 2, line 21, of the printed bill, as amended, strike out "(e)", and insert "5."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1276 by the following vote:

AYES—None.

NOES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—25.

Appointment of Committee on Conference Concerning Senate Bill No. 1276

May 16, 1941

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Quinn, Keating, and Foley as a Senate Committee on Conference concerning Senate Bill No. 1276 to meet a like committee of the Assembly.

COMMITTEE ON RULES

TICKLE, Acting Chairman

Senate Concurrent Resolution No. 16—Relative to a statement of position of the Legislature of this State in regard to the amendment of the Old Age Security Law and the Aid to Needy Blind Law and

appointing a committee to secure changes in the Federal Social Security Act.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 16?

Amendment No. 1

On page 1, line 13, of the printed measure, as amended, after "thereof"; insert "and

WHEREAS, It is further the policy of the Federal Social Security Board to require interference with local control of county personnel administering the Old Age Security Law and the Aid to Needy Blind Law;".

Amendment No. 2

On page 1, line 15, of the printed measure, as amended, after "declares", insert "that it has considered the question of exempt income for persons receiving old age assistance and needy blind assistance, that it finds that such income is necessary for the need of the recipients of such aid and therefore further declares".

Amendment No. 3

On page 1, line 22, of the printed measure, as amended, insert

"Resolved, That the Legislature hereby declares that it will not enact legislation authorizing interference by the State with local control of county personnel administering the Old Age Security Law and the Aid to Needy Blind Law; and be it further".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 16 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Shelley, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Above resolution ordered enrolled.

Senate Bill No. 363—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346, 6360 and 6363 of the Business and Professions Code, and to add Sections 6326, 6348.3 and 6348.5 thereto, relating to boards of law library trustees and law libraries.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 363?

Amendment No. 1

On page 3, line 45, of the printed bill, as amended, after "any law," insert "other than the law superseded by this chapter,".

Also:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "and 6360", and insert ", 6360 and 6363".

Amendment No. 2

On page 2, line 15, of the printed bill, as amended, after "by law," insert "The board of supervisors may also appropriate from the county treasury for law library purposes such additional sums as may in their discretion appear proper."

Also:

Amendment No. 1

On page 2, line 6, of the printed bill, as amended, strike out "in justices'", and insert "from defendants appearing in municipal".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 363 by the following vote:

AYES—None.

NOES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Shelley, Slater, Swan, Swing, Tickle, and Ward—24.

Appointment of Committee on Conference Concerning Senate Bill No. 363

May 16, 1941

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny, DeLap, and Swing as a Senate Committee on Conference concerning Senate Bill No. 363 to meet a like committee of the Assembly.

COMMITTEE ON RULES

MYHAND, Vice Chairman

Senate Bill No. 1306—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1306?

Amendment No. 1

On page 6 of the printed bill, as amended on April 10, 1941, after line 4, insert "SEC. 21. Whenever county boundaries are altered pursuant to the provisions hereof it shall be the duty of the boards of supervisors of the counties whose boundaries are altered to file or cause to be filed before the first of February with the State Board of Equalization and with the assessors of such counties a statement setting forth the legal description of the boundaries as the same have been altered, together with a map or plat indicating such boundaries. The alteration of boundaries shall not be effective for purposes of assessment or taxation unless the statement, together with a map or plat herein required, is filed with the county assessors and with the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1306 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 562—An act to amend Section 49 of the Alcoholic Beverage Control Act, relating to the importation of alcoholic beverages and consignment thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 562?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 22, inclusive, and insert

"SEC. 49. Alcoholic beverages shall be brought into this State from without this State for delivery or use within the State only by common carriers and only when such alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises of such licensed importer or to the premises of a public warehouse licensed under this act; provided, however, that a shipment shall be deemed to be consigned to a licensed importer, although originally consigned to a person not so licensed, when such shipment is, before delivery and without leaving the possession of the common carrier transporting the same, reconsigned or diverted in transit by either the consignor or the consignee or consignees to a licensed importer to whom final delivery by the common carrier is made. Alcoholic beverages which are consigned to a destination within this State shall be presumed to be for delivery or use within this State. Alcoholic beverages imported into this State contrary to the provisions hereof shall be seized by the board. Every person violating the provisions of this section shall be guilty of a misdemeanor."

Also:

Amendment No. 1

On page 2, line 12, of the printed bill, as amended in the Assembly April 18, 1941, after "made", insert

"It is further provided that a railroad, sleeping car, dining car, boat or steamship company carrying interstate or foreign passengers on trains or boats shall not be deemed to be importers or subject to an importer's license for bringing into this State from without this State alcoholic beverages for the purpose of sale within this State on the trains, cars or boats on which the same are brought into this State, exclusively to passengers or employees, and carrying the same or any unsold portion thereof out of this State in due course of operation."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 562 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 563—An act to amend Section 67.1 of the Alcoholic Beverage Control Act, relating to the tax on wine used for industrial purposes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 563?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "section", and insert "sections".

Amendment No. 2

In line 1 of the title of the printed bill, as amended, between "1" and "of", insert "and 23".

Amendment No. 3

In line 2 of the title of the printed bill, as amended, strike out "used for industrial purposes", and insert a period.

Amendment No. 4

On page 1 of the printed bill, as amended, following line 18, insert

"SEC. 2. Section 23 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 23. An excise tax is hereby imposed upon all beer and wine sold in this State by a manufacturer or importer, except as otherwise in this act provided, at the following rates:

(a) On all beer, sixty-two cents (\$0.62) for every barrel containing 31 gallons, and at a proportionate rate for any other quantity; (b) on all natural dry wines one cent (\$0.01) per wine gallon and at a proportionate rate for any other quantity; (c) on all other still wines two cents (\$0.02) per wine gallon and at a proportionate rate for any other quantity; (d) on champagne, sparkling wine, except sparkling hard cider, whether naturally or artificially carbonated [one and one-half cents per half pint or fraction thereof, three cents (\$0.03) per pint or fraction thereof greater than one half pint, six cents (\$0.06) per quart or fraction thereof greater than one pint]; twenty-four cents (\$0.24) per wine gallon and at a proportionate rate for any other quantity; (e) on sparkling hard cider two cents (\$0.02) per wine gallon and at a proportionate rate for any other quantity."

Also:

Amendment No. 1

On page 1, line 1 of the printed bill, as amended, after "67.1", insert "of the Alcoholic Beverage Control Act".

Amendment No. 2

On page 2, line 12, of the printed bill, as amended, before "twenty", strike out the semicolon.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 563 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Gordon, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 216—An act to amend Section 564 of the Code of Civil Procedure, relating to appointment of receivers.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 216?

Amendment No. 1

On page 2, line 7, of the printed bill, strike out "disperse", and insert "disburse."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 216 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Foley, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Ward—24.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 822—An act to repeal Sections 301 to 304, both inclusive, and to amend Section 300 of the Labor Code, all relating to assignment of wages.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 822?

Amendment No. 1

On page 1, line 28, of the printed bill, as amended, strike out "an affidavit", and insert "a written statement".

Amendment No. 2

On page 2, line 2, of the printed bill, as amended, after "to", insert "or included in".

Amendment No. 3

On page 2, line 4, of the printed bill, as amended, strike out "an affidavit", and insert "a written statement".

Amendment No. 4

On page 2, line 6, of the printed bill, as amended, after "thereto", insert "or included therein".

Amendment No. 5

On page 2, line 7, of the printed bill, as amended, strike out "Such an assignment or order is", and insert "A copy of such an assignment or order and of the written statement provided for in subdivision (d) hereof,".

Amendment No. 6

On page 2 of the printed bill, as amended, strike out lines 8 and 9, and insert "notary public, shall have been filed".

Amendment No. 7

On page 2, line 10, of the printed bill, as amended, after "employer", insert ", accompanied by an itemized statement of the amount then due to the assignee".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out lines 25 and 26; and in line 27, strike out "week," and insert "salary to be earned,".

Amendment No. 9

On page 2, lines 29 and 30, of the printed bill, as amended, strike out "when it appears by the debtor's affidavit or otherwise", and insert ", upon the showing".

Amendment No. 10

On page 2, line 31, of the printed bill, as amended, strike out "use", and insert "support".

Amendment No. 11

On page 2, line 32, of the printed bill, as amended, after "family," insert "residing in this State and".

Amendment No. 12

On page 2, line 34, of the printed bill, as amended, strike out ": provided fur-"; and strike out lines 35 to 39, inclusive, and insert a period.

Amendment No. 13

On page 2, line 41, of the printed bill, as amended, strike out "affidavits", and insert "written statements".

Amendment No. 14

On page 2, lines 45 and 46, of the printed bill, as amended, strike out "stated in such affidavits", and insert "so stated".

Amendment No. 15

On page 2 of the printed bill, as amended, after line 51, insert

"This section shall not apply to revocable pay roll deduction orders made for the purpose of authorizing deductions from wages or salaries for the payment of any life or disability insurance premiums."

Also:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out lines 8 to 11, inclusive, and insert

"This section shall not apply to deductions which the employer may be requested by the employee to make for the payment of life, retirement, disability or unemployment insurance premiums, for the payment of taxes owing from the employee, for contribution to funds, plans or systems providing for death, retirement, disability, unemployment, or other benefits, for the payment for goods or services furnished by the employer to the employee or his family at the request of the employee, or for similar purposes."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 822 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Foley, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Seawell, Slater, Swan, Swing, Tickle, and Ward—23.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 889—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1062b to, the Code of Civil Procedure, relating to declaratory relief.

The question being: Shall the Senate concur in the following Assembly bill amendments to Senate Bill No. 889?

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "to," insert "and to amend Section 1062a of,".

Amendment No. 2

On page 3 of the printed bill, as amended, between lines 45 and 46, insert

"SEC. 16.5. Section 1062a of said code is hereby amended to read as follows:

1062a. Actions brought under the provisions of this chapter shall be set for trial, and for hearing on any appeal at the earliest possible date and shall take precedence of all other cases, except older matters of the same character and matters to which special precedence may be given by law."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 889 by the following vote:

AYES—Senators Brown, Collier, Cunningham, DeLap, Foley, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixter, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—21.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1184—An act to add Section 1.5 to the State Civil Service Act, relating to services performed by independent contractors for the State.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1184?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, before "1.5", insert "Sec."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 12 and 13, and insert "character for which a license is required under the provisions of Chapter 9 of Division 3 of the Business and Professions Code, the performance of".

Amendment No. 3

On page 1, line 15, of the printed bill, as amended, strike out "The deter-", and strike out lines 16 to 23, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1184 by the following vote:

AYES—Senators Brown, Collier, Cunningham, DeLap, Foley, Judah, Keating, Kenny, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—21.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 123—An act to repeal School Code Section 2.1095 and to add Section 2.998 to said code, both relating to the traveling expenses of governing boards of school districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 123?

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "unless"; and strike out all of line 10; and in line 11, strike out "Warrants", and insert "except for travel required in excess of 10 miles to attend any such meeting. Orders".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 123 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—23.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 117—An act to repeal Sections 2.464, 2.465, 6.383 and 6.384 of, to amend Sections 2.505, 3.301 and 4.250 of, and to add Sections 3.321, 3.322, 3.323, 3.324, 3.325 and 3.326 to, the School Code, all relating to the payment of the costs of providing for the education of high school pupils not residing in a high school or unified school district.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 117?

Amendment No. 1

In line 3 of the title of the printed bill, strike out "and 3.325", and insert "3.325 and 3.326".

Amendment No. 2

On page 2, line 23, of the printed bill, strike out "or persons".

* **Amendment No. 3**

On page 2, line 28, of the printed bill, after "certify", insert a comma and "separately,".

Amendment No. 4

On page 2, line 31, of the printed bill, after "trict", insert "and to the unapportioned county high school fund under the jurisdiction of the county superintendent of schools, as hereinafter provided,".

Amendment No. 5

On page 2, line 31, of the printed bill, after "of", insert "any".

Amendment No. 6

On page 2, line 31, of the printed bill, strike out "or persons".

Amendment No. 7

On page 2, line 35, of the printed bill, after "tuition", insert "for the education of any such person".

Amendment No. 8

On page 2, line 46, of the printed bill, strike out the comma and "and the resulting", and insert "The total tuition chargeable to any elementary school district shall be computed by multiplying".

Amendment No. 9

On page 2, line 47, of the printed bill, strike out "shall be multiplied".

Amendment No. 10

On page 2, line 49, of the printed bill, after "district", insert a comma and "and not residing on a Military Reservation of the United States of America,".

Amendment No. 11

On page 2 of the printed bill, following line 50, insert
"The total amount chargeable against the unapportioned county high school fund of any county shall be determined by multiplying such quotient by the units of average daily attendance during the preceding school year of persons residing in the elementary school district, and on a Military Reservation of the United States of America, and attending the high schools of the high school district or unified school district".

Amendment No. 12

On page 3, line 4, of the printed bill, after "certificate", insert "certifying the amount chargeable against any elementary school district under his jurisdiction".

Amendment No. 13

On page 3 of the printed bill, strike out all of line 35, and insert
"SEC. 9. Section 3.326 is hereby added to said code, to read as follows:
3.326. The county superintendent of schools shall pay to each high school district and unified school district from the unapportioned county high school fund under his jurisdiction, the amount chargeable to such fund as shown by the certificate of the governing board of the high school district or unified school district.
SEC. 10. Section 4.250 of said code is hereby amended to".

Also:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended, after "and", insert "the amount chargeable".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of line 26, and insert "preceding school year.
The total tuition".

Amendment No. 3

On page 2, line 28, of the printed bill, as amended, after "multiplying", insert "the resulting".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 117 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixter, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—22.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 748—An act to amend Sections 668 and 670 of the Fish and Game Code, relating to salmon.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 748?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 7, inclusive, and insert

"668. Salmon taken by commercial fishermen in Districts 12, 12B, 12C and 13, shall not be canned."

Amendment No. 2

On page 1, line 16, of the printed bill, strike out "Tess".

Amendment No. 3

On page 1, line 17, of the printed bill, strike out "than fifty dollars (\$50) nor"

Amendment No. 4

On page 1, line 18, of the printed bill, strike out the period, and insert ", or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment."

Also:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, following the period after "668", insert "In Districts 12, 12B, 12C and 13, salmon may not be sold at any time when fishing with nets is prohibited in said districts."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 748 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—23.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 341—An act to add Section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 341?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "compensation for", and insert "sum for compensation and for".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 341 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—22.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 655—An act to amend Section 363 of the Agricultural Code, relating to bills of sale for live stock.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 655?

Amendment No. 1

On page 1 of the printed bill, strike out lines 15 and 16, and insert "to the buyer shall have no effect upon the validity of any sale or contract of sale of bovine animals nor upon the rights of either the buyer or seller thereunder."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 655 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—22.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 661—An act to add Section 787.5 to the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 661?

Amendment No. 1

On page 1 of the printed bill, strike out all of lines 18 and 19, and insert "placed on any container, the address shall be a California address, unless the section of this code establishing the standard specifies otherwise."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 661 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Luckey, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—21.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1154—An act to amend Sections 673 and 674 of the Penal Code, relating to civil rights of persons sentenced to State prisons.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1154?

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "674", insert "or Sections 2600, 2601 and 3055,".

Amendment No. 2

On page 2 of the printed bill, after line 35, insert

"SEC. 3. Section 2600 of said code is hereby amended to read as follows:

2600. A sentence of imprisonment in a State prison for any term less than life suspends all the civil rights of the person so sentenced, and forfeits all public offices and all private trusts, authority, or power during such imprisonment. *But the board may restore to said person during his imprisonment such civil rights as the board may deem proper, except the right to act as a trustee, or hold public office or exercise the privilege of an elector or give a general power of attorney.*

SEC. 4. Section 2601 of said code is hereby amended to read as follows:

2601. A person sentenced to imprisonment in the State prison for life is thereafter deemed civilly dead. *But the board may restore to such person during his imprisonment such civil rights as the board may deem proper, except the right to act as a trustee, or hold public office, or exercise the privilege of an elector, or give a general power of attorney.*

SEC. 5. Section 3055 of said code is hereby amended to read as follows:

3055. The board shall, at the time of permitting such civil rights, make a permanent record thereof, [and give such paroled person a duly authenticated copy of such order or orders,] and such record shall be a public record for the benefit of all persons requiring information in that behalf.

SEC. 6. Sections 3, 4 and 5 of this act shall take effect only if Sections 673 and 674 of the Penal Code are repealed, and their provisions incorporated into Part 3 of the Penal Code by an act entitled "An act to repeal Part 3, except Sec-

tion 1595, to repeal certain other sections of the Penal Code, to amend Sections 107, 109, 110, 171, 171a, 171b, 273b, 606, 644, 667, 681, 1168, 1202a, to repeal other acts and parts of acts specified herein, and to add Part 3 to the Penal Code, relating to prisons, jails, prisoners, terms and conditions of imprisonment, the death penalty, parole, reprieves, commutations, pardons, and convict-made goods" enacted at the regular session of the Fifty-fourth Legislature; at which time Sections 673 and 674 of the Penal Code as amended by this act, are hereby repealed."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1154 by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Luckey, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—21.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, MAY 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Kellems, Waters and Poulson as a Committee on Conference concerning:

Senate Bill No. 363

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 784

Senator DeLap moved that Senate Bill No. 784 be withdrawn from Committee on Education for purpose of amendment.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 805

Senator Shelley moved that Senate Bill No. 805 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 805—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.
Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 23, of the printed bill, after "or", and before "to", insert "to nonprofit athletic organizations for athletic activities or".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Ward moved that Assembly Bill No. 1942 be taken from the inactive file, and placed on the second reading file.

Motion carried.

INACTIVE FILE

Senate Bill No. 995—An act to repeal Section 16½ and to amend Section 54 of the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Bill read.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 20 and 21, and insert "(f) Hold, except as authorized by Section 6 of this act or the provisions of this section, the owner."

Amendment No. 2

On page 2 of the printed bill, as amended, between lines 36 and 37, insert "The provisions of this subdivision shall not apply to any off-sale distilled spirits license held or to be held by a distilled spirits wholesaler whose premises are located in any city or town having a population less than 50,000 as shown by the 1940 Federal Census or by a distilled spirits wholesaler who sells distilled spirits to licensees whose premises are located in any city or town having a population of less than 50,000 as shown by the 1940 Federal Census."

Amendments read and adopted.

Bill ordered printed, engrossed, and to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 784—An act to amend School Code Section 4.670, relating to the public school system.

Bill read second time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend School Code Section 4.670", and insert "add Sections 2.170-1 and 4.720-1 to the School Code".

Amendment No. 2

In line 2 of the title of the printed bill, after "system", insert "and elementary school districts, declaring the urgency thereof, and providing that this act shall take effect immediately".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 9, inclusive, and insert "SECTION 1. Section 2.170-1 is hereby added to the School Code to read as follows:

2.170-1. The average daily attendance of pupils residing in an elementary school district and attending the seventh and eighth grades of a junior high school, and credited to the elementary school district, constitutes average daily attendance in the elementary school district for all the purposes of this article.

SEC. 2. Section 4.720-1 is hereby added to the School Code to read as follows: 4.720-1. An elementary school district which during any school year provides for the education of pupils residing within the district under the provisions of this code, for not less than 170 days shall be deemed to have maintained school for not less than 170 days of actual teaching during such school year.

SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of California and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Certain elementary school districts are providing for the education of the pupils residing in such elementary school districts by other elementary school districts and high school districts in the manner provided for by certain provisions of the School Code. However, because of other provisions of the School Code, this following procedure results in the suspension or lapsing of the elementary school districts providing for the education of the pupils residing in the districts in such manner and the withholding of apportionments of State funds to such districts. In order that these results may not obtain, it is necessary that this act go into immediate effect."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Education.

MOTION TO RECONSIDER

Senator Shelley moved to reconsider the vote whereby Senate Bill No. 195 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 195 was passed, was continued until the next legislative day.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 363—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346 and 6360 of the Business and Professions Code, and to add Section 6326 thereto, relating to boards of law library trustees and law libraries; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the Assembly amendments of April 18th and 28th be concurred in, and that the Assembly amendments of May 10th be not concurred in, but that the bill be approved, as amended by the Assembly on April 28, 1941.

KENNY
SWING
DE LAP

KELLEMS
WATERS
POL LSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Foley, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Minter, Powers, Quinn, Shelley, Slater, Swan, Swing, Tickle, and Ward—21.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1337

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 37—Approving certain amendments to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the sixth day of May, 1941;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of May, 1941, at 3 p.m.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1323

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2633

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 2633—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Without reference to committee.

RESOLUTIONS

The following resolution was offered:

By Senator Metzger:

Senate Resolution No. 115

Relative to the highway from U. S. Highway 99E near Vina to Fort Bragg

WHEREAS, There is urgent need for an adequate highway running from U. S. Highway 99E near Vina westerly through Corning, Covelo and Laytonville to Fort Bragg; and

WHEREAS, This highway, important as an avenue for travel and commerce, is a particularly vital link in furtherance of Military and National defense objectives because of the vast amount of natural resources such as timber now almost inaccessible along the route of this highway; now, therefore, be it

Resolved by the Senate of the State of California, That the Division of Highways of the State Department of Public Works is hereby directed to request the appropriate agencies of the United States Government, including the Bureau of Public Roads and the Office of Production Management, to incorporate this highway project in the Military Access Road Program because of its strategic location and the value of the resources it would make available; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works, the Bureau of Public Roads, and the Office of Production Management.

Resolution read, and ordered held at the desk.

ADJOURNMENT

At 5.30 p.m., on motion of Senator Swing, the President declared the Senate adjourned until 2 p.m., May 19, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-SECOND LEGISLATIVE DAY

ONE HUNDRED THIRTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 19, 1941

The Senate met at 2 p.m.

Hon. Ellis Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward. 36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Luckey.

Senator Keating, on motion of Senator Powers.

Senator Phillips, on motion of Senator Fletcher.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Fred P. Muldoon and James F. Smith, both of Oxnard.

On request of Senators Fletcher and Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Dorothy A. Clark of Los Angeles, and Mrs. May E. Snow of Eagle Rock.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. H. Rose, Merced; Raymond R. Rose, Atwater; and L. M. Furtado, secretary Civil Service Commission, Merced.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William E. Healey, Jr., and Coroner and Mrs. Vernon Silvershield, all of Santa Rosa.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to L. M. Beatty and Miss Priscilla Jane Beatty of Mt. Shasta.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Leonard A. Broderick, Chairman, San Bernardino County Democratic Central Committee.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John M. Coleman of Los Angeles.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joe M. Clemente, W. Verhuel, John W. Dias and Manuel A. Mattos, all of Hanford.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bill Grinsell of Napa.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, MAY 17, 1941

Honorable Ellis E. Patterson, Lieutenant Governor
State Capitol, Sacramento, California

SUBJECT: Consideration of Bills Vetoed by the Governor
REQUEST: No. 3375

DEAR GOVERNOR PATTERSON: You ask whether a reconsideration can be had of the vote upon the question of passage of a bill subsequent to its veto by the Governor. You also ask what vote is necessary in the Senate for such action.

It is our opinion that such a reconsideration may be had and that, under the Rules of the Senate, 21 votes are necessary for that action.

Section 16 of Article IV provides that if the Governor does not approve of a bill which has been presented to him he shall return it (the bill) with his objections to the house in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it,

"if after such reconsideration, it again passes both houses, by yeas and nays two-thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections."

From the foregoing it is apparent that while we commonly speak of sustaining or overriding a veto the real question considered is the passage of the bill notwithstanding the veto. The vote taken is actually upon the passage of the bill. The only difference between this vote and the vote on passage of the same bill prior to the veto is the requirement that it pass by a vote of two-thirds of the members elected.

Senate Rule 43 provides:

"On the day on which a vote has been taken on any question a motion to reconsider the vote may be made by any member."

Rule 47 lists under the actions requiring 21 votes

"18. To reconsider bills, joint and concurrent resolutions."

This provision appears to apply to any bill regardless whether 21 or 27 votes are required to pass it. This conclusion is substantiated by the fact that the same rule in Paragraphs 12 and 22 provides a different vote for the reconsideration of the vote whereby a concurrent resolution proposing a constitutional amendment is defeated or adopted.

It further appears that Paragraph 18 of Rule 47 supersedes the provision in Section 96 of Mason's Manual which reads:

"When a two-thirds vote is required to take any action, the same vote, in the absence of a special rule is necessary for reconsideration."

In reaching the above conclusion we have given careful attention to that portion of Section 85 of Mason's Manual which reads:

"The motion to reconsider is not in order in any of the following cases:

9. A measure which has been passed over the veto of the Executive can not be considered."

While this rule clearly does not purport to apply to the case of a measure *not* passed by the Legislature notwithstanding a veto, we believe it should be discussed in order to avoid possible confusion.

The footnote under this statement in Section 85 cites

"*Ashton vs. Rochester* (1891) 14 N.Y.S. 855, 133 N.Y. 187, 38 N.E. 334."

Apparently the citation was intended to be to the case of that name in 30 N.E. at p. 965. The case involved an ordinance adopted by the common council on December 26, 1888, vetoed by the mayor, adopted again notwithstanding the veto on January 8, 1889, followed on March 19, 1889 by a resolution that the latter action be reconsidered.

If the rule stated by Mason is limited to such a factual situation it would appear to be correct. However, at least two cases clearly indicate that the Legislature may reconsider the vote upon passage of the bill notwithstanding a gubernatorial veto. The most recent case is *Kay Jewelry Co., vs. Board of Registration and Optometry*, decided by the Supreme Judicial Court of Massachusetts on April 23, 1940, 27 N.E. (2d) p. 1. When the vetoed bill was under consideration it first failed to receive sufficient votes to pass notwithstanding the veto but on reconsideration did receive a sufficient vote. The court declared that the bill had been properly passed and that permitting reconsideration of the vote was not open to constitutional objection.

In an identical situation the Supreme Court of North Carolina in 1936 reached the same conclusion in *State ex rel. Coleman vs. Lewis*, 186 S.E. 625.

In Congress under precedent established in 1844 the motion to reconsider may not be applied to the vote on reconsideration of a bill returned with the objections of the President (Hind's Precedents of the House of Representatives, Volume 5, p. 322, Section 5644). This precedent is apparently still followed. It appears, however, to be based upon the interpretation placed upon the Constitution and the Rules of the House by the Speaker and not on any judicial decision. We do not therefore regard it as a controlling factor in determining the power of the Senate in this State to reconsider the vote upon passage of a bill notwithstanding the Governor's veto.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1229—An act to amend Sections 697.5, 720, 860 and 881 of, to repeal Section 865 of, and to add Section 865 to, the Fish and Game Code, relating to the use of nets and the taking and disposal of salmon, shad, and striped bass, declaring the urgency of this act, to take effect immediately; And appointed Messrs. Call, Dickey and Thurman as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 247
Senate Bill No. 502

Senate Bill No. 517
Senate Bill No. 1165

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 38

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 741

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 741—An act to amend Sections 20743, 20744, 20746, 20751, 20880, 20888, 20930 and 20956 of, to repeal Sections 20800, 20826, 20840, 20849, 20860, 20866, 20892, 20910, 20911 and 20950 of, and to add Sections 20704, 20705, 20706, 20707, 20708, 20800, 20826, 20840, 20849, 20860, 20866, 20882.5, 20892, 20911 and 20950 to the Business and Professions Code, relating to sales of petroleum products.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 741?

Amendment No. 1

On page 8 of the printed bill, strike out all of lines 16 to 21, inclusive, and insert "chaser or intended purchaser thereof, to be the product of the brand name or trade name specified by the purchaser or intended purchaser. It is".

Amendment No. 2

On page 9 of the printed bill, strike out all of lines 8 to 10, inclusive, and insert "to the sealer of the county in which".

Amendment No. 3

On page 9, line 11, of the printed bill, strike out the comma.

Amendment No. 4

On page 4, line 45, of the printed bill, as amended, after "S.A.E.", strike out the balance of the line; and strike out lines 46, 47, 48 and 49; and strike out to the period after "section", in line 50, and insert "Lubricating oils or motor oils which have a viscosity index in excess of 120 when determined in accordance with the American Society for Testing Materials Standard D567-40T as published in "American Society for Testing Materials Standards," 1940, may be labeled without the designation of the S.A.E. number classification as required in this section."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 741 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, McBride, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 29

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 37	Assembly Bill No. 751
Assembly Bill No. 207	Assembly Bill No. 752
Assembly Bill No. 286	Assembly Bill No. 753
Assembly Bill No. 356	Assembly Bill No. 754
Assembly Bill No. 419	Assembly Bill No. 755
Assembly Bill No. 434	Assembly Bill No. 756
Assembly Bill No. 438	Assembly Bill No. 771
Assembly Bill No. 458	Assembly Bill No. 773
Assembly Bill No. 470	Assembly Bill No. 811
Assembly Bill No. 650	Assembly Bill No. 817
Assembly Bill No. 651	Assembly Bill No. 891
Assembly Bill No. 654	Assembly Bill No. 894
Assembly Bill No. 670	Assembly Bill No. 902
Assembly Bill No. 709	Assembly Bill No. 911
Assembly Bill No. 733	Assembly Bill No. 954
Assembly Bill No. 742	Assembly Bill No. 1009
Assembly Bill No. 745	Assembly Bill No. 1013
Assembly Bill No. 747	Assembly Bill No. 1026
Assembly Bill No. 748	Assembly Bill No. 1112
Assembly Bill No. 749	Assembly Bill No. 1146
Assembly Bill No. 750	Assembly Bill No. 1246

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1289	Assembly Bill No. 1966
Assembly Bill No. 1299	Assembly Bill No. 2054
Assembly Bill No. 1420	Assembly Bill No. 2090
Assembly Bill No. 1526	Assembly Bill No. 2137
Assembly Bill No. 1631	Assembly Bill No. 2164
Assembly Bill No. 1679	Assembly Bill No. 2223
Assembly Bill No. 1701	Assembly Bill No. 2342
Assembly Bill No. 1799	Assembly Bill No. 2355
Assembly Bill No. 1836	Assembly Bill No. 2396
Assembly Bill No. 1887	Assembly Bill No. 2458
Assembly Bill No. 1900	Assembly Bill No. 2527
Assembly Bill No. 1925	Assembly Bill No. 2573
Assembly Bill No. 1949	

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 101
 Assembly Bill No. 187
 Assembly Bill No. 210
 Assembly Bill No. 242
 Assembly Bill No. 540
 Assembly Bill No. 624
 Assembly Bill No. 757
 Assembly Bill No. 1128
 Assembly Bill No. 1309
 Assembly Bill No. 1496
 Assembly Bill No. 1639
 Assembly Bill No. 1716

Assembly Bill No. 1913
 Assembly Bill No. 1984
 Assembly Bill No. 2120
 Assembly Bill No. 2138
 Assembly Bill No. 2336
 Assembly Bill No. 2360
 Assembly Bill No. 2447
 Assembly Bill No. 2475
 Assembly Bill No. 2600
 Assembly Bill No. 2602
 Assembly Bill No. 2603

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 37—An act to transfer to the City and County of San Francisco a surface easement over certain tidelands and submerged lands and to define the powers and responsibilities of the City and County of San Francisco over such lands.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 207—An act to add Sections 2010, 2011 and 2012 to, and to amend Sections 2182 and 2183 of, the Welfare and Institutions Code, relating to aid to the aged, providing for the payment thereof, and specifying the powers and duties of certain public officers and employees in connection therewith.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 286—An act to amend Section 2020 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 356—An act to amend Section 1032a of the Code of Civil Procedure, relating to the cost of depositions as costs.

Referred to Committee on Judiciary.

Assembly Bill No. 419—An act to add Section 1432.1 to the Penal Code, relating to the procedure in a justice's court when a complaint is filed against the justice of said court.

Referred to Committee on Judiciary.

Assembly Bill No. 434—An act to amend Section 1593 of the Labor Code, relating to employment agency licenses.

Referred to Committee on Labor.

Assembly Bill No. 438—An act to repeal Section 1588.5 of the Labor Code, relating to labor contractor's license fees.

Referred to Committee on Labor.

Assembly Bill No. 458—An act to amend Section 792 of the Agricultural Code, relating to avocados.

Referred to Committee on Agriculture.

Assembly Bill No. 470—An act to amend Section 112 of the Code of Civil Procedure, relating to original jurisdiction of justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 650—An act to amend Section 6651 of the Welfare and Institutions Code, relating to payment for the care, support and maintenance of persons in State institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 651—An act to add Section 6564 to the Welfare and Institutions Code, relating to the maintenance of stores on State institutions grounds.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 654—An act to amend Sections 154 and 157 and to repeal Section 155 of the Welfare and Institutions Code, relating to the institutions subject to the jurisdiction of the Department of Institutions and appointment of superintendents of those institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 670—An act to add Section 615 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Bill No. 709—An act to amend Section 673 of the Vehicle Code, relating to exhausts of vehicles operated over the highways.

Referred to Committee on Transportation.

Assembly Bill No. 733—An act to amend Section 740 of the Welfare and Institutions Code, pertaining to the Order of Commitment of Juvenile Delinquents.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 742—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of persons to State institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 745—An act to amend Section 166 of the Welfare and Institutions Code, relating to the disposition of personal property unclaimed by the owner.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 747—An act to amend Section 3254 of the Welfare and Institutions Code, relating to the duties of the Department of Institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 748—An act to amend Section 5104 of the Welfare and Institutions Code, relating to the patients' personal deposit fund.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 749—An act to amend Section 5502 of the Welfare and Institutions Code, relating to the dismissal of criminal proceedings and the affidavit for commitment of a sexual psychopath.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 750—An act to add Section 5502.5 to the Welfare and Institutions Code, relating to the parole and discharge of sexual psychopath.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 751—An act to amend Section 5701 of the Welfare and Institutions Code, providing for the license fee for private institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 752—An act to add Section 6500.5 to the Welfare and Institutions Code, relating to care and management of institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 753—An act to amend Section 6650 of the Welfare and Institutions Code, relating to liability for care, support, and maintenance of patients in State hospitals.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 754—An act to amend Section 6655 of the Welfare and Institutions Code, relating to the liability to the State of the estates of persons committed to State institutions for the care, support, and maintenance of such persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 755—An act to amend Section 6656 of the Welfare and Institutions Code, relating to the deposit of funds by the guardian in the patient's deposit fund.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 756—An act to add Section 6656.5 to the Welfare and Institutions Code, relating to funds belonging to patients in State institutions and patients' personal deposit fund.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 771—An act to amend Section 7508 of the Welfare and Institutions Code, relating to civil actions or claims arising out

of the discharge of official duties relating to inmates of State institutions.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 773—An act to amend Section 1554 of the Probate Code, relating to accounts of guardians of insane persons.

Referred to Committee on Judiciary.

Assembly Bill No. 811—An act to add Section 114 to Chapter 1 of Division 1 of the Business and Professions Code, relating to licenses for persons who have served in the armed forces.

Referred to Committee on Business and Professions.

Assembly Bill No. 817—An act to amend Sections 1, 2, 4, 5 and 6 and to repeal Section 3 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and prescribing their duties and compensation," approved May 24, 1921, relating to the office of public defender.

Referred to Committee on Local Government.

Assembly Bill No. 891—An act relating to certain tidelands and submerged lands conveyed to the City of Coronado by "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923, ratifying and approving the description of such lands and declaring the legislative interpretation of said act.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 894—An act to amend Sections 1299, 1299.1 and 1299.2 and to repeal Sections 1299.3, 1299.4 and 1299.5 of the Agricultural Code, relating to marketing of milk and other dairy products.

Referred to Committee on Agriculture.

Assembly Bill No. 902—An act to amend Section 318 of the Agricultural Code, relating to artificial coloring of meat products and casings.

Referred to Committee on Agriculture.

Assembly Bill No. 911—An act to amend Section 777 and 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the fifth and sixth class.

Referred to Committee on Local Government.

Assembly Bill No. 954—An act authorizing suits against the State of California to quiet title against it to real property entitled to be purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Referred to Committee on Judiciary.

Assembly Bill No. 1009—An act to amend Section 137 of the Civil Code, relating to the support of a spouse pending divorce proceedings.

Referred to Committee on Judiciary.

Assembly Bill No. 1013—An act to amend Section 1989 of the Code of Civil Procedure, relating to witnesses.

Referred to Committee on Judiciary.

Assembly Bill No. 1026—An act to amend the Agricultural Code by adding a new section thereto to be numbered 796.3, by amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.

Referred to Committee on Agriculture.

Assembly Bill No. 1112—An act to add Sections 762.5 and 763.5 to, and to amend Sections 762, 763 and 766, of the Agricultural Code, and to amend Section 1 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to raw tomatoes, and the delivery, inspection, grading, and canning thereof and the rights and obligations of parties contracting in relation thereto.

Referred to Committee on Agriculture.

Assembly Bill No. 1146—An act to amend Section 1 of an act entitled "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1941, providing a procedure for the disposition of exhibits filed with the court in criminal cases.

Referred to Committee on Judiciary.

Assembly Bill No. 1246—An act to add Section 5041.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on accountants, declaring the urgency thereof, and to take immediate effect.

Referred to Committee on Business and Professions.

Assembly Bill No. 1289—An act to amend Section 737 of, and to add Sections 517 and 518 to, the Vehicle Code, relating to speed contests.

Referred to Committee on Transportation.

Assembly Bill No. 1299—An act to amend Section 665 of the Fish and Game Code, relating to sale of salmon in certain districts.

Referred to Committee on Fish and Game.

Assembly Bill No. 1420—An act to amend Section 155 of the State Civil Service Act, relating to reinstatements.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1526—An act to further the education of children of disabled World War veterans by allowing free tuition in State-owned colleges and universities.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1631—An act to add Sections 1550.1, 1550.2 and 1550.3 to the Streets and Highways Code, relating to the powers of the county board of supervisors to levy road taxes.

Referred to Committee on Transportation.

Assembly Bill No. 1679—An act to amend Section 5.722 of the School Code, relating to sabbatical leaves.

Referred to Committee on Education.

Assembly Bill No. 1701—An act to add Article 2.5, comprising Sections 5135 to 5138, inclusive, to Chapter 2 of Division 5 of the Public Resources Code, relating to local art galleries and museums, authorizing counties and cities to accept title to real property therefor and to permit buildings therefor to be erected on public lands, providing for the delegation of authority thereover, and permitting the appropriation of moneys therefor.

Referred to Committee on Natural Resources.

Assembly Bill No. 1799—An act to add Section 52.5 to the Agricultural Code, relating to county agricultural commissioners.

Referred to Committee on Agriculture.

Assembly Bill No. 1836—An act to add Section 583 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Bill No. 1887—An act making an appropriation in augmentation of the Revolving Fund of the Bureau of Printing, Department of Finance, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1900—An act to amend Section 3 of an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, relating to the board of supervisors.

Referred to Committee on Local Government.

Assembly Bill No. 1925—An act to amend Section 496 of the Agricultural Code, relating to dairies and dairy products.

Referred to Committee on Agriculture.

Assembly Bill No. 1949—An act defining henceforth the boundaries of Alameda County Water District, also ratifying the incorporation in said district of certain lands as shown in the certificate of the president and secretary of the board of directors of said district filed in the office of the Secretary of State of the State of California on May 18, 1940, and as certified to by the certificate of the said Secretary of State filed in the office of the county clerk of Alameda County on May 22, 1940, also providing for the management of said district as enlarged by the present officers thereof.

Referred to Committee on Local Government.

Assembly Bill No. 1966—An act to add Sections 5.129 and 5.344 to the School Code, relating to the continuance of documents authorizing service in the public schools and held by persons serving in the

Military Service of the United States or of the State of California, or in the Medical, Nursing or Ambulance Service of the American Red Cross, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 2054—An act to add a new section to the Agricultural Code to be numbered 643.1, relative to inspections of dairies.

Referred to Committee on Agriculture.

Assembly Bill No. 2090—An act to add Sections 1443, 1444, 1445, 1446 to the Probate Code, relating to the appointment of guardians of minors and incompetent persons.

Referred to Committee on Judiciary.

Assembly Bill No. 2137—An act to amend Section 284 of and to add Section 285.5 to the Code of Civil Procedure, relating to substitution of attorneys.

Referred to Committee on Judiciary.

Assembly Bill No. 2164—An act to add Section 15035 and Sections 17821 to 17829, inclusive, to the Health and Safety Code, relating to definition of "Building unfit for human habitation" and providing for demolition, closing or repair thereof.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2223—An act to amend the Public Utilities Act by adding thereto Section 13½, relating to inside telephone plant.

Referred to Committee on Public Utilities.

Assembly Bill No. 2342—An act to add Section 511.5 to the Vehicle Code, relating to speed limits.

Referred to Committee on Transportation.

Assembly Bill No. 2355—An act to amend School Code Section 3.760, relating to courses of study in day elementary schools.

Referred to Committee on Education.

Assembly Bill No. 2396—An act to add Sections 964 to 972, inclusive, and Sections 972.1, 972.2, 972.3 and 972.4 to the Code of Civil Procedure, relating to appeals to the Supreme Court and district courts of appeal.

Referred to Committee on Judiciary.

Assembly Bill No. 2458—An act to add Section 1817 to Article 8, Chapter 1, Part 7, of the Labor Code, relating to working laws on public work.

Referred to Committee on Labor.

Assembly Bill No. 2527—An act to amend Section 117c of the Code of Civil Procedure, relating to small claims courts.

Referred to Committee on Judiciary.

Assembly Bill No. 2573—An act to amend Sections 770 and 771 of the Vehicle Code, relating to fines and forfeitures.

Referred to Committee on Transportation.

Assembly Bill No. 101—An act to amend Section 2020 of the Welfare and Institutions Code, relating to aid to the aged under the Old Age Security Law.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 187—An act to amend Section 16601 of the Business and Professions Code, relating to sales of the good will of a business.

Referred to Committee on Business and Professions.

Assembly Bill No. 210—An act to amend Section 1297 of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Assembly Bill No. 242—An act to amend Section 5752 of the Welfare and Institutions Code, relating to the appointment of guardians of insane or incompetent persons.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 540—An act to repeal Article 5, consisting of Sections 5570 to 5578, inclusive, of Chapter 3 of Division 3, and to add a new article numbered 5, consisting of Sections 5560 to 5587, inclusive, to Chapter 3 of Division 3 of the Business and Professions Code, relating to the practice of architecture.

Referred to Committee on Business and Professions.

Assembly Bill No. 624—An act to add Section 5600.5 to the Business and Professions Code, relating to retirement of persons from the practice of architecture.

Referred to Committee on Business and Professions.

Assembly Bill No. 757—An act to amend Section 6660 of the Welfare and Institutions Code, relating to guardianship and administration of the inmates' estates.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1128—An act to add Sections 432.6, 990.1, 990.2, 990.3, 990.4, 990.5, 990.6, 990.7, 994, 995, 995.1 and 995.2 to the Fish and Game Code, relating to commercial fishing licenses and permits to operate vessels for transporting persons for the purpose of taking fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 1309—An act to add Section 155.5 to the Welfare and Institutions Code, relating to the Whittier State School.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1496—An act to amend the Fish and Game Code of the State of California by adding thereto Sections 103.7, 615.6, 615.7, 615.8, relating to steelhead trout fishing in the Carmel River.

Referred to Committee on Fish and Game.

Assembly Bill No. 1639—An act to amend Section 4300b and to repeal Section 4300d of the Political Code, relating to fees for official services.

Referred to Committee on Judiciary.

Assembly Bill No. 1716—An act to amend Sections 735.3, 735.4, 736.3, 736.13, 736.14, 737.5, 737.7 and 737.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Referred to Committee on Agriculture.

Assembly Bill No. 1913—An act to amend Section 662 of the Political Code, relating to the payment of fees to private persons, firms and corporations.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1984—An act to add Section 104.9 to the Streets and Highways Code, relating to deeds and other evidences of title in connection with rights of way and other property necessary for highway purposes.

Referred to Committee on Transportation.

Assembly Bill No. 2120—An act to add Section 63 to the Labor Code, relating to refunds.

Referred to Committee on Labor.

Assembly Bill No. 2138—An act to add Section 2057 to the Code of Civil Procedure, relating to statements of parties to actions for personal injuries.

Referred to Committee on Judiciary.

Assembly Bill No. 2336—An act to amend Sections 653.1, 653.3, 653.5, 653.8, 653.9, 653.14 and 653.15 of the Civil Code, relating to cooperative corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 2360—An act to amend Section 1501 of the Welfare and Institutions Code, relating to aid to needy children.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2447—An act to amend Section 653.16 of the Civil Code, relating to cooperative corporations.

Referred to Committee on Judiciary.

Assembly Bill No. 2475—An act to amend Section 4276 of the Political Code, relating to compensation for public service in counties of the forty-seventh class.

Referred to Committee on Local Government.

Assembly Bill No. 2600—An act to amend Sections 7643, 7662, 7665, 7666, 7668 and to repeal Section 7664 of the Business and Professions Code, relating to embalmers and apprentices.

Referred to Committee on Business and Professions.

Assembly Bill No. 2602—An act to amend Section 7602 of the Business and Professions Code, relating to the Board of Funeral Directors and Embalmers.

Referred to Committee on Business and Professions.

Assembly Bill No. 2603—An act to amend Section 7608 of the Business and Professions Code, relating to the Board of Funeral Directors and Embalmers.

Referred to Committee on Business and Professions.

Assembly Concurrent Resolution No. 2—Relative to a legislative declaration of the public policy of this State with reference to the acquisition and use of beaches for public park purposes.

Referred to Committee on Natural Resources.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1323—An act to amend Section 392 of the Penal Code, relating to the running of railroad trains with passenger cars ahead of freight cars; And reports that the same has been correctly enrolled, and presented to the Governor on the sixteenth day of May, 1941, at 8.50 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 305—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, by reenacting Sections 68, 69 and 72; and by adding to said act, as amended, new Section 74, relating to statutes to be codified in the proposed water code; declaring the legislative intention as to unconstitutionality and declaring the urgency of this act, to take effect immediately;

Senate Bill No. 498—An act to add Section 49862 to the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes, to take effect immediately;

Senate Bill No. 543—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by adding thereto new Sections 21.1 and 21.2, relating to allocation of proceeds of contracts or other sources of payment to the payment of bonds and 21.3, relating to redemption of bonds and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 544—An act to amend the Palo Verde Irrigation District Act, approved June 21, 1923, as amended, by amending Section 26, relating to annual estimate for taxes, and Section 28, relating to annual tax levy; and declaring the urgency thereof, to take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1941, at 12 m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 785

Senate Bill No. 874

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 17, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 995

And reports the same correctly re-engrossed.

RICH, Chairman

* **Committee on Labor**

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 1754

Assembly Bill No. 1331

Assembly Bill No. 692

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

BIGGAR, Chairman

Above reported bills ordered to second reading.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Fletcher moved that Senate Bill No. 484 be placed on the inactive file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Fletcher moved that Assembly Bill No. 314 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Fletcher moved that Assembly Bill No. 359 be taken from the inactive file, and placed on the second reading file.

Motion carried.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS****Senate Bill No. 416**—An act to amend Sections 9, 30, 34, 35, 46, 49, 76, 85a, 90, 92 and 101 of the State Employees Retirement Act, relating to a retirement system for employees and officers of the State of California, and of such cities, school districts, and counties as may elect to include their employees by contract.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 336—An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in Section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act relating to State school lands and declaring the rights of holders of certificates of purchase affected by "An act relating to and providing for a moratorium with respect to forfeiture of State school lands as provided for in Section 3513 of the Political Code, to take effect immediately," approved January 31, 1935 (Chapter 8, Statutes of 1935), repealing Section 2 of said act."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 1 to 25, inclusive, and insert "SECTION 1. In any case where the holder of a certificate of purchase of State school lands affected by the moratorium declared by Chapter 8 of the Statutes of 1935, was not entitled to claim the benefit of said moratorium because of the provisions of Section 2 of said chapter, and if notice of the forfeiture of any such certificate of purchase has not heretofore been entered upon the records of the State Lands Commission and notice thereof forwarded to the recorder of the county in which the lands are situated, pursuant to Section 3513 of the Political Code, any right which the State had or may have to the forfeiture of said certificate of purchase or the rights of the holder thereof or to declare any such certificate void because of the provisions of said Section 2 of Chapter 8 of the Statutes of 1935, is hereby forever barred. All such certificates of purchase and patents issued under any such certificates are hereby declared to have the same validity, force and effect as if said Section 2 of Chapter 8 of the Statutes of 1935 had not been enacted.

SEC. 2. Section 2 of an act entitled "An act relating to and providing for a moratorium with respect to forfeiture of State school lands as provided for in Section 3513 of the Political Code, and declaring the urgency thereof, to take effect immediately, approved January 31, 1935," (Chapter 8 of the Statutes of 1935) is hereby repealed."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1265—An act relating to the duties of the State Board of Prison Directors, the Board of Prison Terms and Paroles, and the officers and wardens of the State prisons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, after "An act", insert "to add Section 2060 to the Penal Code,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "the Board of Prison Terms and Paroles,".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 10, inclusive, and insert

"SECTION 1. Section 2060 is hereby added to the Penal Code, to read as follows: 2060. For the purposes of Political Code Section 352, the following constitute, among other proper purposes, State business for directors on the board, wardens, clerks, officers and employees of the board for which such directors, wardens, clerks, officers and employees shall be allowed actual and necessary traveling expenses when the State travel and expense have been approved by the Governor and the Director of Finance as provided in said section:

Attending meetings of any National association or organization, having as its principal purpose the study of matters relating to penology, including prison management and paroles, or to a particular field thereof; conferring with officers or employees of the United States relative to problems relating to penology, including prison management and paroles, in California; conferring with officers or employees of other States engaged in the performance of similar duties; and obtaining information useful to the board in the conduct of its work."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Senate Bill No. 995—An act to repeal Section 16½ and to amend Section 54 of the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 949—An act to repeal Chapter 395 of the Statutes of 1915 entitled "An act providing for the sale of certain State lands suitable for cultivation," approved May 15, 1915, as amended.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1080—An act to amend Sections 6 and 54 of the Alcoholic Beverage Control Act, relating to restrictions on wholesalers' licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1358—An act quitclaiming to the City of Oakland the interest of the State of California arising by virtue of tax deeds in and to certain salt marsh, tide and submerged lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1933—An act to amend Section 3521 of the Political Code, relating to patents for State lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 950—An act to amend Section 1 of Chapter 389, Statutes of 1915, entitled "An act providing for the sale of certain State lands," approved May 15, 1915, relating to State lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 209—An act to add Section 61.2 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages and providing for proof, upon demand, that persons to whom such beverages are served or sold are over the age of 21 years.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2161—An act relating to the Immigration Inspector of the Division of Immigration and Housing.

Bill read second time, and ordered to third reading.

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California to amend Section 23 of Article IV of the Constitution of said State, relating to the compensation of members of the Legislature.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed measure, as amended, strike out lines 12 to 15, inclusive, and insert

"Sec. 23. The members of the Legislature shall receive for their services the sum of two hundred dollars (\$200) each for each month of the term for which they are elected, to be paid monthly in the even-numbered years and to be".

Amendment No. 2

On page 1 of the printed measure, as amended, strike out lines 20 to 23, inclusive, and insert "provided by law and mileage to be fixed by law, all paid out of the State Treasury, such mileage not to exceed five cents (\$0.05) per mile."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 720—An act to add Section 154.5 to the State Civil Service Act, relating to medical examinations of State employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, after line 26, insert "In the event any employee is physically or mentally unable to perform his work, he shall be entitled to use any accumulated sick leave to his credit as provided for in this act and under the rules of the board, and to obtain a leave of absence as provided for in this act. In the event he takes a leave of absence, he shall be entitled to return to his position at any time within one year upon evidence of recovery. In the event charges are filed under Section 173 hereof against any employee by reason of any physical or mental disability, the board shall not consider the matter unless such sick leave has been exhausted and the employee has either refused to take such a leave of absence or has been on a leave of absence for a period of one year. In the event the board considers such charges, and they are sustained, the employee shall not be dismissed if it is shown there is any position to which the employee could be demoted or transferred, the duties of which he could perform, but an order for such demotion or transfer shall be made. Where no such position can be found, the board shall also have power to order that the employee be suspended rather than dismissed, such suspension to be revoked upon a showing to the board that the employee has recovered from such disability."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1377—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2, line 19, of the printed bill, as amended in the Assembly, April 25, 1941, after "State", insert "or elsewhere".

Amendment No. 2

On page 2, line 25, of the printed bill, as amended in the Assembly, April 25, 1941, after "hereof", insert "but when such expenses are incurred with respect to travel outside of the State, they shall be subject to the approval of the Governor and Director of Finance".

Amendment No. 3

On page 2, line 46, of the printed bill, as amended in the Assembly, April 25, 1941, after "thereof", insert "or any representative designated by the board".

Amendment No. 4

On page 3, line 2, of the printed bill, as amended in the Assembly, April 25, 1941, after "pena", insert "or who shall refuse to answer any question touching upon the matter under investigation by the board put to him by any member of the board, its secretary or designated representative".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1320—An act to amend Section 50 $\frac{1}{2}$ of the Public Utilities Act, authorizing the establishment of joint and through rates by highway common carriers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 778—An act to amend Sections 1, 2, 6, 7 and 8 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof,' approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act, approved May 15, 1933, relating to motor carrier transportation agents."

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities:

Amendment No. 1

On page 3, line 24, of the printed bill, as amended, strike out "In the event that".

Amendment No. 2

On page 3 of the printed bill, as amended, strike out lines 25 to 43, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 786—An act to amend Section 12024.5 of the Business and Professions Code, relating to the sale of meat, fish and poultry by weight.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1012—An act to amend Sections 6735, 6752, 6757, 6775, 6787 and 6799 of the Business and Professions Code, relating to persons practicing civil engineering.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1011—An act to amend Sections 8705, 8726, 8727, 8728, 8729, 8730, 8742, 8746, 8748, 8762, 8764, 8765, 8769, 8772, 8781 and 8792, of the Business and Professions Code, relating to the regulation of persons engaged in land surveying.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2088—An act to add Section 2380.5 to the Business and Professions Code, relating to the advertising of medical business.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1453—An act to amend Sections 2551 and 2553 of the Business and Professions Code, relating to registered dispensing opticians.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1452—An act to amend Section 2554 of the Business and Professions Code, relating to registered dispensing opticians.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2358—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1497—An act to amend Section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1708—An act to amend Section 20763 of the Business and Professions Code, relating to renewal of licenses to sell petroleum products at retail.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "renewal", and insert "annual".

Amendment No. 2

On page 1, line 8, of the printed bill, as amended, after "made", insert "on or".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1942—An act to add Division 6 to the Public Resources Code, thereby consolidating and revising the law relating to the natural resources of the State, including the administration, management, leasing, and disposition of public lands and other lands, and the oil and gas and other mineral deposits within or upon such lands, owned by the State, by counties, or by cities, and to add Sections 10012 and 10013 to said code, repealing certain acts and parts of acts specified therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2633—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 2633 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 2633

Assembly Bill No. 2633—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Motion to Reconsider

Senator Seawell moved to reconsider the vote whereby Assembly Bill No. 2633 was passed.

Postponement of Reconsideration

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2633 was passed, was continued until the next legislative day.

THIRD READING OF SENATE BILLS

Senate Bill No. 1337—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for support, construction and equipment, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1337:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 15, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 1337

"An act making an appropriation to the Division of Forestry, Department of Natural Resources, for support, construction and equipment, declaring the urgency thereof, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1337 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 386—An act to amend Section 19597 of the Business and Professions Code, and to amend Section 14 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act; and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 386?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to amend Section 19597"; and strike out all of lines 2 to 12, inclusive.

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 32, and insert

"SECTION 1. On and after the effective date of this act, but not subsequent to December 25, 1941, every person licensed to conduct a horse racing meeting under Chapter 769 of the Statutes of 1933, as amended, or Chapter 4 of Division 8 of the Business and Professions Code, may deduct a commission from the gross amount of money handled in the pari-mutuel pool operated by him which shall not exceed 8 per cent of such gross amount of money handled and the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of ten cents (\$0.10).

The amount so deducted shall be in addition to the license fee.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution of the State of California and shall therefore go into effect immediately. A statement of the facts constituting such necessity is as follows:

Confusion regarding the correct method of calculating the breakage has damaged racing in California, and if not immediately terminated, may result in permanent injury to an important source of revenue to State educational institutions. It is necessary that this act take effect immediately in order that injury may be averted while a permanent solution is being worked out."

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 34 to 52, inclusive; and strike out all of page 3.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 386 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle Waggy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 785—An act to add a new section to the School Code, to be numbered 5.775, relating to the public school system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 432—An act to add Section 73h to the Code of Civil Procedure, relating to designation of assistants to the presiding judge and the furnishing of secretarial and stenographic services to such assistants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 658—An act to amend Sections 1299.18, 1299.20 and 1300.4 of, and to add a new section, to be numbered 1300.4a, to the Agricultural Code, relating to processors.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 658?

Amendment No. 1

On page 2, line 16, of the printed bill, following "loans", insert ", whether in money or other property,".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 658 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 564—An act to amend Section 653 of the Fish and Game Code, relating to salmon in Districts 2 and 2½.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 564?

Amendment No. 1

On page 1, line 5, of the printed bill, following "Salmon", insert "taken in District 2½".

Amendment No. 2

On page 1, line 7, of the printed bill, following "districts", insert a period, and strike out the balance of the line; and strike out all of line 8.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 564 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Foley, Garrison, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—25.

NOES—None.

Above bill ordered enrolled.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Rich moved that Senate Bill No. 133 be placed on the inactive file.

Motion carried.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 195 was passed.

The roll was called, and Senate Bill No. 195 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Tickle, Waggy, and Ward—28.

NOES—None.

Above bill ordered to unfinished business file.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Seawell, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1306 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2426—An act to amend Section 19a of the Penal Code, relating to punishment for crime.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—26.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

President Pro Tempore of the Senate Presiding

At 3.25 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

Assembly Bill No. 780—An act to amend Section 1145 of the Agricultural Code, relating to imported egg products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1893—An act to amend Sections 6 and 14 of the California Agricultural Products Marketing Act of 1937, relating to terms and conditions of agreements and orders issued under such act, enforcement of such agreements and orders, and declaring this act to be an urgency measure, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126—An act to amend Section 596 of the Penal Code, relating to the use of poisons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—Senator Metzger—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 155—An act to add Article 3, comprising Section 1980, to Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to the employment of persons who are members of the Communist Party or of any organization or group which advocates the overthrow of the Government by force and violence.

Bill read third time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 2, of the printed bill, as amended, after "on", insert "or after".

Amendment read and adopted.

Bill ordered printed, and to third reading.

President of the Senate Presiding

At 3.40 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

Assembly Bill No. 1629—An act to provide for the sale and conveyance of certain lands lying within the abandoned river channel of the American River lying in the County of Sacramento, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 47—Relative to memorializing the President, Secretary of Agriculture, and the Congress of the United States to aid in furthering the development of Highway 20.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 2204—An act to amend Section 504 of the Public Resources Code, relating to the Department of Natural Resources and changing the name of the Division of Parks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Garrison, Judah, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wag, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Rich:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately.

Respectfully submitted.

SENATOR RICH

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman	MYHAND
BREED	DEUEL
TICKLE	

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1338: By Senator Rich—An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately.

Without reference to committee.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2272—An act to add Section 48.2 to the State Lands Act of 1938, and to add Section 6900 to the Public Resources Code, relating to leases of tide and submerged lands for extraction of minerals other than oil and gas.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Swan, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1109—An act to amend an act entitled "An act to provide for the registration of bonds issued by the State of California, or any county, city and county, municipal corporation, or other public corporation," approved April 14, 1913, as amended, by adding a new section thereto, to be numbered Section 5, relating to the re-conversion of registered bonds into coupon bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—27.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 367—An act to amend Sections 2, 13 and 15 of, and to add Sections 12.5 and 16.1 to, the Subdivision Map Act, relating to subdivisions and to the examination of maps by public officers and charging fees therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 385—An act to add Section 2671.5 to the Elections Code, relating to fees for filing declaration of candidacy.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Seawell, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1832—An act to amend Section 9918 of the Elections Code, and Sections 852 and 858 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to the time of canvassing of votes in municipal elections, and providing for the meeting of municipal legislative bodies for that purpose.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1210—An act to add Section 5567 to the Elections Code, relating to the conduct of elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, McBride,

McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1833—An act to amend Sections 1771, 9700, 11060, 11103 and 11121 of, and to add Section 9482 to, the Elections Code, relating to municipal elections, including procedure in the referendum and recall.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McCormack, Metzger, Mixer, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 360—An act to amend School Code Sections 2.870, 2.871, 2.879 and 2.879½, all relating to the election of members of governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1995—An act to amend Section 4.910 of the School Code, relating to high school courses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Foley, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, and Slater—21.

NOES—Senators Carter, Gordon, and Swan—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1996—An act to add Article 3 to Chapter 11 of Part 1 of Division 2 of the School Code, relating to junior college districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuebel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1305—An act to add Section 3.94 to the School Code, relating to the maintenance of public school classes on Saturday.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Slater, Swan, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1944—An act to amend Sections 3.422, 3.460 and 3.480 of, and to repeal Section 3.482 of the School Code, all relating to evening schools and special day and evening classes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Slater, Swan, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1033—An act to add Article 11, consisting of Sections 5450 to 5459, inclusive, to Chapter 1 of Division 5 of, to add Chapter 5, consisting of Sections 5300 to 5302, inclusive, to Division 7 of, and to amend Sections 2831, 2832, 2840, 2841, 2842 and 2843 of, the Elections Code, relating to county central committees and campaign funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Slater, Swan, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 727—An act to add Section 1.92 to the School Code, relating to school buses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 1209 be placed on the inactive file.

Motion carried.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Garrison moved that the Senate, at this time, reconsider the vote whereby an amendment to Senate Bill No. 114 was adopted.

The roll was called, and the amendment to Senate Bill No. 114 reconsidered by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Billinger, Fletcher, Foley, Garrison, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Quinn, Rich, Seawell, Slater, Swan, Waggy, and Ward—26.
 NOES—None.

Bill ordered to third reading.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Garrison, ordered printed in the Journal:

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
 SACRAMENTO, CALIFORNIA, May 16, 1941

*Honorable J. C. Garrison, Senate Chamber
 State Capitol, Sacramento, California*

SUBJECT: Senate Bill No. 114—"The Revenue Bond Act of 1941"

REQUEST: No. 3483

DEAR SENATOR GARRISON: You have requested our analysis and opinion as to an amendment to Senate Bill No. 114, a copy of which amendment is attached hereto.

The amendment provides that after the passage of the resolution by any municipality as mentioned in Section 4, subdivision (a) of the bill and before submission to the voters, the governing body of the municipality shall submit the "petition" by resolution to the California District Securities Commission for their investigation and approval upon certain specified points.

The exact meaning of the language "shall submit such petition by resolution" is not clear as there is no petition provided for by the bill. We assume that "project" was intended rather than "petition." We also assume that the commission referred to is the California Districts (not District) Securities Commission.

You ask us if the amendment empowers and requires the commission to investigate and report on the points specified to be submitted for its investigation and approval.

The amendment is silent as to the duties of the commission as it simply requires the governing body of the municipality to submit the petition (or project) to the commission for their (presumably meaning "its") investigation and approval.

Therefore the existence of any power and duty of the commission in the matter depends upon either:

(a) The existence of some other provision of law conferring the power and imposing the duty, or

(b) The existence of a necessary implication from the fact that the matter is required to be submitted to the commission that it is required to act upon it in some way.

The commission is established by, and functions mainly under, the California Districts Securities Commission Act. (Deering's General Laws, Act No. 3857a). The commission consists of the Attorney General, the Superintendent of Banks, the State Engineer, and two members appointed by the Governor, each appointive member being a person with five years' experience as an officer or employee of an irrigation district.

The primary function of the commission under the act as originally enacted was to investigate irrigation district projects and if it found them economically sound and feasible, to report its findings to the Controller. The bonds of the district thereupon became eligible for certification by the Controller and when certified became legal investments for trust, insurance company, bank, and similar funds.

The act now provides that in addition to irrigation districts, a water storage, water conservation, county water, reclamation, or drainage district, or any other district the primary function of which is irrigation, reclamation or drainage, may elect to have its bonds certified and to come under the act. In that event, such a district becomes subject to the provisions as to supervision of expenditures from the proceeds of the certified bonds and other provisions of the act, excepting Section 11 which is a special provision relating to irrigation districts in default.

As defined in the bill the term "municipality" includes some but not all of the districts which are or may become subject to the act. The term "municipality" in the bill, however, also includes city, county, city and county, municipal utility district, public utility district, metropolitan water district, sanitary district, county sanitation district, and sanitation district, over none of which the commission now has any jurisdiction.

Therefore, even assuming that the amendment could be interpreted to incorporate by reference the provisions of the California Districts Securities Commission Act

as to the districts which now are or may be subject to the act, there is nothing in that act which could be applied to projects or bonds of cities, counties, cities and counties, and the various districts included within the term "municipality" which are now entirely outside the scope of the act.

Therefore, as to the greater number of "municipalities" whatever powers are conferred upon the commission are derived entirely from a possible implication that a requirement that the matter be submitted for investigation and approval carries with it a duty to investigate, approve or disapprove and to report.

It is quite possible that if a court were confronted with the question it would hold that such an implication exists and that so far as the commission's authority to investigate and approve is concerned the amendment should be construed to grant the authority.

This does not, however, necessarily result in the imposition of an enforceable duty upon the commission. The amendment does not supply the commission with any facilities or funds with which to conduct the investigations and it is quite obvious that no writ of mandate could issue to compel it to act if no money was available for the purpose (*Sutro Heights Land Co. vs. Merced Irrigation District*, (1931) 211 Cal. 670).

Under Section 16 of the California Districts Securities Commission Act a district requesting investigation and report under the act is required to contribute to the commission a sum to be agreed upon by the commission and the district. There is nothing in the amendment authorizing such a contribution by a municipality as defined in the bill and certainly nothing requiring it. It may be noted that Item 137 of the Budget Bill in its present form (Assembly Bill No. 1800, as amended May 5, 1941) proposes to appropriate \$19,960 to the commission.

The result is that even though the amendment were interpreted as casting a duty upon the commission to make the investigations and to approve or disapprove the project and report thereon, there is a possibility that nothing could be done to enforce performance of such a duty.

Therefore as to your question whether the amendment empowers and requires the commission to investigate and report on the matters submitted to it, in our opinion the amendment is susceptible of being interpreted as imposing such a duty, but unless provision is made for empowering the commission to carry out the duty, performance can not be compelled.

As to the effect of the approval or disapproval of the commission, you will observe that the amendment is utterly silent. In terms the amendment simply requires the submission of something called a petition to the commission for investigation and approval. The matter drops there and everything else is left to inference. It may be inferred that it is intended that the commission make the investigation, although no facilities are provided for its doing so. It may be inferred that the commission is to report the results to some person or body, although the amendment is silent as to whom.

It may also be inferred that it is intended that the approval (or disapproval) have some effect but there is nothing upon which to base any inference whatever as to what the effect is to be.

It might be that the effect of the approval is intended to be that the bonds are eligible for certification under the California Districts Securities Commission Act.

It might be that the effect is intended to be that unless approval is obtained the proceedings are to be dropped.

It might be that the effect intended is that the voters will have the results of the commission's investigation and report as a guide to their voting at the election.

However, the amendment gives no indication of what possible effect is intended and a court confronted with the problem would be helpless. It could not disregard the amendment entirely, particularly if it looked into the history of the bill and found the amendment had been separately adopted. It could not conclude that the Legislature had deliberately required the performance of an idle act to no purpose. And it would have no basis for determining what effect the submission, investigation and approval was intended to have. Consequently the court would be driven to the conclusion that the Legislature had enacted an incomplete statute which could not have any operative effect.

Consequently, in our opinion, the amendment (without further amplification and specification) would impart into the bill an element of uncertainty in an important particular that would make the bill difficult of administration if enacted into law.

It would likely thereby render the measure inoperative as a whole unless under the provisions of Section 16 of the bill the courts should hold the amendment nugatory and separable, leaving the remaining provisions in operation and effect. Whether the courts would feel they could thus rule as to separability of the amendment is a matter of doubt.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1490—An act to amend Section 19 of the "Assessment Bond Refunding Act of 1933," relating to certification of delinquencies to tax collector.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Breed moved to reconsider the vote whereby Assembly Bill No. 1033 was passed.

Postponement of Reconsideration

On motion of Senator Breed, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1033 was passed, was continued until the next legislative day.

CONSIDERATION OF SENATE BILL NO. 1338

Senate Bill No. 1338—An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Senate Bill No. 1338 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Wagy, and Ward—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Senate Bill No. 1338—An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately.

Bill read second time.

Senate Bill No. 1338—An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Mayo,

McBride, McCormack, Metzger, Mixter, Quinn, Rich, Seawell, Slater, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 39: By Senator Crittenden—
Relative to the appointment of a Labor Mediation Board.

WHEREAS, All persons must take cognizance of the fact that an emergency now exists, perhaps of more severity than at any time in our history, and that labor disputes are prevalent throughout the State; and

WHEREAS, These disputes have resulted in strikes on the part of employees which are seriously crippling the handling of perishable crops and seriously delaying industry in the production of war materials and the completion of governmental contracts; and

WHEREAS, It is no part of the purpose of this resolution to determine who is to blame for these strikes; and

WHEREAS, It is, however, the duty of the Government of the State of California to put forth every lawful and just effort to settle these strikes forthwith, and to have determined what is a just and fair solution of each individual conflict, to the end that men may go to work at once; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereon concurring. That the Legislature of the State of California does hereby request the Governor of the State to appoint forthwith a Mediation Board of his own selection which shall at once proceed to hold hearings, find facts and immediately make recommendation for settlement, and publish its findings of facts and recommendations, to the end that opposing interests may settle their differences at once for their own interests and primarily for the benefit of all the people of California; and be it further

Resolved, That the Governor of the State of California is urged to use whatever funds may be available for the necessary expenses of the Mediation Board, it being the sense of this Legislature that if adequate funds are not available for the purpose, they be made available.

Resolution read, and ordered printed in the Journal.

**APPOINTMENT OF COMMITTEE ON CONFERENCE CONCERNING
ASSEMBLY BILL NO. 1229**

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Gordon, Brown, and Mayo as a Senate Committee on Conference concerning Assembly Bill No. 1229 to meet a like committee of the Assembly.

COMMITTEE ON RULES
RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 115

Senate Resolution No. 115

Relative to the highway from U. S. Highway 99E near Vina to Fort Bragg

WHEREAS, There is urgent need for an adequate highway running from U. S. Highway 99E near Vina westerly through Corning, Covelo and Laytonville to Fort Bragg; and

WHEREAS, This highway, important as an avenue for travel and commerce, is a particularly vital link in furtherance of Military and National defense objectives because of the vast amount of natural resources such as timber now almost inaccessible along the route of this highway; now, therefore, be it

Resolved by the Senate of the State of California, That the Division of Highways of the State Department of Public Works is hereby directed to request the appropriate agencies of the United States Government, including the Bureau of Public Roads and the Office of Production Management, to incorporate this highway project in the Military Access Road Program because of its strategic location and the value of the resources it would make available; and be it further

Resolved. That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works, the Bureau of Public Roads, and the Office of Production Management.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dencl, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Seawell, Slater, Wagy, and Ward—25.
 NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1338

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1165—An act to add Section 2.5 to the California Unemployment Relief Act of 1935, establishing a revolving fund for use in the operation of the Federal stamp plan, making an appropriation therefor, abolishing the revolving fund created by the Unemployment Relief Appropriation Act of 1940, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the nineteenth day of May, 1941, at 5 p.m.

RICH, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 531

Assembly Bill No. 2064

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 236

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 690

Assembly Bill No. 2078

Assembly Bill No. 841

Assembly Bill No. 2256

Assembly Bill No. 1547

Assembly Bill No. 2492

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

McCORMACK, Chairman

Above reported bills ordered to second reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, May 12, 1941; Tuesday, May 13, 1941; Wednesday, May 14, 1941; Thursday, May 15, 1941; Friday, May 16, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

ADJOURNMENT

At 5.10 p.m., on motion of Senator Slater, the President declared the Senate adjourned until 2 p.m., May 20, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-THIRD LEGISLATIVE DAY

ONE HUNDRED THIRTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 20, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swang, Tickle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Phillips, on motion of Senator McBride.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Assemblyman Frank W. Luttrell of Santa Rosa, former Assemblyman Hubert B. Seudder of Sebastopol, A. L. Lee and Ashton Hayes of Santa Rosa.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarence Rogers of Santa Barbara.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. Shepard French of San Francisco.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Maude Pesante of Oakland.

On request of Senators Waggy and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James Henderson of Roseville.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 327

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1338

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 363—An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346, 6360 and 6363 of the Business and Professions Code, and to add Sections 6326, 6348.3 and 6348.5 thereto, relating to boards of law library trustees and law libraries.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 360

Senate Bill No. 915

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 19, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

House Resolution No. 211

Resolved by the Assembly of the State of California, That the Senate be requested to furnish the Assembly a duplicate engrossed copy of Senate Bill No. 895, relating to making the State of California a party to quiet title actions; the original having been lost or misplaced.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 205	Assembly Bill No. 1393
Assembly Bill No. 301	Assembly Bill No. 1436
Assembly Bill No. 306	Assembly Bill No. 1514
Assembly Bill No. 481	Assembly Bill No. 1591
Assembly Bill No. 492	Assembly Bill No. 1593
Assembly Bill No. 497	Assembly Bill No. 1650
Assembly Bill No. 508	Assembly Bill No. 1662
Assembly Bill No. 527	Assembly Bill No. 1664
Assembly Bill No. 546	Assembly Bill No. 1817
Assembly Bill No. 686	Assembly Bill No. 1856
Assembly Bill No. 820	Assembly Bill No. 1916
Assembly Bill No. 916	Assembly Bill No. 1917
Assembly Bill No. 943	Assembly Bill No. 1932
Assembly Bill No. 1059	Assembly Bill No. 1935
Assembly Bill No. 1119	Assembly Bill No. 2013
Assembly Bill No. 1135	Assembly Bill No. 2300
Assembly Bill No. 1147	Assembly Bill No. 2380
Assembly Bill No. 1270	Assembly Bill No. 2465
Assembly Bill No. 1272	Assembly Bill No. 2612
Assembly Bill No. 1355	Assembly Bill No. 1185

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 51
Assembly Constitutional Amendment No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 205—An act to add Section 7c to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal court attaches.

Referred to Committee on Judiciary.

Assembly Bill No. 301—An act to amend Section 17086 of the Business and Professions Code or to amend Section 10 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to close-out sales.

Referred to Committee on Business and Professions.

Assembly Bill No. 396—An act to amend Section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 481—An act to add Section 2175 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery under the jurisdiction of the Department of Institutions.

Referred to Committee on Business and Professions.

Assembly Bill No. 492—An act to amend Section 28.5 of the Agricultural Code, relating to refunds by the Department of Agriculture.

Referred to Committee on Agriculture.

Assembly Bill No. 497—An act to amend Section 323 of the Agricultural Code, relating to foreign cold storage meat sales license fees.

Referred to Committee on Agriculture.

Assembly Bill No. 508—An act to amend Section 1589 of the Labor Code, relating to surety bonds of employment agencies.

Referred to Committee on Labor.

Assembly Bill No. 527—An act to amend Section 7 of an act entitled "An act authorizing the establishing of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Local Government.

Assembly Bill No. 546—An act to add Section 5.143 to the School Code, relating to the issuance of teachers' credentials to blind or partially blind persons.

Referred to Committee on Education.

Assembly Bill No. 686—An act to add Section 1011.5 to the Fish and Game Code, relating to sharks.

Referred to Committee on Fish and Game.

Assembly Bill No. 820—An act to amend Section 307 of the Vehicle Code, relating to drivers' licenses.

Referred to Committee on Transportation.

Assembly Bill No. 916—An act to amend Section 12701 of the Business and Professions Code, relating to public weighmaster bonds and license fees.

Referred to Committee on Business and Professions.

Assembly Bill No. 943—An act to add Section 6215 to the Public Resources Code, relating to the administration of public lands, and providing alternative methods for protecting the interests of the State in the case of lands heretofore sold with a reservation to the State of a one-sixteenth interest in the oil and gas and other minerals therein.

Referred to Committee on Natural Resources.

Assembly Bill No. 1059—An act to amend Section 737eee of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Yolo.

Referred to Committee on Local Government.

Assembly Bill No. 1119—An act to amend Section 123 of the Agricultural Code, relating to shipments of nursery stock.

Referred to Committee on Agriculture.

Assembly Bill No. 1135—An act to amend Section 554 of the Labor Code, relating to days of rest.

Referred to Committee on Labor.

Assembly Bill No. 1147—An act to amend Section 1083 of the Agricultural Code, relating to commercial feeding stuffs.

Referred to Committee on Agriculture.

Assembly Bill No. 1270—An act to amend Section 750 of the Vehicle Code, relating to uniforms and equipment of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 1272—An act to amend Section 128 of, and to add Sections 124.1 and 128.5 to, the Vehicle Code, relating to the powers and duties of the Department of Motor Vehicles, the director thereof and the Chief of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 1355—An act to amend Section 5 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the division of corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1393—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the Government of the State, in order to provide for salary and wage adjustments for certain State employees, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1436—An act to amend Sections 2, 5, 7, 8, 11, 13 and 20 of and to add Sections 8.5 and 10.5 to "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall

take effect immediately." approved May 13, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Referred to Committee on Public Utilities.

Assembly Bill No. 1514—An act to amend Section 1176 of the Insurance Code, relating to insurance and investments by insurers.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1591—An act to amend the act entitled "District Investigation Act of 1933," relating to sanitary and sanitation districts.

Referred to Committee on Local Government.

Assembly Bill No. 1593—An act to amend the Streets and Highways Code by adding Section 2808 thereto, relating to the exemption of proceedings for the construction or acquisition of sanitary sewers and sewage disposal works from the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Referred to Committee on Local Government.

Assembly Bill No. 1650—An act to amend Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to irrigation districts for delinquent assessments.

Referred to Committee on Water Resources.

Assembly Bill No. 1662—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1664—An act to amend Section 664 of the Political Code, empowering the State Board of Control to prescribe by rule and regulation limitations upon amounts to be expended by officers, agents and employees of the State while traveling on official business of the State.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1817—An act to amend the "California Water Storage District Act," being Statutes of 1921, Chapter 914, as amended, by amending Sections 4, 6 and 17 of said act, and by adding thereto a new Section 25(a), relating to formation, organization and powers of water storage districts, and authorizing such districts to cooperate and contract with the United States under the provisions of any Federal laws now in force, or hereafter to be enacted, for a water supply or for acquisition, purchase, construction, extension, operation or maintenance of works for irrigation, storage, flood control or drainage or for the assumption by the district of indebtedness to the United States and to describe the provisions which may be included in any such contract and to provide for the levy, apportionment and collection of assessments to meet any payments required by such contract.

Referred to Committee on Water Resources.

Assembly Bill No. 1856—An act to amend Sections 30 and 39 of an act entitled “An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers,” approved May 31, 1921, relating to public utility districts in unincorporated territory.

Referred to Committee on Public Utilities.

Assembly Bill No. 1916—An act to amend Section 51, Statutes of 1917, Chapter 586, page 831, relating to workmen's compensation and payments to State Treasury by State Compensation Insurance Fund.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1917—An act to amend Section 11840 of the Insurance Code, relating to periods for which State Compensation Insurance Fund may write workmen's compensation insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1932—An act to repeal “An act to provide for the survey and creation of camp sites on State lands,” approved May 15, 1923.

Referred to Committee on Natural Resources.

Assembly Bill No. 1935—An act to amend Sections 6106, 6501, 6835, 6964, 6966 and 6978 of the Public Resources Code, to add Sections 6210.2, 6210.5, 6501.2, 6505 and 6963 to said code, and to add Chapter 4.1, comprising Sections 6991 to 6995, inclusive, to Part 2 of Division 6 thereof, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510, 6963, 6965, 6967, 6968 and 6969, and Chapter 2, comprising Sections 6601 to 6715, inclusive, of Part 2 of Division 6, thereof, all relating to lands owned by the State and the administration, management, leasing and disposal thereof.

Referred to Committee on Natural Resources.

Assembly Bill No. 2013—An act to amend Section 736.12 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream.

Referred to Committee on Agriculture.

Assembly Bill No. 2300—An act to amend Section 2 of the Fish and Game Code, relating to definitions.

Referred to Committee on Fish and Game.

Assembly Bill No. 2380—An act to amend Sections 2020, 2182 and 2184 of, and to add Section 2165a to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2465—An act to add Section 2193 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2612—An act providing for posting property used for certain purposes, prohibiting trespassing upon, and loitering in the immediate vicinity of, such posted property, and providing penalties for violation thereof.

Referred to Committee on Judiciary.

Assembly Bill No. 1185—An act to repeal Section 156 of the Fish and Game Code, relating to Fish and Game District 3E.

Referred to Committee on Fish and Game.

Assembly Joint Resolution No. 51—Relative to poll taxes.

Referred to Committee on Elections.

Assembly Constitutional Amendment No. 55—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 4c of, and adding Sections 4d and 5a to Article VI thereof, relating to the judicial department.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 336

Senate Concurrent Resolution No. 39

And reports the same correctly engrossed.

RICH, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1013

Assembly Bill No. 1024

Assembly Bill No. 2197

Assembly Bill No. 407

Assembly Bill No. 404

Assembly Bill No. 405

Assembly Bill No. 406

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 1071

Assembly Bill No. 1075

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 74

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 8; absent 1.

METZGER, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 706

Assembly Bill No. 1381

Assembly Bill No. 975

Assembly Bill No. 1713

Assembly Bill No. 976

Assembly Bill No. 2332

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1181

Assembly Bill No. 1516

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

DE LAP, Chairman

Above reported bills ordered to second reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 29—An act to add Section 653h to the Penal Code, relating to installation of dictographs.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 29?

Amendment No. 1

On page 1, line 10, of the printed bill, as amended, strike out "peace officer or", and insert "regular salaried peace officer expressly authorized thereto by the head of his office or department or by".

Amendment No. 2

On page 1, line 10, of the printed bill, as amended, strike out "when", and insert a comma and "when such use and installation are".

Amendment No. 3

On page 1, line 11, of the printed bill, as amended, strike out "his duty", and insert "their duties".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 29 by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Luekey, Mayo, McBride, Metzger, Myhand, Powers, Seawell, Shelley, Slater, Swan, and Ward—24.

NOES—None.

Above bill ordered enrolled.

WITHDRAWAL OF MOTIONS TO RECONSIDER

Senator Seawell moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1306 was passed.

Motion carried.

Senator Breed moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1033 was passed.

Motion carried.

Senator Seawell moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 2633 was passed.

Motion carried.

Above bills ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 531—An act to amend Section 511 of the Vehicle Code, relating to prima facie speed limits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "of", insert "and to add Sections 511.1, 511.2, 511.3, 511.4 and 511.5 to".

Amendment No. 2

Strike out line 2 of the title of the printed bill, and insert "the regulation of speeds on public streets and highways."

Amendment No. 3

On page 1, line 5, of the printed bill, after "section", insert "or established as authorized in this code".

Amendment No. 4

On page 1, line 9, of the printed bill, after "section", insert "or established as authorized in this code".

Amendment No. 5

On page 2 of the printed bill, strike out all of lines 12 to 16, inclusive; and insert "highways, except on a through highway or at a traffic-controlled intersection."

Amendment No. 6

On page 2, line 24, of the printed bill, after "home", insert "or United States Veterans' Administration Facility".

Amendment No. 7

On page 2 of the printed bill, strike out all of lines 35 to 49, inclusive; and on page 3, strike out all of lines 1 to 9, inclusive, and insert

"(c) Fifty-five miles per hour under all other conditions unless a different speed is established as provided in this code and signs are in place giving notice thereof.

SEC. 2. Section 511.1 is hereby added to the Vehicle Code, to read as follows:

511.1. Authority to Increase 25-Mile Limit. Whenever the Department of Public Works determines upon the basis of an engineering and traffic investigation that a speed of 35 miles per hour or 45 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any State highway otherwise subject to a prima facie limit of 25 miles per hour under this code, the department may determine and declare a prima facie speed of 35 or 45 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway.

SEC. 3. Section 511.2 is hereby added to the Vehicle Code, to read as follows:

511.2. Authority to Decrease 55-Mile Limit. (a) Whenever the Department of Public Works determines upon the basis of an engineering and traffic investigation that the prima facie limit of 55 miles per hour is more than is reasonable or safe

upon any portion of a State highway for a distance of not exceeding 1,500 feet in length between districts, either business or residence, or 1,000 feet at the end of either thereof, the department may determine and declare a reasonable and safe prima facie limit thereon lower than 55 miles per hour, but not less than 25 miles per hour, which declared prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway.

(b) Whenever the Department of Public Works determines upon the basis of an engineering and traffic investigation that the prima facie speed limit of 55 miles per hour is more than is reasonable or safe upon any portion of a State highway by reason of a horizontal curve or curves thereon, the department may determine and declare the prima facie speed limit to be at such lesser speed as it determines is reasonable and safe, which prima facie speed limit shall be effective when appropriate signs giving notice thereof are erected upon said highway.

SEC. 4. Section 511.3 is hereby added to the Vehicle Code, to read as follows:

511.3. **Speed Zoning on Other Than State Highways.** Local authorities may exercise the same powers and duties in determining and establishing prima facie speed regulations upon highways under their respective jurisdictions in the same manner as such regulations may be determined and established on State highways by the Department of Public Works, except that any change in the prima facie speed limits provided by this code shall be subject to approval in writing by the Department of Public Works.

SEC. 5. Section 511.4 is hereby added to the Vehicle Code, to read as follows:

511.4. **Signs to Indicate Speed Zones.** Whenever the State Department of Public Works or local authorities exercise the authority conferred in Sections 511.1, 511.2 or 511.3 to determine a safe and reasonable speed upon a highway or portion thereof, such department or local authority shall erect and maintain appropriate signs giving notice of the prima facie speed so determined upon such highway or portion thereof.

SEC. 6. Section 511.5 is hereby added to the Vehicle Code, to read as follows:

511.5. **Maximum Speed Limit.** There is hereby established a maximum speed limit of 70 miles per hour, and it is unlawful to operate any vehicle in excess thereof."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1754—An act to add Chapter 3, comprising Sections 7325 to 7332, inclusive, to Part 3 of Division 5 of the Labor Code, relating to the installation of safety devices upon the windows of all buildings, whether constructed heretofore or hereafter to be constructed, to safeguard and protect window washers and others employed upon said buildings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1331—An act to add Section 1640.5 to the Labor Code, relating to contracts of minors with employment agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 692—An act to amend Section 4600 of the Labor Code, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 690—An act to add Section 454.2 to the Vehicle Code, relating to the operation of vehicles owned by licensed physicians when traveling in response to emergency calls.

Bill read second time, and ordered to third reading.

Assembly Bill No. 841—An act to amend Sections 1, 5a and 11 of an act entitled "The California Air Navigation Act," relating to air navigation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1547—An act to amend Section 113 of the Vehicle Code, relating to the members of the California Highway Patrol.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2078—An act to amend Section 8 of an act entitled "An act to regulate the caravanning of vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled 'An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof,' approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately," approved July 1, 1937, regulating the caravanning of vehicles upon the public highways of the State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2256—An act to amend Section 164 of the Vehicle Code, relating to the registration of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2492—An act to amend Section 159 of the Vehicle Code, relating to the registration of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 236—An act adding Section 956.8 to, and amending Section 958 of, the Streets and Highways Code, relating to the abandonment of county highways.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

In line 12 of the printed bill, strike out "some newspaper", and insert "a newspaper of general circulation".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2064—An act to add a new section to the Vehicle Code, to be numbered 410.3, relating to the financial responsibility of an employee.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "a new section to the Vehicle Code, to be num-"; and strike out lines 2 and 3, of said title; and insert "Section

410.4 to the Vehicle Code, relating to the financial responsibility of employee-operators of motor vehicles."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 410.4 is hereby added to the Vehicle Code, to read as follows:

410.4. Financial Responsibility of Employee-Operators. The provisions of this chapter are not applicable in the case of an employee where a final judgment has been rendered both against such employee and his employer for damage to property or on account of bodily injury to or death of another resulting from the operation of a motor vehicle by such employee in the business of such employer, if:

(a) The employer is exonerated from responsibility; or

(b) The employer was not insured against liability at the time the damage, injury or death was caused, and the employee proves to the satisfaction of the department that, at and before the time of the causing of the damage, injury or death, he had reasonable ground to believe that the employer was insured against liability because of previous statements and representations made to that effect by the employer, and that he would not have entered or continued in the service of such employer but for such statements and representations."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 314—An act to amend School Code Section 6.471, relating to the purchase of articles by governing boards of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 359—An act to repeal School Code Section 2.889 and to amend School Code Section 2.891, relating to the conducting of elections for members of governing boards of school districts.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill No. 518—An act to repeal Chapter 5 of Part 1 of Division 2, and Chapter 3 of Part 2 of Division 2, of the School Code, relating to consolidated school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator Ward Presiding

At 2.50 p.m., Hon. Clarence C. Ward of the Thirty-first District presiding.

Senate Concurrent Resolution No. 39—Relative to the appointment of a Labor Mediation Board.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Wagy—30.

NOES—Senators DeLap, Metzger, Myhand, Parkman, Rich, Tickle, and Ward—7

Resolution ordered transmitted to the Assembly.

President of the Senate Presiding

At 3 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1887

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

CONSIDERATION OF ASSEMBLY BILL NO. 1887

Assembly Bill No. 1887—An act making an appropriation in augmentation of the Revolving Fund of the Bureau of Printing, Department of Finance, to take effect immediately.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1887:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 16, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 1887

"An act making an appropriation in augmentation of the Revolving Fund of the Bureau of Printing, Department of Finance, to take effect immediately", in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 1887 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 1887 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—35.
NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 1887—An act making an appropriation in augmentation of the Revolving Fund of the Bureau of Printing, Department of Finance, to take effect immediately.

Bill read second time.

Assembly Bill No. 1887—An act making an appropriation in augmentation of the Revolving Fund of the Bureau of Printing, Department of Finance, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Concurrent Resolution No. 40: By Senators Rich, Myhand, Tickle, Denel and Breed—Relative to adjournment sine die of the Fifty-fourth Session of the Legislature of the State of California.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 40, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 40

Senate Concurrent Resolution No. 40—Relative to adjournment sine die of the Fifty-fourth Session of the Legislature of the State of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 41: By Senator Kenny—Relative to approving 12 certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at the general municipal election held therein on the sixth day of May, 1941.

Request for Unanimous Consent

Senator Kenny asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 41, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 41

Senate Concurrent Resolution No. 41—Relative to approving 12 certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at the general municipal election held therein on the sixth day of May, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

In line 13 of the title of the printed bill, as amended, after "thereof", insert "; and providing for the certification of such bonds as legal investments".

Amendment No. 2

On page 10 of the printed bill, as amended, between lines 44 and 45, insert

"SEC. 15. Certification of Bonds as Legal Investments. Bonds issued under this act shall be subject to investigation and certification by the California Districts Securities Commission in accordance with the procedure prescribed in the California Districts Securities Commission Act, upon application by a municipality in the manner provided in Section 3a of said act for applications by districts. If, in the opinion of said commission, said bonds are adequately secured and the revenues of the enterprise applicable to the payment thereof are, or upon the acquisition, construction or improvement of said enterprise probably will be, sufficient to pay the principal and interest of said bonds, said commission shall certify that said bonds are eligible as legal investments for both public and private funds and as security for the deposit of public funds in banks in the State of California in accordance with the provisions of Section 9 of the California Districts Securities Commission Act. Upon presentation to the Controller of any bonds so certified he shall cause to be attached thereto a certificate in substantially the form, and which shall have the same effect, as the certificate provided for in Section 8 of said act. The expenses of the commission in connection with the bonds of any municipality under this section shall be borne by the municipality as provided in Section 16 of said act for contributions by districts to the commission for investigations or reports on bonds of districts."

Amendment No. 3

On page 10, line 45, of the printed bill, as amended, strike out "14.5", and insert "16".

Amendment No. 4

On page 10, line 50, of the printed bill, as amended, strike out "15", and insert "17".

Amendment No. 5

On page 11, line 27, of the printed bill, as amended, strike out "16", and insert "18".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1275—An act to add Section 164.7 to the Vehicle Code, relating to stolen or embezzled vehicles.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "and"; strike out all of lines 7 and 8; and in line 9, strike out "to the time such penalties accrued".

Amendment No. 2

On page 1, line 10, of the printed bill, strike out "30", and insert "10".

Amendment No. 3

On page 1, line 11, of the printed bill, after "recovery", insert "and prior to May 1 of the registration year upon filing an affidavit setting forth the circumstances of the theft or embezzlement,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1292—An act to add a new section, to be numbered 604.2, to the Vehicle Code, prohibiting the throwing of substances at vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 934—An act to amend Section 690.7 of the Code of Civil Procedure, relating to property exempt from execution and attachment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—Senator Myhand—1.

Bill ordered transmitted to the Senate.

MOTION TO RE-REFER ASSEMBLY BILL NO. 559

Senator Cunningham moved that Assembly Bill No. 559 be re-referred to Committee on Agriculture.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 155—An act to add Article 3, comprising Section 1980, to Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to the employment of persons who are members of the Communist Party or of any organization or group which advocates the overthrow of the government by force and violence.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—35.

NOES—None.

Motion to Amend

Senator Quinn moved the adoption of the following amendment to the title of Assembly Bill No. 155:

Amendment No. 1

In lines 3 and 4 of the title of the printed bill, as amended, strike out "of the Communist Party or".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to retain Assembly Bill No. 340, on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Breed asked for, and was granted, unanimous consent to retain Assembly Bill No. 560, on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1544—An act to amend Sections 4242 and 4242.2 of the Political Code, relating to the compensation for public services in counties of the thirteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Seawell, Shelley, Slater, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1334

Assembly Bill No. 1934

Assembly Bill No. 2059

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1308

Assembly Bill No. 2015

Assembly Bill No. 2055

Assembly Bill No. 1420

Assembly Bill No. 1174

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1168

Senate Bill No. 1293

Has had the same under consideration, and reports the same back without recommendation, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 948

Assembly Bill No. 1693

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Constitutional Amendment No. 25: By Senator Fletcher—

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (h) of Section 8 of Article XI thereof, relating to amending city and county charters.

Referred to Committee on Local Government.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 116

Resolved, That the following named person be and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning May 20, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

	<i>Six days per week</i>
Bob Walt, Assistant Sergeant-at-Arms-----	\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—25.

NOES—None.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1377—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 2, of the printed bill, as amended in the Senate on May 19, 1941, strike out "touching upon", and insert "pertinent to".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1491—An act to amend Sections 27 and 76 of the "Improvement Act of 1911," and to amend Sections 5398 and 6590 of the Streets and Highways Code, relating to certification of delinquencies to tax collector.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

Strike out line 1 of the title of the printed bill, as amended; and in line 2, strike out "of 1911," and ", and insert "An act".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, after "collector", insert "under the Improvement Act of 1911".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 to 29, inclusive; strike out all of pages 2 and 3; on page 4, strike out lines 1 to 38, inclusive; and in line 39, strike out "SEC. 3.", and insert "SECTION 1."

Amendment No. 4

On page 5, line 1, of the printed bill, as amended, strike out "Sec. 4.", and insert "Sec. 2."

Amendment No. 5

On page 5 of the printed bill, as amended, strike out lines 16 to 19, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 53—An act to amend Section 7962 of the Elections Code, relating to the canvass and return of results at primary elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—Senator Brown—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2106—An act to amend Sections 1003 and 1005 of the Elections Code, relating to elections, including the publication and posting of election proclamations.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "some newspaper", and insert "a newspaper of general circulation".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1164—An act to add Section 151 to the School Code, relating to the maintenance of activities by student organizations on property of a school district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1686—An act to add Section 5.27-1 to the School Code, relating to the maintenance of cafeterias on the campuses of the State colleges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1963—An act to repeal Sections 3.331 to 3.339, both inclusive, of, and to add Sections 3.331 to 3.339a, both inclusive, to the School Code, and to add Chapter 8 to Part 1 of Division 3 of

said code, all relating to the interstate attendance of public school pupils.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—24.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2219—An act to amend the title of Chapter 8 of Part 1 of Division 2 of the School Code and to amend Section 2.510 of said code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—25.
NOES—None.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment to the title of Assembly Bill No. 2219:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "code", insert ", relating to high school districts".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Assembly Bill No. 209—An act to add Section 61.2 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages and providing for proof, upon demand, that persons to whom such beverages are served or sold are over the age of 21 years.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Shelley, Slater, Swan, and Ward—25.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1320—An act to amend Section 50 $\frac{1}{2}$ of the Public Utilities Act, authorizing the establishment of joint and through rates by highway common carriers.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, strike out line 1, and insert
"SECTION 1. Section 50 $\frac{1}{2}$ of the Public Utilities Act is hereby amended to read as follows:
Sec. 50 $\frac{1}{2}$. (a) No highway common carrier shall hereafter".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 778—An act to amend Sections 1, 2, 6, 7 and 8 of an act entitled "An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define motor carrier transportation agent; to provide for the regulation, supervision and licensing thereof, and to provide for the enforcement of said act and penalties for the violation thereof,' approved June 5, 1931, and all acts or parts of acts inconsistent with the provisions of this act, approved May 15, 1933, relating to motor carrier transportation agents."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1453—An act to amend Sections 2551 and 2553 of the Business and Professions Code, relating to registered dispensing opticians.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1452—An act to amend Section 2554 of the Business and Professions Code, relating to registered dispensing opticians.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1497—An act to amend Section 2380 of the Business and Professions Code, relating to unprofessional conduct within the chapter on medicine.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1942—An act to add Division 6 to the Public Resources Code, thereby consolidating and revising the law relating to the natural resources of the State, including the administration, management, leasing, and disposition of public lands and other lands, and the oil and gas and other mineral deposits within or upon such lands, owned by the State, by counties, or by cities, and to add Sections 10012 and 10013 to said code, repealing certain acts and parts of acts specified therein.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1942:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, April 2, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL No. 1942

"An act to add Division 6 to the Public Resources Code, thereby consolidating and revising the law relating to the natural resources of the State, including the administration, management, leasing, and disposition of public lands and other lands, and the oil and gas and other natural deposits within or upon such lands, owned by the State, by counties, or by cities, and to add Sections 10012 and 10013 to said code, repealing certain acts and parts of acts specified therein",

in my opinion constitutes an emergency bill within the meaning of that term, as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 1942 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1708—An act to amend Section 20763 of the Business and Professions Code, relating to renewal of licenses to sell petroleum products at retail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168—An act to amend Section 4252 of the Political Code, relating to compensation of county officers and employees in counties of the twenty-third class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Seawell, Shelley, Slater, Swan, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 336—An act relating to State school lands and declaring the rights of holders of certificates of purchase affected by "An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in Section 3513 of the Political Code, to take effect immediately," approved January 31, 1935 (Chapter 8, Statutes of 1935), repealing Section 2 of said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Denel, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Powers, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1335—An act to add Section 38.1 to the State Civil Service Act, relating to the orders and decisions of the State Personnel Board and the enforcement of the provisions thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Denel, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Powers, Seawell, Shelley, Slater, Swan, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 619—An act to amend Sections 650.5, 650.6, 657, 658.5, 659 and to add Sections 657.5 and 658.3 of the Fish and Game Code, relating to salmon.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended, strike out "October", and insert "December".

Amendment read and adopted.

Motion to Amend

Senator Myhand moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended, after the comma, insert "the taking of salmon with spear as provided in Section 651.6,".

Amendment read and adopted.

Bill ordered printed, and to third reading.

INACTIVE FILE

Assembly Bill No. 1390—An act to amend Sections 59, 90, 125, 151.5 and 172 of and to add Section 151.6 to the State Civil Service Act, relating to State civil service.

Bill read.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "90", insert "93, 95,".

Amendment No. 2

In line 1 of the title of the printed bill, strike out "151.5".

Amendment No. 3

In line 2 of the title of the printed bill, strike out "Section", and insert "Sections 16.5 and".

Amendment No. 4

On page 2 of the printed bill, strike out lines 16 to 27, inclusive.

Amendment No. 5

On page 2, line 28, of the printed bill, strike out "4", and insert "3".

Amendment No. 6

On page 3, line 23, of the printed bill, strike out "next".

Amendment No. 7

On page 3, line 28, of the printed bill, strike out "division", and insert "subdivision".

Amendment No. 8

On page 4, line 17, of the printed bill, strike out "5", and insert "4".

Amendment No. 9

On page 4, line 26, of the printed bill, strike out "6", and insert "5".

Amendment No. 10

On page 4 of the printed bill, immediately following line 36, insert

"SEC. 6. A new section to be numbered 16.5 is hereby added to the State Civil Service Act, to read as follows:

Sec. 16.5. "Subdivisional reemployment list" means a list of persons who have permanent status and who have been laid off from a particular class in a particular subdivision of a State agency.

SEC. 7. Section 93 of the State Civil Service Act is hereby amended to read as follows:

Sec. 93. For each class there shall be maintained a separate departmental reemployment list within a given State agency, which shall consist of the names of persons as defined in Section 92 but employed in such State agency at the time of separation. *There shall also be maintained a separate subdivisional reemployment list within a given State agency which shall consist of the names of persons employed in a subdivision of a State agency at the time of separation if subdivisions for such State agency have been set up as provided in subdivision (c) of Section 172 of this act.*

SEC. 8. Section 95 of the State Civil Service Act is hereby amended to read as follows:

Sec. 95. The order of preference in certifying eligibles shall be: *Subdivisional reemployment list, if such have been created as provided in subdivision (c) of Section 172 of this act*, departmental reemployment list, promotional eligible list, general reemployment list, eligible list. Any such list must be completely exhausted before certification may be made from the list next in order."

Amendments read and adopted.

Bill ordered printed, and to inactive file.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred: Assembly Bill No. 1900

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3

POWERS, Chairman

Above reported bill ordered to second reading.

ADJOURNMENT

At 4.55 p.m., on motion of Senator Seawell, the President declared the Senate adjourned until 2 p.m., May 21, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-FOURTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 21, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Phillips, on motion of Senator Jespersen.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to A. Gardner Finn of Santa Cruz.

On request of Senators Mixter and Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Agnes Jarvis, Vice Chairman of the Republican State Central Committee, of Fresno.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Audrey Laurison, teacher, Mr. and Mrs. Rinaldo Marraccini, and the following students of the Jefferson School, San Joaquin County: Richard Bromell, Billy Callis, Louie Costa, Marie Cardoza, Angie

Dutra, Kathryn Hansen, Earl Rhodes, John Lowes, John Ormsby, Anna May Terrill, Stella Miatovich, Adeline Avila, Annie Dutra, Stanford Kibbe, Melvin Knight, Hilda Kurth, Jimmy McLeod, Gerry Pereira, Lawrence Pereira, Jerry Simas, Rose Terrill, Dorothy Theall, Jessie Villanueva, and Bethel Laurison.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lena B. Everett, teacher, and the following students of the H 7 Social Studies Classes of the Leland Stanford Junior High School of Sacramento: Kenneth Dugger, Raymond Escott, Dante Giorgi, Pearl Haynes, Beverly Hunter, Russell Hendrick, Billy Johnston, Gloria Lee, Edward Martin, Vincent Matranga, Bernard Nelson, Paul Schulthies, Betty Taylor, Josie Vaccaro, Minnie Vaccaro, Ralph Walker, Charles Holden, Gloria Wood, Charles Birt, Walter Bisig, Dorothy Buck, Jack Burman, Jean Carleton, Richard Cook, Joan Dickerson, Patricia Dormody, La Verne Grubbs, Billy Haworth, Ralph Jackson, Concetti Lieursi, Helen Mikulich, Mildred Nugent, Stanley Palmer, Raymond Pine, Donald Pinkham, Ruth Reich, George Russell, Robert Thayer, Elmore Travis, Gertrude Whitfield, Linora Weber, Dorothy Wilson, Anna Puma and Joe Merrit.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Shelley, ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, May 16, 1941

Senators Shelley and Phillips

Senate Chamber, Sacramento, California

DEAR SENATORS SHELLEY AND PHILLIPS: The beautifully bound book containing the resolution you instigated as a memorial to Mr. Merchant will, I assure you, be a lasting treasure in our family.

It is a great joy and consolation, as you must know, to receive such expressions of esteem from those who knew Mr. Merchant.

My heartfelt thanks to both of you for your generous thought, and I would appreciate it if you would pass these thoughts on to your colleagues.

Gratefully yours,

THORA MERCHANT

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 776

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 41

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 274
Assembly Bill No. 368
Assembly Bill No. 509
Assembly Bill No. 1342
Assembly Bill No. 1346
Assembly Bill No. 1654
Assembly Bill No. 1655
Assembly Bill No. 1657
Assembly Bill No. 1658

Assembly Bill No. 1659
Assembly Bill No. 1660
Assembly Bill No. 1875
Assembly Bill No. 1905
Assembly Bill No. 1930
Assembly Bill No. 2382
Assembly Bill No. 2384
Assembly Bill No. 2386
Assembly Bill No. 2526

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 274—An act to add Section 1274.5 to the Fish and Game Code, relating to the wearing of red garments, hats, or caps while deer hunting.

Referred to Committee on Fish and Game.

Assembly Bill No. 368—An act to amend Sections 7302, 7373, 7393, 7400 and 7414 of, and to add Sections 7385 and 7417 to, the Business and Professions Code, relating to the practice, the training for, and the government of cosmetology.

Referred to Committee on Business and Professions.

Assembly Bill No. 509—An act to amend Section 1588 of the Labor Code, relating to license fees of employment agencies and labor contractors.

Referred to Committee on Labor.

Assembly Bill No. 1342—An act to amend Section 347½ of the Penal Code, relating to the sale and use of drugs.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1346—An act to amend Section 12.10 of, and to add Section 8.12 to, the Building and Loan Association Act, relating to building and loan associations, investments, and certificates.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1654—An act to amend Sections 40 and 41 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1655—An act to amend Sections 56, 57 and 57.5 and to repeal Section 58 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1657—An act to amend Section 66, to amend and renumber Section 70, and to repeal Sections 67, 68, 69, 71 and 72 of, and to add Sections 67, 68, 69, 70 and 71 to, the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1658—An act to amend Section 13 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1659—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1660—An act to amend Section 11 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1875—An act to amend Sections 1, 2 and 3 of an act entitled "An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees; providing for the creation of a retirement board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for joint contributions to said fund by officers and employees and the city; and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act," approved May 19, 1937, relating to municipal retirement systems.

Referred to Committee on Local Government.

Assembly Bill No. 1905—An act to amend Sections 1995 and 1997 of the Code of Civil Procedure, and to repeal Sections 2620, 2621, 2622, 2623 and 2624 of, and to add Sections 2620, 2621, 2621.5, 2622 and 2623 to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1930—An act to amend Section 3802 of, and to add Section 3810.5 to, the Elections Code, relating to the order of names of candidates on ballots at elections, including elections in municipal corporations of the first class.

Referred to Committee on Elections.

Assembly Bill No. 2382—An act to amend Section 1580 of the Probate Code, relating to guardians.

Referred to Committee on Judiciary.

Assembly Bill No. 2384—An act to add Sections 531.2 and 587.5 to the Vehicle Code, relating to the operation and the parking of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2386—An act to add Section 15.5 to an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, fire wardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents,

and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, relating to the establishment of systems for the retirement and pension of certain county and county fire protection district officers and employees.

Referred to Committee on Local Government.

Assembly Bill No. 2526—An act to amend Section 117b of the Code of Civil Procedure, relating to small claims courts.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 114

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 3—Relative to memorializing the Biological Survey of the United States Department of the Interior to fix two dove seasons in California;

Senate Bill No. 26—An act to amend Section 995 of the Penal Code, relating to causes for which indictment or information must be set aside;

Senate Bill No. 39—An act to add Section 1107 to Chapter 4 of Title 1 of Part 3 of the Code of Civil Procedure, relating to the issuance of writs of review, mandate and prohibition;

Senate Bill No. 60—An act to amend Sections 660 and 660.5 of the Fish and Game Code, relating to salmon;

Senate Bill No. 76—An act to add Section 500.5 to, and to amend Section 501 of, the Agricultural Code, relating to inspection of dairies, milk and milk products and the fees to be paid therefor;

Senate Bill No. 77—An act to amend Section 12416 of the Business and Professions Code, relating to measurement of logs;

Senate Bill No. 90—An act to add Sections 775 and 776 to the Agricultural Code, relating to grapes for by-products purposes;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 105—An act to amend Section 737ccc of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Tuolumne;

Senate Bill No. 117—An act to repeal Sections 2.464, 2.465, 6.383 and 6.384 of, to amend Sections 2.505, 3.301 and 4.250 of, and to add Sections 3.321, 3.322, 3.323, 3.324, 3.325 and 3.326 to, the School Code, all relating to the payment of the costs of providing for the education of high school pupils not residing in a high school or unified school district;

Senate Bill No. 123—An act to repeal School Code Section 2.1095 and to add Section 2.998 to said code, both relating to the traveling expenses of governing boards of school districts;

Senate Bill No. 142—An act to amend Section 862a of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to organization, incorporation and government of cities of the sixth class;

Senate Bill No. 181—An act to add Section 72 to the State Civil Service Act, relating to adjustment of compensation;

Senate Bill No. 216—An act to amend Section 564 of the Code of Civil Procedure, relating to appointment of receivers;

Senate Bill No. 220—An act to amend Section 737un of the Political Code, relating to the salary of superior judges in and for the County of Siskiyou; And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 233—An act to amend Sections 3.618, 3.624, 4.875 and 4.887 of, and to add Section 3.625 to the School Code, relating to the education of physically handicapped minors;

Senate Bill No. 258—An act to amend Section 366 of the Agricultural Code, relating to live stock inspection;

Senate Bill No. 276—An act to amend Section 1550 of the Probate Code, relating to the inventory and appraisal of estates of wards, and the delivery of a copy thereof to the county assessor;

Senate Bill No. 295—An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxation and the cancellation of taxes;

Senate Bill No. 304—An act to validate the assessment and equalization of property for tax purposes, and the levy of taxes thereon, by sixth class cities, and to validate tax sales, certificates of tax sales, tax deeds and other conveyances resulting therefrom;

Senate Bill No. 312—An act to add Section 802.5 to the Fish and Game Code, relating to abalones in Marin County;

Senate Bill No. 341—An act to add Section 987a to the Penal Code, relating to the compensation of counsel appointed to defend persons charged with crime;

Senate Bill No. 364—An act to add Chapter 5 to Division 3 of the Business and Professions Code, consisting of Sections 6300 to 6365, inclusive, and to repeal Sections 4190 to 4204, inclusive, of the Political Code, relating to boards of law library trustees and law libraries; And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 423—An act to add Article 2.5 (comprising Sections 90 to 90.6, inclusive) to Chapter 1, Division 1 of the Streets and Highways Code, relating to the budgeting of State highway funds, specifying the powers and duties of the California Highway Commission and the State Highway Engineer in connection therewith, and providing for the making and distribution of reports thereof;

Senate Bill No. 448—An act to amend Section 737tt of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Sierra;

Senate Bill No. 467—An act to amend Section 1032 of the Agricultural Code, relating to agricultural minerals;

Senate Bill No. 468—An act to amend Section 1030 of, and to add a new section to be numbered 1031 to, the Agricultural Code, relating to registration of fertilizing materials;

Senate Bill No. 495—An act to amend Sections 396 and 439 of the Code of Civil Procedure, relating to transfer of cases;

Senate Bill No. 496—An act to amend Section 164 of the Civil Code, relating to property acquired after marriage;

Senate Bill No. 504—An act to amend Section 83 of the Fish and Game Code, relating to Fish and Game District 15;

Senate Bill No. 522—An act to amend Section 2837 of the Elections Code, relating to county central committees;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 532—An act to repeal Chapter 7 of Division 6 of the Agricultural Code, relating to deciduous fruit dealers;

Senate Bill No. 540—An act to amend Section 23 of and to add Section 23.5 to the California Irrigation District Act, relating to irrigation district elections;

Senate Bill No. 550—An act to amend Section 2 of an act entitled "An act to provide for drainage by irrigation districts," approved March 18, 1907, relating to the duties of irrigation districts and their officers to drain land;

Senate Bill No. 557—An act to amend Sections 975, 977 and 980 of the Code of Civil Procedure, and to add Sections 980a, 980b and 980c to said code, relating to appeals from justices' and police courts;

Senate Bill No. 562—An act to amend Section 49 of the Alcoholic Beverage Control Act, relating to the importation of alcoholic beverages and consignment thereof;

Senate Bill No. 563—An act to amend Sections 67.1 and 23 of the Alcoholic Beverage Control Act, relating to the tax on wine;

Senate Bill No. 584—An act to amend an act entitled "An act providing for the joint exercise of powers by counties, by municipalities, or by municipalities and counties," by amending Section 1 thereof to extend the provisions of the act to other public agencies including a county, city and county, city, public corporation, municipal corporation and public district, and defining public agencies; And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 606—An act to authorize the execution of contracts between any irrigation district or districts and any county water district or districts organized under the laws of this State, each of which districts shall, before or after the execution of each contract or contracts, have executed with the United States a contract or contracts under the provisions of the Federal Reclamation Law for construction of works, acquisition, purchase, extension, operation or maintenance of such works or for a water supply or electric power rights or privileges or assumption as principal or guarantor of indebtedness to the United States, or for any of said purposes and which such districts shall propose to divert or carry water for use in such districts by means of a single main canal or system of works and providing certain purposes for which such contracts between such districts may be executed, providing for the manner of authorization of such contracts and validating such contracts heretofore executed, and repealing Chapter 17 of the Statutes of 1935;

Senate Bill No. 613—An act to amend Section 737j of the Political Code, relating to salaries of superior court judges of San Bernardino County;

Senate Bill No. 627—An act to amend Sections 1, 7, 9 and 11 of the Irrigation District Improvement Act, relating to formation of, government of, and assessments in irrigation district improvement districts;

Senate Bill No. 649—An act to amend Section 1011 of the Agricultural Code, relating to spray residue;

Senate Bill No. 654—An act to amend Section 344 of the Agricultural Code, relating to live stock inspection; And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 655—An act to amend Section 363 of the Agricultural Code, relating to bills of sale for live stock;

Senate Bill No. 656—An act to amend Section 1300.3 of the Agricultural Code, relating to processors;

Senate Bill No. 657—An act to amend Sections 1268, 1268.1, 1268.5 and 1269 of the Agricultural Code, relating to produce dealers;

Senate Bill No. 659—An act to amend Sections 821, 822, 823, 826 and 827 of, and to add Sections 821.1, 821.15, 821.2, 821.25, 821.3, 821.35, 821.4, 821.45, 821.5, 821.55, 821.6, 821.65, 821.7, 821.75, 821.8 and 824.5 to the Agricultural Code, relating to apples;

Senate Bill No. 661—An act to add Section 787.5 to the Agricultural Code, relating to markings on containers of fruits, nuts and vegetables;

Senate Bill No. 667—An act to amend Section 2957 of the Civil Code, relating to mortgages of personal property;

Senate Bill No. 668—An act to amend Section 587 and Section 1515 of the Probate Code, relating to the powers and duties of guardians, executors and administrators;

Senate Bill No. 674—An act to add Section 1557.1 to the Probate Code, relating to the investment of funds in guardianship matters; And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 675—An act to add Section 1483.2 to the Probate Code, relating to guardian's petition for substitution and discharge of surety;

Senate Bill No. 692—An act to repeal an act entitled "An act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release," approved May 1, 1911;

Senate Bill No. 694—An act to amend Sections 1 and 5 of the California Irrigation District Act, relating to the formation and government of irrigation districts;

Senate Bill No. 710—An act to add Section 1144 to the Penal Code, relating to criminal jury trials in municipal courts;

Senate Bill No. 714—An act to add Chapter 1a, comprising Section 961, to Title 13 of Part 2 of the Code of Civil Procedure, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in civil actions;

Senate Bill No. 743—An act to add Section 1483.1 to the Probate Code, relating to reduction of bond of guardian;

Senate Bill No. 748—An act to amend Sections 668 and 670 of the Fish and Game Code, relating to salmon;

Senate Bill No. 756—An act to add Section 2.1521 to the School Code, relating to educational societies;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 757—An act to add a new article to Chapter 1 of Part 2 of Division 2 of the School Code, to be known as Article 10, relating to the attendance of school members of governing boards of school districts at State-wide educational meetings;

Senate Bill No. 787—An act to add Section 5.29 to the School Code, relating to the leasing of property of a State college;

Senate Bill No. 822—An act to repeal Sections 301 to 304, both inclusive, and to amend Section 300 of the Labor Code, all relating to assignment of wages;

Senate Bill No. 838—An act to amend Section 695 of the Political Code, relating to services furnished State agencies other than those supported by the General Fund;

Senate Bill No. 882—An act to amend Section 974 of the Political Code, relating to discharge of sureties;

Senate Bill No. 883—An act to add Section 1483.3 to the Probate Code, relating to order of court substituting sureties;

Senate Bill No. 888—An act to add Article 5, comprising Sections 1953e to 1953h, inclusive, to Chapter 3, Title 2, Part 4 of the Code of Civil Procedure, relating to business records as evidence;

Senate Bill No. 918—An act to amend Section 40 of the State Civil Service Act, relating to hearings and subpoenas;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 919—An act to amend Section 41b of the California Irrigation District Act, relating to the segregation of land on irrigation district assessment rolls;

Senate Bill No. 1016—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry;

Senate Bill No. 1043—An act to amend Section 19 of, and to add Section 24.1 to, the Water Commission Act, relating to water and the determination and administration of water rights;

Senate Bill No. 1056—An act to amend Sections 347 and 363.2 of the Agricultural Code, relating to live stock sold or slaughtered without consent of the owner;

Senate Bill No. 1062—An act authorizing the conveyance to the County of Ventura, State of California, of easements and rights of way for road and highway purposes along, in, through, or across property of the State known as the Camarillo State Hospital Grounds;

Senate Bill No. 1124—An act to amend Sections 1205, 1212 and 1214 of the Health and Safety Code, relating to clinics and dispensaries;

Senate Bill No. 1138—An act to amend Sections 93, 95 and 172 of, and to add Section 16.5 to, the State Civil Service Act, relating to lay offs;

Senate Bill No. 1154—An act to amend Sections 673 and 674 or Sections 2600, 2601 and 3055 of the Penal Code, relating to civil rights of persons sentenced to State prisons;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1184—An act to add Section 1.5 to the State Civil Service Act, relating to services performed by independent contractors for the State;

Senate Bill No. 1266—An act to amend Section 131.5 of the Code of Civil Procedure, relating to probation, and including probation committees and probation officers and deputies;

Senate Bill No. 1302—An act to amend Section 718 of the Civil Code, relating to the leasing by municipalities, or departments or boards thereof, of property owned thereby, or held thereby, or under the management and control thereof;

Senate Bill No. 1306—An act to provide for the alteration of the existing boundary lines between counties, for the transfer of territory from one county to another county and for the adjustment and fulfillment of the rights and obligations arising between such counties;

And reports that the same have been correctly enrolled, and presented to the Governor on the twentieth day of May, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 16—Relative to a statement of position of the Legislature of this State in regard to the amendment of the Old Age Security Law and the Aid to Needy Blind Law and appointing a committee to secure changes in the Federal Social Security Act;

Senate Concurrent Resolution No. 38—Approving certain amendments to the city charter of the City of Oroville, a municipal corporation of the County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fourteenth day of April, 1941;

Senate Bill No. 247—An act to amend Section 725a of the Code of Civil Procedure, relating to foreclosure;

Senate Bill No. 386—An act relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately;

Senate Bill No. 442—An act to amend Section 3719 of the Political Code, to grant to junior college districts the right to borrow under the provisions of said section;

Senate Bill No. 517—An act to add Section 1.253 to the School Code, relating to assistant county supervisor of attendance;

Senate Bill No. 564—An act to amend Section 653 of the Fish and Game Code, relating to salmon in Districts 2 and 2½;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of May, 1941, at 11 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 658—An act to amend Sections 1299.18, 1299.20 and 1300.4 of, and to add a new section, to be numbered 1300.4a, to the Agricultural Code, relating to processors;

Senate Bill No. 741—An act to amend Sections 20743, 20744, 20746, 20751, 20880, 20888, 20930 and 20956 of, to repeal Sections 20800, 20826, 20840, 20849, 20860, 20866, 20892, 20910, 20911 and 20950 of, and to add Sections 20704, 20705, 20706, 20707, 20708, 20800, 20826, 20840, 20849, 20860, 20866, 20882.5, 20892, 20911 and 20950 to the Business and Professions Code, relating to sales of petroleum products;

Senate Bill No. 889—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1062b to, and to amend Section 1062a of, the Code of Civil Procedure, relating to declaratory relief;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of May, 1941, at 11 a.m.

RICH, Chairman

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 395

Assembly Bill No. 383

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 402

Assembly Bill No. 457

Assembly Bill No. 525

Assembly Bill No. 1128

Assembly Bill No. 1496

Assembly Bill No. 1299

Assembly Bill No. 1047

Assembly Bill No. 1116

Assembly Bill No. 1117

Assembly Bill No. 1439

Assembly Bill No. 33

Assembly Bill No. 1574

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 970

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1855

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Senate Bill No. 762

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 3; absent 2.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 1207

Assembly Bill No. 1088

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 42

Assembly Bill No. 1925

Assembly Bill No. 161

Assembly Bill No. 1498

Assembly Bill No. 1924

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 74

Assembly Bill No. 1393

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 25: By Senator Metzger—Relative to proposed merit system for county welfare activities.**Request for Unanimous Consent**

Senator Metzger asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 25, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 25**Senate Joint Resolution No. 25**—Relative to proposed merit system for county welfare activities.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Jespersen, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swing, Waggy, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 26, 1941

*To the Honorable Members of the Senate
Sacramento, California***GREETINGS:****SENATE BILL NO. 195**

"An act to add Section 1.7 to the Unemployment Relief Appropriation Act of 1940, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

Appropriations available for expenditure in the maintenance of unemployment relief activities during the remainder of the current biennium will be exhausted by

the end of May. If payments to the unemployed are to be continued, it is essential that additional funds be provided immediately.

I wish to call your attention to the fact that the amount of the appropriation provided for in this bill is \$175,000 less than the estimated requirements of the State Relief Administration. In case this appropriation proves inadequate, it would probably be necessary to reconvene the Legislature in special session to provide for necessary funds. In this connection I would point out the following statement in the report of a private accounting firm to the Joint Fact-Finding Committee which read in part:

"It should be recognized that any estimate made at this time of the amount required to carry the Relief Program to June 30, 1941, is necessarily subject to a fairly wide margin of error." To me it would appear wiser to appropriate an amount which would provide a safe margin for contingencies, bearing in mind the fact that any surpluses would revert to the General Fund at the end of the biennium.

I would also call your attention to Section 2 of the bill which it appears might necessitate an immediate redefinition of employability by the State Relief Commission. Such redefinition, taking place immediately, would cause endless confusion between SRA and the counties and might result in considerable shifting of caseload to county agencies.

It would appear to be extremely unwise to affix this provision, which might drastically change the policy in handling relief, to a bill which is only designed to furnish an appropriation to carry on relief for approximately one month.

The Legislature might also do well to consider this section in connection with the amount of the appropriation. Under Section 2, it seems quite certain that if the appropriation did prove inadequate the SRA could easily transfer sufficient cases to the counties to get within the appropriation. I would feel impelled to oppose any such policy, however, in view of the fact that county budgets were made up months ago for this fiscal year and any such shifting of caseload by SRA to keep within its appropriation could only have an adverse financial effect on the counties.

In view of these considerations, I would recommend that the Legislature give serious thought to amending this section out of the bill before its passage.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1013—An act to add Section 14226.5 to, and to amend Section 14227 of, the Health and Safety Code, relating to fire protection districts in unincorporated areas and the inclusion of contiguous territory.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1334—An act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts and to define and establish such districts.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1024—An act to renumber and amend Section 800 to be Section 800.5 and to add Section 800 to the Health and Safety Code, relating to the regulation of plumbing.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2197—An act to repeal Part 2 of Division 13 of the Health and Safety Code, and to add a new Part 2 to said Division 13, relating to auto courts and resorts, and auto and trailer camps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 407—An act to add Article 3.5 (comprising Sections 13340 to 13352, inclusive) to Chapter 2 of Part 2 of Division

12 of the Health and Safety Code, and to add Section 13405 thereto, relating to clothes cleaning establishments, including the examination of operators and persons in charge thereof, the issuance of certificates of competency to such persons, the fees for such certificates, the revocation and suspension of such certificates, and the control of operations by persons having such certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 404—An act to amend Sections 13215 and 13388 of the Health and Safety Code, relating to boilers and boiler rooms in clothes cleaning establishments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 405—An act to amend Section 13314 of the Health and Safety Code, and to add Section 13314.5 thereto, relating to clothes cleaning establishments, including licenses and license fees and penalties.

Bill read second time, and ordered to third reading.

Assembly Bill No. 406—An act to amend Section 13203 of the Health and Safety Code, relating to clothes cleaning establishments, including the definition of solvents used therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1071—An act to amend Sections 26472, 26520 and 26541 of, and add Section 26540.2 to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising and sale of foods and the powers of the State Department of Public Health in relation thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 2, line 9, of the printed bill, as amended, after "dioxide," insert "benzoate of soda".

Amendment No. 2

On page 2, line 10, of the printed bill, as amended, strike out "except those", and insert "which is not".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1075—An act to amend Sections 4, 4A, 5A, 6, 7, 9 and 13 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries under the State Board of Health," approved May 23, 1925, relating to the regulation of canneries and costs of inspection thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 4, and insert "Board, to consist of six members. These six members shall".

Amendment No. 2

On page 1, line 7, of the printed bill, as amended, strike out "three", and insert "four".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out line 11, and insert "Health. One of the said four appointive members shall be engaged in the canning of animal food. The said four appointed members shall hold office".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 706—An act to amend Sections 10434 and 10435 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 975—An act to amend Section 3 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 976—An act to amend Sections 828 and 845 of the Insurance Code, relating to insurance securities and brokers, and agents' certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1381—An act to amend Sections 61 and 105 of the Bank Act, relating to the investment of trust funds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1713—An act to amend Section 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2332—An act to add Article 4, comprising Sections 11610 to 11613, inclusive, to Chapter 1, Part 3, Division 2, of the Insurance Code, relating to contracts of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1181—An act to add Section 136d to the Bank Act, relating to the disposition of property held by a bank or trust

company in process of liquidation as trustee or in safe keeping, and the persons entitled thereto are unknown or can not be found and authorizing delivery of such property to persons establishing right thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

Strike out lines 5 to 11, inclusive, of the title of the printed bill, as amended, and insert "property held as trustee or in safekeeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation."

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 8 to 10, inclusive, and insert "insurance company is situated, it may:

- (a) In the case of money, deliver the same to the State Treasurer;
- (b) In the case of other property, deliver the same to the State Controller for deposit in the State Treasury; and at the same time it shall furnish to the State Controller a certified copy of the court order approving the delivery and a notice stating the amount of money delivered to the State Treasurer. Upon the receipt of money or other property by the State Treasurer, he shall issue a receipt for the".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 15 to 28, inclusive, and insert

"All money received by the State Treasurer pursuant to this section shall be deposited in the School Land Fund. All money or other property deposited pursuant to this section shall be recorded and accounted for by the State Controller.

Any person who claims the money or property so deposited with the State Treasurer shall file a verified petition in the superior court in and for the County of Sacramento, stating facts necessary for the court to determine his right thereto. If, upon trial of the issues, the court is satisfied of the claimant's right or title to the money or property claimed, it shall grant him a certificate to that effect under its seal. Upon presentation of such certificate, the State Controller shall draw his warrant on the State Treasurer for the amount of money covered thereby, and if the certificate covered any property, upon presentation of such certificate the State Controller shall direct the State Treasurer to deliver the property to the claimant, and the certificate shall serve as sufficient authority for the delivery of the property to the claimant.

Whenever the money claimed by any person, or the total value of property, including money claimed, is less than three hundred dollars (\$300) any such claimant may, in lieu of filing such petition, present his claim for the money or other property to the State Board of Control, stating facts necessary for the board to determine his right thereto. The board may, in its discretion, upon recommendation of the Attorney General, allow and order paid such claim, or order the delivery of the property to the claimant. When payment has been made or the property has been delivered under this section to any claimant, no suit shall thereafter be maintained by any other claimant against the State or any officer thereof for or on account of such money or property.

There is hereby appropriated out of the School Land Fund such moneys as are necessary to pay the warrants drawn by the State Controller upon presentation of the certificate of the superior court, or upon the order of the State Board of Control for the payment of a claim allowed by it, all as provided for in this section."

Amendment No. 4

On page 2, line 37, of the printed bill, as amended, after the period, insert "Upon escheat of such money or other property the money and proceeds from the property shall be disposed of in the same manner as is provided by law for the disposal of estates of deceased persons which have escheated."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1516—An act to add Sections 10830.5, 10830.6, 10831.5, 10832 and 10861.5 to, to amend Sections 10831, 10870, 10875, 10882, 10883, 10901 and 10928 of, and to repeal Sections 384, 10650

and 10811 of, the Insurance Code, and to add Article 4, comprising Sections 10490 to 10494, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "associations", insert "of nonprofit, charitable or eleemosynary character".

Amendment No. 2

On page 1, line 12, of the printed bill, as amended, after "associations" insert "of nonprofit, charitable or eleemosynary character".

Amendment No. 3

On page 1, line 14, of the printed bill, as amended, after "employer," insert "the privileges of which and the".

Amendment No. 3a

On page 1, line 14, of the printed bill, as amended, strike out "is", and insert "are".

Amendment No. 4

On page 2, line 6, of the printed bill, as amended, after "which", insert "insure only the lives or health of their members and".

Amendment No. 5

On page 2, line 17, of the printed bill, as amended, after the period, insert "Notwithstanding the provisions of Sections 10490, 10491 and 10493, a person who is otherwise subject to the provisions of such sections is not exempted from Chapters 6 to 13, inclusive, of this part if such person gives, allows, or promises to give or allow any compensation for procuring new members."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1934—An act to repeal Section 3788 of the Political Code, to add a new Section 3788 thereto, and to repeal Sections 4108 and 4108.5 of the Revenue and Taxation Code, relating to the disposition of State lands upon which the full purchase price is not paid and which are sold to the State for taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2059—An act to amend Section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1308—An act to permit the sale of certain land by the Department of Institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2015—An act to amend Section 72 of the Agricultural Code, relating to the Division of Exhibits in the Department of Finance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2055—An act authorizing the Department of Finance to sell certain State-owned lands and to acquire by exchange,

purchase or otherwise additional lands, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1420—An act to amend Section 155 of the State Civil Service Act, relating to reinstatements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1174—An act to add Sections 2 and 3 to an act entitled "An act providing for the sale or trade of property used by the California Polytechnic School and providing for the purchase of property for the use of said school," approved June 12, 1931, relating to the purchase of additional land for the California Polytechnic School.

Bill read second time, and ordered to third reading.

Assembly Bill No. 948—An act to add Section 50.2 to the State Lands Act of 1938, and to add Section 6206.5 to the Public Resources Code, to empower the commission to apply to the United States of America for patents to public lands.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended in the Assembly on May 12th, after the comma following "place", strike out the balance of said line, and insert "which have not been patented by the State, and to accept patents,".

Amendment No. 2

On page 1, line 20, of the printed bill, as amended in the Assembly on May 12th, after the comma following "place", strike out the balance of the line, and insert "which have not been patented by the State, and to accept patents,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1693—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 2 of the printed bill, strike out lines 27 to 29, inclusive.

Amendment No. 2

On page 3 of the printed bill, strike out lines 10 to 19, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1900—An act to amend Section 3 of an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, relating to the board of supervisors.

Bill read second time, and ordered to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Burns, Michael J., Turner and McCollister as a Committee on Conference concerning:

Senate Bill No. 1276—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on May 16, 1941, transmitted to the Senate, in error:

Assembly Bill No. 651—An act to add Section 6564 to the Welfare and Institutions Code, relating to the maintenance of stores on State institutions' grounds. This measure was refused passage in the Assembly on said date, and the Assembly respectfully requests that Assembly Bill No. 651 be returned to the Assembly.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on May 19, 1941, transmitted to the Senate, in error:

Assembly Bill No. 1185—An act to repeal Section 156 of the Fish and Game Code, relating to Fish and Game District 3E. The Assembly respectfully requests that you return this bill, Assembly Bill No. 1185, to that body.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

RESOLUTIONS

The following resolutions were offered:

By Senator Rich:

Senate Resolution No. 117

WHEREAS, Assembly Bill No. 651 was transmitted to the Senate by the Assembly on May 16th through error and was subsequently referred to the Senate Committee on Welfare and Institutions; and

WHEREAS, The Assembly has requested that said measure be returned; now, therefore, be it

Resolved, That the Chairman of the Welfare and Institutions Committee be requested to return said measure to the Secretary of the Senate for transmission to the Assembly.

Resolution read, and adopted.

By Senator Rich:

Senate Resolution No. 118

WHEREAS, Assembly Bill No. 1185 was transmitted to the Senate by the Assembly on May 19th through error and was subsequently referred to the Senate Committee on Fish and Game; and

WHEREAS, The Assembly has requested that said measure be returned; now, therefore, be it

Resolved, That the Chairman of the Fish and Game Committee be requested to return said measure to the Secretary of the Senate for transmission to the Assembly.

Resolution read, and adopted.

APPOINTMENT OF SPECIAL COMMITTEE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny and Deuel as a Senate Committee pursuant to the provisions of Senate Concurrent Resolution No. 16.

COMMITTEE ON RULES
RICH, Chairman

PERMISSION TO INTRODUCE A BILL

The following request for permission to introduce a bill was presented:

By Senator Parkman:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, MAY 21, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to declare the urgency of this act, to take effect immediately.

Respectfully submitted,

SENATOR PARKMAN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, MAY 21, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BRIED
TICKLE
MYLAND
DEUEL

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time, 2.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MOTION TO TAKE BILL FROM THE INACTIVE FILE**

Senator Kenny moved that Senate Bill No. 715 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Jespersen asked for, and was granted, unanimous consent to retain Senate Bill No. 537 on third reading file until the next legislative day.

MOTION TO RE-REFER SENATE BILL NO. 1000

Senator Wagy moved that Senate Bill No. 1000 be re-referred to Committee on Business and Professions.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 874—An act to amend School Code Section 2.1428, relating to the courses of study and projects in the Public School System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 995—An act to repeal Section 16½ and to amend Section 54 of the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 2, lines 43 and 44, of the printed bill, as amended, strike out "or town".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 45 to 47, inclusive, and insert "1940 Federal Census when such distilled spirits wholesaler sells distilled spirits only to licensees whose premises are located in unincorporated territory or in cities having a population of less than 50,000 as".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.08 p.m., on motion of Senator Parkman, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission to introduce a bill granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1339: By Senator Parkman—An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to declare the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 114—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds or other obligations payable solely from the revenues thereof, and in no respect secured by the taxing power, to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services, facilities and commodities furnished thereby; regulating the issuance of such revenue bonds or other obligations, providing for their payment and the rights and remedies of the holders thereof.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Garrison moved a call of the Senate.

Motion carried. Time, 4.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
UNFINISHED BUSINESS**

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 915—An act to amend Sections 5.500 and 5.501 of the School Code, relating to persons employed by school districts in positions requiring certification qualifications.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 915?

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, after "schools", strike out the comma.

Amendment No. 2

On page 1, line 15, of the printed bill, as amended, after the second comma, insert "maintaining eight or more schools lying not less than six miles apart,".

Amendment No. 3

On page 2, line 25, of the printed bill, as amended, strike out "Every", and insert "Except as otherwise herein provided, every".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 915 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—34.

NOES—None.

Above bill ordered enrolled.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 1276—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class, consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 8, 1941, be further amended as follows:

Amendment No. 1

On page 2 of the printed bill, as amended, after line 33, insert

"6. Jurors on coroner's juries, one dollar (\$1) for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county.

The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for."

QUINN
KEATING
FOLEY

Senate Committee on Conference

BURNS, MICHAEL J.
MCCOLLISTER
TURNER

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—34.

NOES—None.

CONSIDERATION OF ASSEMBLY BILL NO. 1393

Assembly Bill No. 1393—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the Government of the State, in order to provide for salary and wage adjustments for certain State employees, and providing that this act shall take effect immediately.

Bill read.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1393:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 2, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 1393

"An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the Government of the State, in order to provide for salary and wage adjustments for certain State employees, and providing that this act shall take effect immediately."

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 1393 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 1393 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Sealwell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—34.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 1393—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the Government of the State, in order to provide for salary and wage adjustments for certain State employees, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1865—An act to add Sections 5014 and 6817 to the Public Resources Code, relating to the moneys deposited in the State Park Maintenance and Acquisition Fund and providing the manner in which the moneys in said fund may be expended.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Sections", insert "5003.5".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "moneys", and insert "powers of the State Park Commission, specifying the amount of money to be".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out line 1, and insert "SECTION 1. Section 5003.5 is hereby added to the Public Resources Code, to read as follows:

5003.5. The State Park Commission is authorized to provide means of ingress to and egress from all State parks in order to provide ready access thereto by the public and for that purpose may enter into contracts or agreements with cities, counties and other political subdivisions of the State and with other State agencies for the construction and maintenance of suitable roads, trails and pathways.

SEC. 2. Section 5014 is hereby added to the Public".

Amendment No. 4

On page 1, line 17, of the printed bill, as amended, strike out the period, and insert ", including the cost of construction and maintenance of roads, trails and pathways providing access to State parks."

Amendment No. 5

On page 1, line 22, of the printed bill, as amended, strike out "Sec. 2", and insert "Sec. 3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 619—An act to amend Sections 650.5, 650.6, 657, 658.5, 659 and to add Sections 657.5 and 658.3 of the Fish and Game Code, relating to salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2490—An act to amend Section 12 of an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, relating to a county peace officers' retirement system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—32.

NOES—Senators Tickle, and Ward—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1491—An act to amend Sections 27 and 76 of the "Improvement Act of 1911," and to amend Sections 5398 and 6590 of the Streets and Highways Code, relating to certification of delinquencies to tax collector.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1508—An act to add Sections 5.852-1 and 5.1112 to the School Code, relating to members of the California State Teachers' Retirement System and of district retirement systems serving in the Armed Forces of the United States of America or of the State of California, or in the Medical, Nursing or Ambulance Service of the American Red Cross, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1080—An act to amend Sections 6 and 54 of the Alcoholic Beverage Control Act, relating to restrictions on wholesalers' licenses.

Bill read third time.

Motion to Amend

Senator Swing moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "restrictions on wholesalers'".

Amendment No. 2

On page 6, line 29, of the printed bill, as amended, after the semicolon, insert "and, notwithstanding any other provision of this act a licensed wine manufacturer or brandy manufacturer may be issued and may hold an off sale distilled spirits license for the premises for which he holds a manufacturer's license and for any branch office maintained by such manufacturer".

Amendments read and adopted.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 15, of the printed bill, as amended, strike out "has on his whole-sale premises at least 250 cases", and insert "throughout the year has on his whole-sale premises a reasonable stock".

Amendment No. 2

On page 3, line 16, of the printed bill, as amended, after "spirits", insert "as determined by the Board of Equalization".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1358—An act quitclaiming to the City of Oakland the interest of the State of California arising by virtue of tax deeds in and to certain salt marsh, tide and submerged lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 720—An act to add Section 154.5 to the State Civil Service Act, relating to medical examinations of State employees.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Deuel, Garrison, McCormack, Seawell, Swing, Wagy, and Ward—11.

NOES—Senators Breed, Carter, Collier, Crittenden, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Powers, Quinn, Rich, Shelley, Slater, and Swan—22.

Motion to Reconsider

Senator Biggar moved to reconsider the vote whereby Assembly Bill No. 720 was refused passage.

Postponement of Reconsideration

On motion of Senator Biggar, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 720 was refused passage, was continued until the next legislative day.

Assembly Bill No. 1377—An act to amend Section 3692 of the Political Code, relating to powers and duties of the State Board of Equalization.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.30 p. m., on motion of Senator Garrison, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 114 refused passage by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, Dillinger, Foley, Garrison, Jespersen, Kenny, Luckey, McCormack, Metzger, Powers, Rich, Seawell, Shelley, Slater, and Swan—18.

NOES—Breed, Brown, Crittenden, DeLap, Deuel, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Mixter, Myhand, Parkman, Quinn, Swing, Tickle, Wagy, and Ward—20.

Explanation of Vote

Senator Fletcher submitted an explanation of his vote on Senate Bill No. 114.

Senator Garrison objected.

Motion to Print Explanation of Vote in Journal

Senator Mayo moved that Senator Fletcher's explanation of vote on Senate Bill No. 114 be printed in the Journal.

Motion carried.

Explanation of Vote

In explanation of my vote on Senate Bill No. 114 will say I would vote "Yes" on a constitutional amendment being submitted to the voters as outlined in Senate Bill No. 114. The voters refused to approve the issuance of revenue bonds at the last election by nearly a million votes.

If Senate Bill No. 114 is passed it means the development of power at the expense of the land. The Central Valley Water Project was created primarily for the development of water for the development of the land. I question the constitutionality of the diversion of the water primarily for power instead of for the benefit of land. Senate Bill No. 114 is primarily intended for power development instead of water development, so much needed in the near future.

We have the Railroad Commission to protect us and who regulate rates for power. For these reasons I must vote "No" on Senate Bill No. 114.

ED FLETCHER

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1320—An act to amend Section 50 $\frac{3}{4}$ of the Public Utilities Act, authorizing the establishment of joint and through rates by highway common carriers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1754—An act to add Chapter 3, comprising Sections 7325 to 7332, inclusive, to Part 3 of Division 5 of the Labor Code, relating to the installation of safety devices upon the windows of all buildings, whether constructed heretofore or hereafter to be constructed, to safeguard and protect window washers and others employed upon said buildings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1331—An act to add Section 1640.5 to the Labor Code, relating to contracts of minors with employment agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 692—An act to amend Section 4600 of the Labor Code, relating to workmen's compensation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 690—An act to add Section 454.2 to the Vehicle Code, relating to the operation of vehicles owned by licensed physicians when traveling in response to emergency calls.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 841—An act to amend Sections 1, 5a and 11 of an act entitled "The California Air Navigation Act," relating to air navigation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1547—An act to amend Section 113 of the Vehicle Code, relating to the members of the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2078—An act to amend Section 8 of an act entitled "An act to regulate the caravanning of vehicles upon the public highways of this State, defining the term 'caravanning' and providing for the licensing of vehicles in caravan for the privilege of using the public highways and for the cost of regulating persons engaged in caravanning and providing such fees shall be a lien and for the enforcement of such liens and the collection and disposition of such fees and imposing penalties for violation thereof, and to repeal an act entitled 'An act to regulate the caravanning of motor vehicles upon the public highways of this State, defining the term "caravanning" and providing for the licensing of motor vehicles in caravan and imposing penalties for violation thereof,' approved July 6, 1935, declaring the urgency thereof, and providing that it shall take effect immediately," approved July 1, 1937, regulating the caravanning of vehicles upon the public highways of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2256—An act to amend Section 164 of the Vehicle Code, relating to the registration of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Waggy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2492—An act to amend Section 159 of the Vehicle Code, relating to the registration of motor vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236—An act adding Section 956.8 to, and amending Section 958 of, the Streets and Highways Code, relating to the abandonment of county highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 314—An act to amend School Code Section 6.471, relating to the purchase of articles by governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 359—An act to repeal School Code Section 2.889 and to amend School Code Section 2.891, relating to the conducting of elections for members of governing boards of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Concurrent Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 50—Approving an amendment to the charter of the City of Berkeley, a municipal corporation in

the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the sixth day of May, 1941.

Request for Unanimous Consent

Senator Breed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 50, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 50

Assembly Concurrent Resolution No. 50—Approving an amendment to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the sixth day of May, 1941.

Resolution read.

The roll was called, and the resolution adopted by the following vote.

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuebel, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward
—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 640

Senator Seawell moved that Senate Bill No. 640 be withdrawn from Committee on Judiciary for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 640—An act providing for the collection of money advanced in payment of taxes on real property by co-owners.

Bill read second time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 28, inclusive; on page 2, strike out lines 1 to 51, inclusive; and on page 3, strike out lines 1 to 41, inclusive, and insert

"SECTION 1. Upon the failure of any co-owner of a mine or mining claim to contribute his proportionate share of the taxes which have been levied and assessed upon the mine or claim for the period of five years, the co-owner or co-owners who have paid such share may at the expiration of the five years serve upon the delinquent co-owner notice thereof.

SEC. 2. The notice may be served either personally or by publication in a newspaper of general circulation published in the county in which the mine or claim is situated, at least once a week for 90 days, or if there is no such newspaper in such a newspaper in an adjoining county.

SEC. 3. If prior to the expiration of 90 days from the service the delinquent fails or refuses to contribute his proportionate share of the taxes, the co-owner contributing such share may file in the superior court of the county in which the mine or claim is situated a verified petition setting forth the facts and particularly describing the mine or claim.

SEC. 4. If the mine or claim is situated in more than one county, the petition may be filed in the superior court of either county.

SEC. 5. The clerk shall set the petition for hearing by the court and give notice thereof by causing a notice of the time and place of the hearing to be posted at the county courthouse at least 10 days before the hearing. The court may order such further notice as to it seems proper.

SEC. 6. The court shall hear evidence for or against the petition and may order judgment thereon vesting the interest of the delinquent in the mine or claim in the petitioner.

SEC. 7. A certified copy of the decree may be recorded in the office of the recorder of each county in which any part of the mine or claim is situated."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

MOTION TO RECONSIDER

Senator Garrison moved to reconsider the vote whereby Senate Bill No. 114 was refused passage.

Postponement of Reconsideration

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 114 was refused passage was continued until the next legislative day.

REPORTS OF STANDING COMMITTEES

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 641

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Constitutional Amendment No. 55

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 1159

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 556

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2612

Assembly Bill No. 1577

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 12; absent 1.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:**Senate Bill No. 29** An act to add Section 653h to the Penal Code, relating to installation of dictographs;**Senate Bill No. 313** An act to amend Section 810 of, and to add Section 810.5 to, the Fish and Game Code, relating to clams;**Senate Bill No. 327** An act to amend Section 1861a of the Civil Code, relating to liens;**Senate Bill No. 363** An act to amend Sections 6320, 6322, 6323, 6324, 6343, 6346, 6360 and 6363 of the Business and Professions Code, and to add Sections 6326, 6348.3 and 6348.5 thereto, relating to boards of law library trustees and law libraries;**Senate Bill No. 1338** An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-first day of May, 1941, at 3 p.m.

RICH, Chairman

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following resolution was offered:

Senate Concurrent Resolution No. 42: By Senators Fletcher and Luckey—Relative to National defense highways.

Referred to Committee on Transportation.

REQUEST FOR UNANIMOUS CONSENT

Senator DeLap asked for, and was granted, unanimous consent to retain Assembly Bill No. 560 on third reading file until the next legislative day.

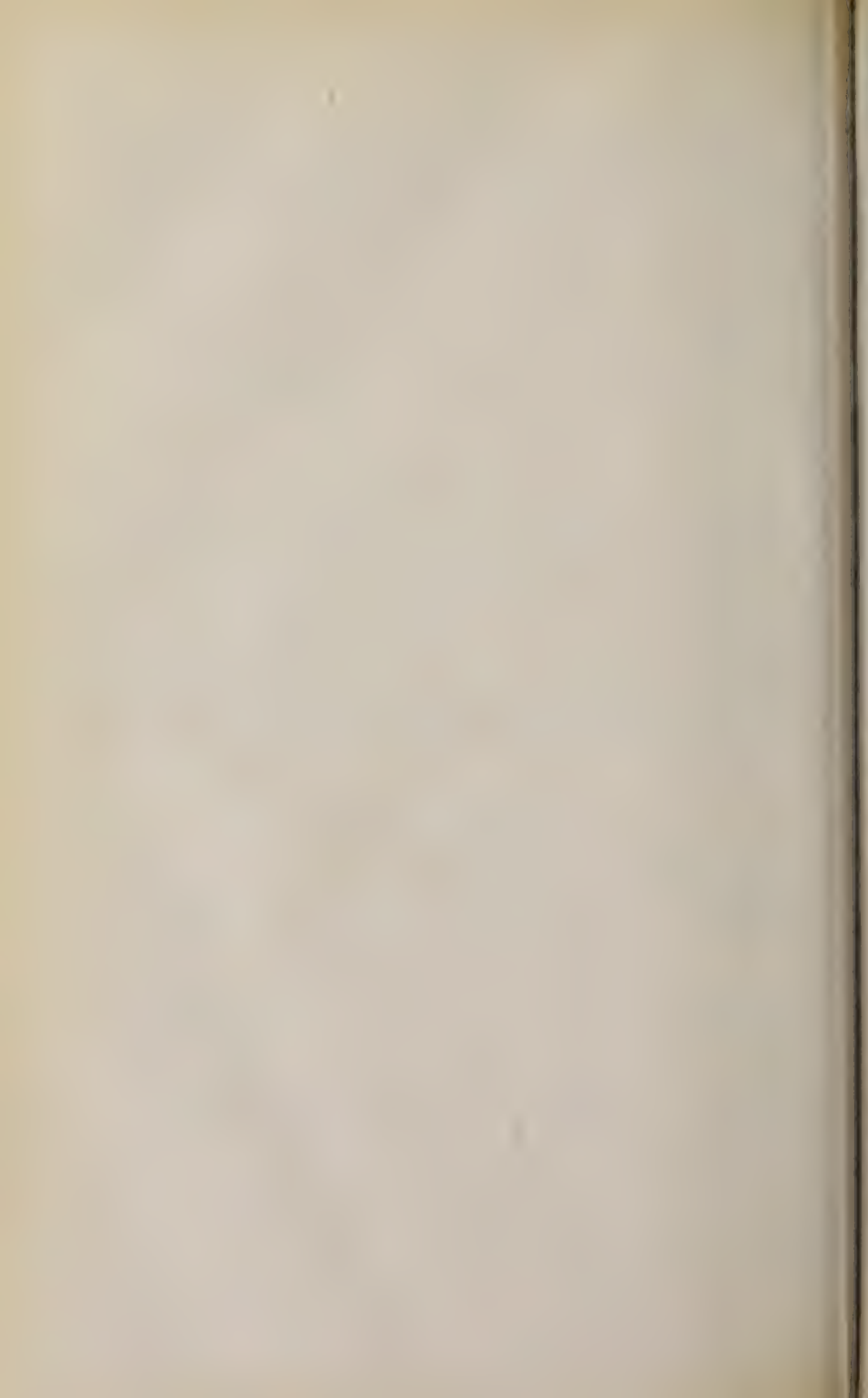
MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Waggy moved that Senate Bill No. 293 be taken from the inactive file, and placed on the second reading file.

Motion carried.

ADJOURNMENT

At 6.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 22, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-FIFTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 22, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Senter, Swan, Swang, Tickle, Wagy, and Ward 38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Metzger, on motion of Senator DeLap.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Chas. Martin, President, Security Trust and Savings Bank, and L. W. Christensen, both of San Diego; Allen Greening and Allen Holland, both of East San Diego, Dr. J. R. Scott and R. L. Mueller, both of Chula Vista.

On request of Senator Quinn, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Wm. Early of Los Angeles.

On request of Senators Wagy and Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Senator Edgar Stow of Santa Barbara.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Philip M. Wagy of Bakersfield.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. William Barnhart and Mrs. Milton McCormick of Los Angeles.

On request of Senator Gordon, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Martha Ayers of Sacramento.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 1276—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty fifth class.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1229—An act to amend Sections 697.5, 720, 860 and 881 of, to repeal Section 865 of, and to add Section 865 to, the Fish and Game Code, relating to the use of nets and the taking and disposal of salmon, shad, and striped bass, declaring the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 770
Assembly Bill No. 1129
Assembly Bill No. 1339
Assembly Bill No. 1519

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 770—An act to add Chapter 8 to Part 4, Division 6 of the Welfare and Institutions Code, creating a Division of Extramural Care in the Department of Institutions and prescribing its powers and duties.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1129—An act to establish a Legislative Audit Bureau and an Audit Committee of the Legislature, and in connection therewith to amend Section 11860 of the Insurance Code, and to repeal Sections 658 and 660 of the Political Code.

Referred to Committee on Rules.

Assembly Bill No. 1339—An act to add a new section to the State Civil Service Act to be numbered 57.2, relating to the officers and

employees of the State Board of Prison Directors or any warden of a State prison.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1519—An act to amend Sections 4020, 4021, 4022, 4023, 4042, 4043, 4045, 4060, 4062, 4063, 4064, 4064.5, 4080, 4082, 4084, 4085, 5000 and 5022, and to repeal Sections 5001, 5002, 5003 and 5004 and Article 6, consisting of Sections 5020 and 5021, of Chapter 4, Part 1, Division 2 of the Insurance Code and to add Section 4065 thereto, all relating to insurance.

Referred to Committee on Financial Institutions.

REMARKS

The following remarks by Senator Swing were ordered printed in the Journal:

These oranges are presented to the Members of the California Senate through the courtesy of the Mutual Orange Distributors of Redlands, California, by their publicity man, Mr. A. E. Isham.

Mr. Isham says he hopes the Senators will have as much pleasure in eating them as he has in presenting them.

They are the first of the Valencia crop.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1013

Senate Bill No. 1334

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 995

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 1982

Assembly Bill No. 800

Assembly Bill No. 819

Assembly Bill No. 809

Assembly Bill No. 1411

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 925

Assembly Bill No. 927

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6, noes 1; absent 4.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1138

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1635

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 808

Assembly Bill No. 1434

Assembly Bill No. 1438

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 926

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1456

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 7; absent 4.

TICKLE, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 527

Assembly Bill No. 1034

Assembly Bill No. 2321

Assembly Bill No. 1036

Assembly Bill No. 171

Assembly Bill No. 2475

Assembly Bill No. 1600

Assembly Bill No. 1240

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred:
Assembly Bill No. 1700

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1800

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 2, line 25, of the printed bill, as amended, following "Senate", insert "for the Fifty-fifth Session".

Amendment No. 2

On page 2, line 26, of the printed bill, as amended, following "committees", insert "thereof".

Amendment No. 3

On page 2, line 40, of the printed bill, as amended, following "Assembly", insert "for the Fifty-fifth Session".

Amendment No. 4

On page 2, line 40, of the printed bill, as amended, following "committees", insert "thereof".

Amendment No. 5

On page 2 of the printed bill, as amended, between lines 31 and 32, insert
"Item 4.5—For secretaries for members of the Senate in San Francisco, Los Angeles, and Alameda counties..... \$10,800.00".

Amendment No. 6

On page 3 of the printed bill, as amended, strike out all of lines 1 to 3, inclusive, and insert

"Item 11—For support of Legislative Counsel Bureau, in accordance with the following schedule..... \$99,905.00
and in addition thereto any amounts collected for services to other agencies which by law are available for support of said office.

Schedule:

(a) Salaries and Wages-----	\$120,000.00
(b) Operating Expenses-----	14,055.00
(c) Equipment-----	550.00
Total of Schedule-----	\$134,605.00
Less: Estimated abatements: For services to Code	
Commission-----	28,800.00
For services to other agencies-----	5,900.00
Net Appropriation-----	\$99,905.00".

Amendment No. 7

On page 3 of the printed bill, as amended, strike out all of lines 13 to 26, inclusive, and insert

"Item 14—For support of Supreme Court----- \$418,480.00".

Amendment No. 8

On page 3 of the printed bill, as amended, strike out all of lines 27 to 51, inclusive, and insert

"Item 15—For support of Judicial Council and for extra compensation and traveling expenses of judges assigned by the Judicial Council----- \$53,950.00".

Amendment No. 9

On page 4 of the printed bill, as amended, strike out all of lines 1 to 16, inclusive, and insert

"Item 16—For support of the First District Court of Appeal----- \$216,100.00".

Amendment No. 10

On page 4 of the printed bill, as amended, strike out all of lines 17 to 30, inclusive, and insert

"Item 17—For support of the Second District Court of Appeal----- \$209,300.00".

Amendment No. 11

On page 4 of the printed bill, as amended, strike out all of lines 31 to 44, inclusive, and insert

"Item 18—For support of the Third District Court of Appeal----- \$113,190.00".

Amendment No. 12

On page 4 of the printed bill, as amended, strike out all of lines 45 to 51, inclusive, and insert

"Item 19—For support of the Fourth District Court of Appeal----- \$149,170.00".

Amendment No. 13

On page 5 of the printed bill, as amended, strike out all of lines 1 to 8, inclusive.

Amendment No. 13a

On page 5 of the printed bill, as amended, strike out all of line 30, and insert "ical Code)----- \$5,000.00".

Amendment No. 14

On page 5 of the printed bill, as amended, strike out all of lines 46 to 48, inclusive, and insert

"Item 24—For salary and support of Lieutenant Governor, in accordance with the following schedule----- \$13,140.00

Schedule:

(a) Salaries and Wages-----	\$12,140.00
(b) Operating Expenses-----	1,000.00
(c) Equipment-----	Nothing".

Amendment No. 15

On page 5 of the printed bill, as amended, strike out all of lines 49 to 51, inclusive.

Amendment No. 16

On page 6 of the printed bill, as amended, strike out all of lines 1 to 7, inclusive.

Amendment No. 17

On page 6 of the printed bill, as amended, strike out all of lines 11 to 13, inclusive, and insert

"Item 25—For support of Attorney General, in accordance with the following schedule _____ \$541,235.00
and in addition thereto any amounts collected for services to other agencies which by law are available for support of said officer.

Schedule:

(a) Salaries and Wages	_____	\$601,430.00
(b) Operating Expenses	_____	136,340.00
(c) Equipment	_____	26,565.00

Total of Schedule	_____	\$764,335.00
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Less: Estimated abatements from special fund agencies for legal services	_____	223,100.00
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Net Appropriation	_____	\$541,235.00".
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Amendment No. 18

On page 6 of the printed bill, as amended, between lines 13 and 14, insert

"Item 25.5—For expenses of the Attorney General in the case brought by the Attorney General in the Court of Claims of the United States on behalf of certain Indians of the State of California, pursuant to Chapter 643, Statutes of 1927 _____ \$9,018.00".

Amendment No. 19

On page 6 of the printed bill, as amended, strike out all of lines 14 to 24, inclusive.

Amendment No. 20

On page 6 of the printed bill, as amended, strike out all of lines 25 to 27, inclusive, and insert

"Item 26—For support of State Controller, in accordance with the following schedule _____ \$885,534.00

Schedule:

(a) Salaries and Wages	_____	\$734,140.00
(b) Operating Expenses	_____	141,200.00
(c) Equipment	_____	10,194.00".

Amendment No. 21

On page 6 of the printed bill, as amended, strike out all of lines 28 to 44, inclusive.

Amendment No. 22

On page 6 of the printed bill, as amended, strike out all of lines 48 to 50, inclusive.

Amendment No. 23

On page 7 of the printed bill, as amended, strike out all of lines 1 to 3, inclusive.

Amendment No. 24

On page 7 of the printed bill, as amended, strike out all of lines 4 to 9, inclusive, and insert

"Item 28—For support of Motor Vehicle Fuel Tax Refund Division, State Controller, in accordance with the following schedule, payable from the Motor Vehicle Fuel Fund _____ \$136,573.00

Schedule:

(a) Salaries and Wages	_____	\$112,700.00
(b) Operating Expenses	_____	21,408.00
(c) Equipment	_____	2,465.00".

Amendment No. 25

On page 7 of the printed bill, as amended, strike out all of lines 10 to 22, inclusive.

Amendment No. 26

On page 7 of the printed bill, as amended, strike out all of lines 23 to 27, inclusive, and insert

"Item 29—For support of Redemption Tax Division, State Controller, in accordance with the following schedule, payable from the Tax-dedeed Land Rental Fund _____ \$258,014.00

Schedule:

(a) Salaries and Wages	_____	\$188,200.00
(b) Operating Expenses	_____	66,039.00
(c) Equipment	_____	3,775.00".

Amendment No. 27

On page 7 of the printed bill, as amended, strike out all of lines 28 to 42, inclusive.

Amendment No. 28

On page 7 of the printed bill, as amended, strike out all of lines 43 to 46, inclusive, and insert

"Item 30—For support of Board of Administration of the State Employees' Retirement System, in accordance with the following schedule _____ \$75,796.00

Schedule:

(a) Salaries and Wages.....	\$66,954.00
(b) Operating Expenses	6,800.00
(c) Equipment	2,042.00".

Amendment No. 29

On page 7 of the printed bill, as amended, strike out all of lines 47 to 51, inclusive.

Amendment No. 30

On page 8 of the printed bill, as amended, strike out all of lines 1 to 5, inclusive.

Amendment No. 31

On page 8 of the printed bill, as amended, strike out all of lines 6 to 12, inclusive, and insert

"Item 31—For support of State Board of Equalization, in accordance with the following schedule _____ \$1,086,778.00

and in addition thereto any amounts collected for services to activities supported out of other funds, which by law are available for support of said board.

Schedule:

(a) Salaries and Wages.....	\$1,039,845.00
(b) Operating Expenses	308,601.00
(c) Equipment	17,875.00

Total of Schedule.....\$1,336,321.00

Less: Estimated abatement for services to activities supported out of other funds..... 279,543.00

Net Appropriation\$1,086,778.00".

Amendment No. 32

On page 8 of the printed bill, as amended, strike out all of lines 13 to 49, inclusive.

Amendment No. 33

On page 8 of the printed bill, as amended, strike out all of lines 50 to 52, inclusive; and on page 9, strike out all of lines 1 to 13, inclusive, and insert

"Item 32—For support of Retail Sales Tax Division of the State Board of Equalization, in accordance with the following schedule, payable from the Retail Sales Tax Fund..... \$5,941,756.00

(which amount may be augmented as provided by Section 661 of the Political Code if the amount thus made available under said section does not increase the total amount available for the purpose of this item during any fiscal year to an amount which exceeds 3 per cent of the amounts deposited during such year in said fund) and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said board.

Schedule:

(a) Salaries and Wages.....	\$5,076,398.00
(b) Operating Expenses	1,050,273.00
(c) Equipment	48,481.00

Total of Schedule.....\$6,175,152.00

Less: Estimated abatements for services to activities supported out of other funds..... 233,396.00

Net Appropriation\$5,941,756.00".

Amendment No. 34

On page 9 of the printed bill, as amended, strike out all of lines 14 to 29, inclusive.

Amendment No. 35

On page 9 of the printed bill, as amended, strike out all of lines 20 to 38, inclusive, and insert

"Item 33—For support of Alcoholic Beverage Control Division of the State Board of Equalization, in accordance with the following schedule, payable from the Alcohol Beverage Control Fund		\$2,722,445.00
Schedule:		
(a) Salaries and Wages	\$2,030,414.00	
(b) Operating Expenses	654,598.00	
(c) Equipment	37,433.00	

Amendment No. 36

On page 9 of the printed bill, as amended, strike out all of lines 39 to 52, inclusive, and on page 10, strike out all of lines 1 to 7, inclusive.

Amendment No. 37

On page 10 of the printed bill, as amended, strike out all of lines 8 to 13, inclusive, and insert

"Item 34—For support of Motor Vehicle Fuel Tax Division, State Board of Equalization, in accordance with the following schedule, payable from the Motor Vehicle Fuel Fund		\$300,805.00
Schedule:		
(a) Salaries and Wages	\$219,666.00	
(b) Operating Expenses	77,753.00	
(c) Equipment	3,386.00	

Amendment No. 38

On page 10 of the printed bill, as amended, strike out all of lines 14 to 31, inclusive.

Amendment No. 39

On page 10 of the printed bill, as amended, strike out all of lines 32 to 34, inclusive, and insert

"Item 35—For support of Franchise Tax Commission, in accordance with the following schedule		\$336,704.00
and in addition thereto any amounts collected for services to other agencies supported out of other funds, which by law are available for support of said officer.		
Schedule:		
(a) Salaries and Wages	\$512,605.00	
(b) Operating Expenses	39,940.00	
(c) Equipment	4,979.00	
Total of Schedule	\$557,524.00	
Less: Estimated pro rata general administration from Personal Income Tax Fund	220,820.00	
Net Appropriation	\$336,704.00	

Amendment No. 40

On page 10 of the printed bill, as amended, strike out all of lines 35 to 52, inclusive.

Amendment No. 41

On page 11 of the printed bill, as amended, strike out all of lines 1 to 2, inclusive.

Amendment No. 42

On page 11 of the printed bill, as amended, strike out all of lines 3 to 11, inclusive, and insert

"Item 36—For support of Franchise Tax Commissioner, in accordance with the following schedule, payable from the Personal Income Tax Fund		\$1,614,770.00
(which amount may be augmented as provided by Section 661 of the Political Code subject to the provisions of The Personal Income Tax Act of 1935).		
Schedule:		
(a) Salaries and Wages	\$1,139,615.00	
(b) Operating Expenses	464,497.00	
(c) Equipment	10,658.00	

Amendment No. 43

On page 11 of the printed bill, as amended, strike out all of lines 12 to 27, inclusive.

Amendment No. 44

On page 11 of the printed bill, as amended, strike out all of lines 28 to 32, inclusive, and insert

"Item 37—For support of California Horse Racing Board, in accordance with the following schedule, payable from the Fair and Exposition Fund.----- \$59,994.00

Schedule:

(a) Salaries and Wages-----	\$31,030.00
(b) Operating Expenses -----	28,364.00
(c) Equipment -----	600.00

Total of Schedule----- \$59,994.00".

Amendment No. 45

On page 11 of the printed bill, as amended, strike out all of lines 33 to 42, inclusive.

Amendment No. 46

On page 11 of the printed bill, as amended, strike out all of lines 43 to 46, inclusive, and insert

"Item 38—For support of State Personnel Board, in accordance with the following schedule----- \$630,469.00
and in addition thereto any amounts collected for services to other agencies which are by law available for support of said office.

Schedule:

(a) Salaries and Wages-----	\$543,432.00
(b) Operating Expenses -----	93,880.00
(c) Equipment -----	8,157.00

Total of Schedule----- \$645,469.00

Less: Estimated abatements from other agencies----- 15,000.00

Net Appropriation ----- \$630,469.00".

Amendment No. 47

On page 11 of the printed bill, as amended, strike out all of lines 47 to 52, inclusive.

Amendment No. 48

On page 12 of the printed bill, as amended, strike out all of lines 1 to 21, inclusive.

Amendment No. 49

On page 12 of the printed bill, as amended, strike out all of lines 22 to 26, inclusive, and insert

"Item 39—For support of Railroad Commission of the State of California, in accordance with the following schedule----- \$1,293,543.00

Schedule:

(a) Salaries and Wages-----	\$1,067,715.00
(b) Operating Expenses -----	210,566.00
(c) Equipment -----	15,262.00".

Amendment No. 50

On page 12 of the printed bill, as amended, strike out all of lines 27 to 46, inclusive.

Amendment No. 51

On page 12 of the printed bill, as amended, strike out all of lines 47 to 52, inclusive, and insert

"Item 40—For support of Transportation Rate Division, Railroad Commission of the State of California, in accordance with the following schedule, payable from the Transportation Rate Fund \$798,022.00

Schedule:

(a) Salaries and Wages-----	\$619,500.00
(b) Operating Expenses -----	171,810.00
(c) Equipment -----	6,712.00".

Amendment No. 52

On page 13 of the printed bill, as amended, strike out all of lines 1 to 17, inclusive.

Amendment No. 53

On page 13 of the printed bill, as amended, strike out all of lines 18 to 20, inclusive, and insert

"Item 41—For support of Secretary of State, in accordance with the following schedule..... \$154,010.00
and in addition thereto any amounts collected for services to other agencies which by law are available for support of said officer.

Schedule:

(a) Salaries and Wages.....	\$114,180.00
(b) Operating Expenses.....	46,200.00
(c) Equipment.....	3,630.00

Total of Schedule.....	\$164,010.00
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Less: Estimated abatements for services to other agencies.....	10,000.00
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Net Appropriation.....	\$154,010.00".
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Amendment No. 54

On page 13 of the printed list, as amended, strike out all of lines 25 to 30, inclusive, and insert

"Item 43—For support of Collection Agency License Division, Secretary of State's Office, in accordance with the following schedule, payable from the Collection Agency License Fund..... \$29,459.00

Schedule:

(a) Salaries and Wages.....	\$19,440.00
(b) Operating Expenses.....	9,419.00
(c) Equipment.....	600.00".

Amendment No. 55

On page 13 of the printed bill, as amended, strike out all of lines 31 to 40, inclusive.

Amendment No. 56

On page 13 of the printed bill, as amended, strike out all of lines 41 to 43, inclusive, and insert

"Item 44—For support of the State Treasurer, in accordance with the following schedule..... \$148,790.00

Schedule:

(a) Salaries and Wages.....	\$128,280.00
(b) Operating Expenses.....	19,800.00
(c) Equipment.....	710.00".

Amendment No. 56a

On page 13 of the printed bill, as amended, strike out all of lines 44 to 52, inclusive.

Amendment No. 57

On page 14 of the printed bill, as amended, strike out all of lines 3 to 6, inclusive, and insert

"Item 45—For support of Department of Agriculture, in accordance with the following schedule..... \$2,890,000.00
and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said department.

Schedule:

(a) Salaries and Wages.....	\$2,332,762.00
(b) Operating Expenses.....	628,590.00
(c) Equipment.....	60,058.00

Total of Schedule.....	\$3,021,410.00
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Less: Estimated pro rata cost of administration chargeable to special fund and trust fund activities.....	131,410.00
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Net Appropriation.....	\$2,890,000.00".
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Amendment No. 57a

On page 14 of the printed bill, as amended, strike out all of lines 7 to 51, inclusive.

Amendment No. 58

On page 15 of the printed bill, as amended, strike out all of lines 1 to 52, inclusive.

Amendment No. 59

On page 16 of the printed bill, as amended, strike out all of lines 1 to 24, inclusive.

Amendment No. 60

On page 16 of the printed bill, as amended, strike out all of lines 29 to 33, inclusive, and insert

"Item 47—For support of Department of Agriculture, in accordance with the following schedule, payable from the Department of Agriculture Fund ----- \$4,162,706.00

Schedule:

(a) Salaries and Wages-----	\$2,920,494.00
(b) Operating Expenses -----	1,129,476.00
(c) Equipment -----	112,736.00".

Amendment No. 61

On page 16 of the printed bill, as amended, strike out all of lines 34 to 51, inclusive; strike out all of page 17; and on page 18, strike out all of lines 1 to 36, inclusive.

Amendment No. 62

On page 18 of the printed bill, as amended, strike out all of lines 37 to 39, inclusive, and insert

"Item 48—For support of Farm Debt Adjustment Commission----- \$1,000.00".

Amendment No. 63

On page 18 of the printed bill, as amended, strike out all of lines 40 to 44, inclusive, and insert

"Item 49—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund----- \$8,981.00 and in addition thereto any amounts collected for services to employees which by law are available for support of said commission. Said appropriation, together with the amount appropriated by Item 50 hereof, shall be expended in accordance with the following schedule:

Schedule:

(a) Salaries and Wages-----	\$7,400.00
(b) Operating Expenses -----	7,281.00
(c) Equipment -----	500.00
Total of Schedule-----	\$15,181.00
Less: Estimated refunds for maintenance furnished employees -----	1,200.00
Amount payable from appropriation for additional support, (Item 50) -----	5,000.00
Net Appropriation -----	\$8,981.00".

Amendment No. 64

On page 18 of the printed bill, as amended, strike out all of lines 45 to 50, inclusive.

Amendment No. 65

On page 19 of the printed bill, as amended, strike out all of lines 1 to 6, inclusive.

Amendment No. 66

On page 19 of the printed bill, as amended, strike out all of lines 8 and 9, and insert

"Improvement Commission ----- \$5,000.00".

Amendment No. 67

On page 19 of the printed bill, as amended, strike out all of lines 22 to 25, inclusive, and insert

"Item 53—For support of Department of Education, exclusive of the members of the State Board of Education, in accordance with the following schedule ----- \$457,978.00 and in addition thereto any amounts collected for services to activities supported out of other funds and for sale of bulletins, which by law are available for support of said department.

Schedule:

(a) Salaries and Wages-----	\$384,405.00
(b) Operating Expenses -----	93,162.00
(c) Equipment -----	4,311.00
Total of Schedule-----	\$481,878.00

Less: Estimated abatements for services to activities supported out of other funds and for sale of bulletins ----- 23,900.00

Net Appropriation ----- \$457,978.00".

Amendment No. 68

On page 19 of the printed bill, as amended, between lines 25 and 26, insert "Item 53.5—For support of the members of the State Board of Education ----- \$2,500.00".

Amendment No. 69

On page 19 of the printed bill, as amended, strike out all of lines 26 to 51, inclusive.

Amendment No. 70

On page 20 of the printed bill, as amended, strike out all of lines 1 to 7, inclusive.

Amendment No. 71

On page 20 of the printed bill, as amended, strike out all of lines 8 to 12, inclusive, and insert

"Item 54—For support of California State Library in the Department of Education, in accordance with the following schedule ----- \$333,632.00

Schedule:

(a) Salaries and Wages-----	\$251,265.00
(b) Operating Expenses-----	31,912.00
(c) Equipment-----	50,455.00".

Amendment No. 72

On page 20 of the printed bill, as amended, strike out all of lines 13 to 25, inclusive.

Amendment No. 73

On page 20 of the printed bill, as amended, strike out all of lines 26 to 29, inclusive, and insert

"Item 55—For publishing, purchasing, and shipping free textbooks, Department of Education----- \$1,250,000.00".

Amendment No. 74

On page 20 of the printed bill, as amended, strike out all of lines 30 to 37, inclusive.

Amendment No. 75

On page 20 of the printed bill, as amended, strike out all of lines 44 to 50, inclusive, and insert

"Item 58—For support of Chico State College, in accordance with the following schedule----- \$457,625.00
and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.

Schedule:

(a) Salaries and Wages-----	\$429,935.00
(b) Operating Expenses-----	50,665.00
(c) Equipment-----	19,882.00

Total of Schedule----- \$500,482.00

Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933----- 42,857.00

Net Appropriation ----- \$457,625.00".

Amendment No. 76

On page 20 of the printed bill, as amended, strike out all of lines 51 to 52, inclusive.

Amendment No. 77

On page 21 of the printed bill, as amended, strike out all of lines 1 to 11, inclusive.

Amendment No. 78

On page 21 of the printed bill, as amended, strike out all of lines 15 to 21, inclusive, and insert

"Item 60—For support of Fresno State College, in accordance with the following schedule_____		\$798,374.00
and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.		
Schedule		
(a) Salaries and Wages_____	\$787,557.00	
(b) Operating Expenses _____	102,060.00	
(c) Equipment _____	29,907.00	
Total of Schedule_____	\$919,524.00	
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933_____	121,150.00	
Net Appropriation _____	\$798,374.00".	

Amendment No. 79

On page 21 of the printed bill, as amended, strike out all of lines 22 to 39, inclusive.

Amendment No. 80

On page 21 of the printed bill, as amended, strike out all of lines 43 to 49, inclusive, and insert

"Item 62—For support of Humboldt State College, in accordance with the following schedule_____		\$280,354.00
and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.		
Schedule:		
(a) Salaries and Wages_____	\$260,776.00	
(b) Operating Expenses_____	33,796.00	
(c) Equipment _____	8,867.00	
Total of Schedule_____	\$303,439.00	
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933_____	23,085.00	
Net Appropriation _____	\$280,354.00".	

Amendment No. 81

On page 21 of the printed bill, as amended, strike out all of lines 50 to 52, inclusive.

Amendment No. 82

On page 22 of the printed bill, as amended, strike out all of lines 1 to 8, inclusive.

Amendment No. 83

On page 22 of the printed bill, as amended, strike out all of lines 12 to 18, inclusive, and insert

"Item 64—For support of San Diego State College, in accordance with the following schedule_____		\$834,503.00
and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.		
Schedule:		
(a) Salaries and Wages_____	\$829,210.00	
(b) Operating Expenses_____	90,395.00	
(c) Equipment _____	35,298.00	
Total of Schedule_____	\$954,903.00	
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933_____	120,400.00	
Net Appropriation _____	\$834,503.00".	

Amendment No. 84

On page 22 of the printed bill, as amended, strike out all of lines 19 to 29, inclusive.

Amendment No. 85

On page 22 of the printed bill, as amended, strike out all of lines 34 to 40, inclusive, and insert

"Item 66 For support of San Francisco State College, in accordance with the following schedule_____		\$814,192.00
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and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.

Schedule:

(a) Salaries and Wages	\$797,192.00
(b) Operating Expenses	91,995.00
(c) Equipment	36,800.00
Total of Schedule	\$925,987.00
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933	111,795.00
Net Appropriation	\$814,192.00".

Amendment No. 86

On page 22 of the printed bill, as amended, strike out all of lines 41 to 52, inclusive.

Amendment No. 87

On page 23 of the printed bill, as amended, strike out all of lines 1 to 5, inclusive.

Amendment No. 88

On page 23 of the printed bill, as amended, strike out all of lines 9 to 15, inclusive, and insert

"Item 68—For support of San Jose State College, in accordance with the following schedule..... \$1,049,761.00

and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.

Schedule:

(a) Salaries and Wages	\$979,947.00
(b) Operating Expenses	158,929.00
(c) Equipment	59,005.00

Total of Schedule	\$1,197,881.00
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933	148,120.00

Net Appropriation

Amendment No. 89

On page 23 of the printed bill, as amended, strike out all of lines 16 to 33, inclusive.

Amendment No. 90

On page 23 of the printed bill, as amended, strike out all of lines 38 to 44, inclusive, and insert

"Item 70—For support of Santa Barbara State College, in accordance with the following schedule..... \$738,255.00

and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said college.

Schedule:

(a) Salaries and Wages	\$758,161.00
(b) Operating Expenses	79,099.00
(c) Equipment	42,097.00

Total of Schedule	\$879,357.00
Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933	141,102.00

Net Appropriation

Amendment No. 91

On page 23 of the printed bill, as amended, strike out all of lines 45 to 50, inclusive.

Amendment No. 92

On page 24 of the printed bill, as amended, strike out all of lines 1 to 11, inclusive.

Amendment No. 93

On page 24 of the printed bill, as amended, strike out all of lines 15 to 18, inclusive, and insert

"Item 72—For support of California School for Blind at Berkeley, in accordance with the following schedule..... \$247,499.00

and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said school.

Schedule:

(a) Salaries and Wages	-----	\$184,229.00
(b) Operating Expenses	-----	69,320.00
(c) Equipment	-----	5,950.00

Total of Schedule-----\$259,499.00

Less: Estimated abatements for services to employees
and for sales of surplus products----- 12,000.00

Net Appropriations -----\$247,499.00".

Amendment No. 94

On page 24 of the printed bill, as amended, strike out all of lines 19 to 30, inclusive.

Amendment No. 95

On page 24 of the printed bill, as amended, strike out all of lines 39 to 42, inclusive, and insert

"Item 75—For support of California School for Deaf at Berkeley, in accordance with the following schedule----- \$513,719.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said school.

Schedule:

(a) Salaries and Wages	-----	\$398,364.00
(b) Operating Expenses	-----	127,410.00
(c) Equipment	-----	4,945.00

Total of Schedule-----\$530,719.00

Less: Estimated abatements for services to employees
and for sales of surplus products----- 17,000.00

Net Appropriation -----\$513,719.00".

Amendment No. 96

On page 24 of the printed bill, as amended, strike out all of lines 43 to 52, inclusive.

Amendment No. 97

On page 25 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive.

Amendment No. 98

On page 25 of the printed bill, as amended, strike out all of lines 13 to 19, inclusive, and insert

"Item 78—For support of California Maritime Academy in accordance with the following schedule----- \$106,990.00
and in addition thereto the amount of such fees as may otherwise be made available by law for the support of said academy.

Schedule:

(a) Salaries and Wages	-----	\$122,905.00
(b) Operating Expenses	-----	102,680.00
(c) Equipment	-----	2,205.00

Total of Schedule-----\$227,790.00

Less: Maintenance deductions ----- 13,200.00

Federal contributions ----- 50,000.00

Estimated student fees appropriated by Chapter
619, Statutes of 1937----- 57,600.00

Net Appropriation -----\$106,990.00".

Amendment No. 99

On page 25 of the printed bill, as amended, strike out all of lines 20 to 29, inclusive.

Amendment No. 100

On page 25 of the printed bill, as amended, strike out all of lines 30 to 39, inclusive, and insert

"Item 79—For support of University of California; provided, that not more than one-twentieth of such amount shall be expended during any one month and not more than one-half of such amount shall be expended during the Ninety-third Fiscal Year \$16,841,368.00".

Amendment No. 101

On page 26 of the printed bill, as amended, strike out all of lines 6 to 12, inclusive, and insert

"Item 82—For support of Department of Finance, exclusive of Bureau of Buildings and Grounds ----- \$1,203,338.00
and in addition thereto any amounts collected for services to other agencies which by law are available for support of said department. The amount appropriated by this item, together with any sum appropriated by law out of the Fair and Exposition Fund for the use of the Department of Finance in supervising and auditing district agricultural fairs and associations, shall be expended in accordance with the following schedule:

Schedule:
(a) Salaries and Wages ----- \$1,086,090.00
(b) Operating Expenses ----- 157,070.00
(c) Equipment ----- 9,300.00

Total of Schedule ----- \$1,252,460.00
Less: Estimated abatements for services to other agencies ----- 29,122.00
Less: Amount payable from Fair and Exposition Fund ----- 20,000.00

Net Appropriation ----- \$1,203,338.00".

Amendment No. 102

On page 26 of the printed bill, as amended, strike out all of lines 13 to 52, inclusive.

Amendment No. 103

On page 27 of the printed bill, as amended, strike out all of lines 1 to 8, inclusive.

Amendment No. 104

On page 27 of the printed bill, as amended, strike out all of lines 9 to 13, inclusive, and insert

"Item 83—For support of Bureau of Buildings and Grounds, Division of Service and Supply, Department of Finance, in accordance with the following schedule ----- \$1,106,204.00
and in addition thereto any amounts collected for services to other agencies which by law are available for support of said bureau and or department.

Schedule:
(a) Salaries and Wages ----- \$1,365,034.00
(b) Operating Expenses ----- 753,400.00
(c) Equipment ----- 1,350.00

Total of Schedule ----- \$2,119,784.00
Less: Estimated abatements for pro rata building maintenance, rent, and for other services to other agencies ----- 1,013,580.00

Net Appropriation ----- \$1,106,204.00".

Amendment No. 105

On page 27 of the printed bill, as amended, strike out all of lines 14 to 28, inclusive.

Amendment No. 106

On page 28 of the printed bill, as amended, strike out all of lines 1 to 6, inclusive, and insert

"Item 89—For support, Division of State Lands, State Lands Commission, Department of Finance, in accordance with the following schedule, payable from the State Lands Act Fund ----- \$140,518.00

Schedule:
(a) Salaries and Wages ----- \$106,620.00
(b) Operating Expenses ----- 32,798.00
(c) Equipment ----- 1,100.00".

Amendment No. 107

On page 28 of the printed bill, as amended, strike out all of lines 7 to 21, inclusive.

Amendment No. 108

On page 28 of the printed bill, as amended, strike out all of lines 28 to 34, inclusive, and insert

"Item 91—For support of State Agricultural Society, Division of Exhibits, Department of Finance, in accordance with the following schedule, payable from the State Agricultural Society Contingent Fund -----		\$966,765.00
Schedule:		
(a) Salaries and Wages -----	\$322,520.00	
(b) Operating Expenses -----	636,370.00	
(c) Equipment -----	7,875.00".	

Amendment No. 109

On page 28 of the printed bill, as amended, strike out all of lines 35 to 46, inclusive.

Amendment No. 110

On page 28 of the printed bill, as amended, strike out all of lines 47 to 51, inclusive.

Amendment No. 111

On page 29 of the printed bill, as amended, strike out all of lines 1 to 2, inclusive, and insert

"Item 92—For support of Sixth District Agricultural Association, Division of Exhibits, Department of Finance, in accordance with the following schedule, payable from the Sixth District Agricultural Association Fund -----		\$98,420.00
Schedule:		
(a) Salaries and Wages -----	\$78,060.00*	
(b) Operating Expenses -----	17,410.00	
(c) Equipment -----	2,950.00".	

Amendment No. 112

On page 29 of the printed bill, as amended, strike out all of lines 6 to 9, inclusive, and insert

"Item 93—For support, Departmental Administration, Department of Industrial Relations, in accordance with the following schedule -----		\$71,975.00
Schedule:		
(a) Salaries and Wages -----	\$62,130.00	
(b) Operating Expenses -----	8,850.00	
(c) Equipment -----	995.00".	

Amendment No. 113

On page 29 of the printed bill, as amended, strike out all of lines 10 to 22, inclusive.

Amendment No. 114

On page 29 of the printed bill, as amended, strike out all of lines 23 to 26, inclusive, and insert

"Item 94—For Apprentice Training, Department of Industrial Relations, in accordance with the following schedule -----		\$33,895.00
Schedule:		
(a) Salaries and Wages -----	\$25,320.00	
(b) Operating Expenses -----	8,300.00	
(c) Equipment -----	275.00".	

Amendment No. 115

On page 29 of the printed bill, as amended, strike out all of lines 27 to 37, inclusive.

Amendment No. 116

On page 29 of the printed bill, as amended, strike out all of lines 38 to 43, inclusive, and insert

"Item 95—For support of Division of Industrial Accidents and Safety, Department of Industrial Relations, in accordance with the following schedule -----		\$1,272,330.00
Schedule:		
(a) Salaries and Wages -----	\$1,104,200.00	
(b) Operating Expenses -----	144,390.00	
(c) Equipment -----	23,740.00".	

Amendment No. 117

On page 29 of the printed bill, as amended, strike out all of lines 44 to 48, inclusive.

Amendment No. 118

On page 30 of the printed bill, as amended, strike out all of lines 1 to 14, inclusive.

Amendment No. 119

On page 30 of the printed bill, as amended, strike out all of lines 15 to 19, inclusive, and insert

"Item 96—For support of Division of Labor Statistics and Law Enforcement, Department of Industrial Relations, in accordance with the following schedule----- \$571,330.00

Schedule:

(a) Salaries and Wages-----	\$466,470.00
(b) Operating Expenses-----	96,025.00
(c) Equipment-----	8,835.00".

Amendment No. 120

On page 30 of the printed bill, as amended, strike out all of lines 20 to 32, inclusive.

Amendment No. 121

On page 30 of the printed bill, as amended, strike out all of lines 39 to 43, inclusive, and insert

"Item 97—For support of Division of Immigration and Housing, Department of Industrial Relations, in accordance with the following schedule----- \$150,035.00

Schedule:

(a) Salaries and Wages-----	\$110,210.00
(b) Operating Expenses-----	39,125.00
(c) Equipment-----	700.00".

Amendment No. 122

On page 30 of the printed bill, as amended, strike out all of lines 44 to 48, inclusive.

Amendment No. 123

On page 31 of the printed bill, as amended, strike out all of lines 1 to 7, inclusive

Amendment No. 123a

On page 31, lines 11 and 12, of the printed bill, as amended, strike out "Department of Industrial Relations,"

Amendment No. 124

On page 31 of the printed bill, as amended, strike out all of lines 16 to 20, inclusive, and insert

"Item 98—For support of Division of Industrial Welfare, Department of Industrial Relations, in accordance with the following schedule----- \$133,305.00

Schedule:

(a) Salaries and Wages-----	\$107,430.00
(b) Operating Expenses-----	25,190.00
(c) Equipment-----	685.00".

Amendment No. 125

On page 31 of the printed bill, as amended, strike out all of lines 21 to 33, inclusive.

Amendment No. 126

On page 31 of the printed bill, as amended, strike out all of lines 39 to 44, inclusive, and insert

"Item 99—For support of Division of Fire Safety, Department of Industrial Relations, in accordance with the following schedule, payable from the Fire Marshal's Fund----- \$204,395.00

Schedule:

(a) Salaries and Wages-----	\$121,130.00
(b) Operating Expenses-----	81,105.00
(c) Equipment-----	2,160.00".

Amendment No. 127

On page 31 of the printed bill, as amended, strike out all of lines 45 to 49, inclusive.

Amendment No. 128

On page 32 of the printed bill, as amended, strike out all of lines 1 to 7, inclusive.

Amendment No. 129

On page 32 of the printed bill, as amended, strike out all of line 15, and insert "ment of Industrial Relations during the Ninety-third and Ninety-fourth Fiscal Years."

Amendment No. 130

On page 32 of the printed bill, as amended, strike out all of lines 19 to 22, inclusive, and insert

"Item 101—For support of Department of Institutions, in accordance with the following schedule.----- \$303,765.00
and in addition thereto any amounts collected for services to guardianship estates which by law are available for support of said department.

Schedule:

(a) Salaries and Wages-----	\$192,060.00
(b) Operating Expenses-----	113,900.00
(c) Equipment-----	3,805.00

Total of Schedule-----	\$309,765.00
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Less: Estimated abatements from guardianship estates-----	6,000.00
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Net Appropriation-----	\$303,765.00".
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Amendment No. 131

On page 32 of the printed bill, as amended, strike out all of lines 23 to 41, inclusive.

Amendment No. 132

On page 32, line 45, of the printed bill, as amended, following the comma after "Institutions", insert "Department of Institutions,".

Amendment No. 133

On page 33 of the printed bill, as amended, strike out all of lines 5 to 8, inclusive, and insert

"Item 105—For support of Agnews State Hospital, in accordance with the following schedule.----- \$2,234,175.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages-----	\$1,588,350.00
(b) Operating Expenses-----	729,160.00
(c) Equipment-----	18,665.00

Total of Schedule-----	\$2,336,175.00
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Less: Estimated abatements for services to employees and for sales of surplus products--	102,000.00
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Net Appropriation-----	\$2,234,175.00".
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Amendment No. 134

On page 33 of the printed bill, as amended, strike out all of lines 9 to 29, inclusive.

Amendment No. 135

On page 33 of the printed bill, as amended, strike out all of lines 34 to 37, inclusive, and insert

"Item 107—For support of Camarillo State Hospital, in accordance with the following schedule.----- \$2,298,105.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said institution.

Schedule:

(a) Salaries and Wages-----	\$1,589,955.00
(b) Operating Expenses-----	796,100.00
(c) Equipment-----	22,050.00

Total of Schedule-----	\$2,408,105.00
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Less: Estimated abatements for services to employees and for sales of surplus products-----	110,000.00
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Net Appropriation-----	\$2,298,105.00".
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Amendment No. 136

On page 33 of the printed bill, as amended, strike out all of lines 38 to 51, inclusive.

Amendment No. 137

On page 34 of the printed bill, as amended, strike out all of lines 1 to 11, inclusive.

Amendment No. 138

On page 34 of the printed bill, as amended, strike out all of lines 16 to 19, inclusive, and insert

"Item 109—For support of Mendocino State Hospital in accordance with the following schedule----- \$1,836,285.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said institution.

Schedule:

(a) Salaries and Wages-----	\$1,284,715.00
(b) Operating Expenses-----	596,050.00
(c) Equipment-----	15,520.00

Total of Schedule-----\$1,896,285.00

Less: Estimated abatements for services to employees and for sales of surplus products----- 60,000.00

Net Appropriation-----\$1,836,285.00".

Amendment No. 139

On page 34 of the printed bill, as amended, strike out all of lines 20 to 26, inclusive.

Amendment No. 140

On page 34 of the printed bill, as amended, strike out all of lines 41 to 44, inclusive, and insert

"Item 111—For support of Napa State Hospital, in accordance with the following schedule----- \$2,386,866.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said institution.

Schedule:

(a) Salaries and Wages-----	\$1,753,970.00
(b) Operating Expenses-----	702,760.00
(c) Equipment-----	16,136.00

Total of Schedule-----\$2,472,866.00

Less: Estimated abatements for services to employees and for sales of surplus products----- 86,000.00

Net Appropriation-----\$2,386,866.00".

Amendment No. 141

On page 34 of the printed bill, as amended, strike out all of lines 45 to 50, inclusive.

Amendment No. 142

On page 35 of the printed bill, as amended, strike out all of lines 1 to 15, inclusive.

Amendment No. 143

On page 35 of the printed bill, as amended, strike out all of lines 16 to 19, inclusive, and insert

"Item 112—For support of Norwalk State Hospital, in accordance with the following schedule----- \$1,710,236.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages-----	\$1,266,729.00
(b) Operating Expenses-----	477,630.00
(c) Equipment-----	16,877.00

Total of Schedule-----\$1,761,236.00

Less: Estimated abatements for services to employees and for sales of surplus products----- 51,000.00

Net Appropriation-----\$1,710,236.00".

Amendment No. 144

On page 35 of the printed bill, as amended, strike out all of lines 20 to 42, inclusive.

Amendment No. 145

On page 35 of the printed bill, as amended, strike out all of lines 47 to 52, inclusive, and insert

"Item 114—For support of Patton State Hospital, in accordance with the following schedule----- \$2,421,926.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages-----	\$1,797,850.00
(b) Operating Expenses-----	679,648.00
(c) Equipment-----	19,228.00

Total of Schedule-----\$2,496,726.00

Less: Estimated abatements for services to employees
and for sales of surplus products----- 74,800.00

Net Appropriation -----\$2,421,926.00".

Amendment No. 146

On page 36 of the printed bill, as amended, strike out all of lines 1 to 19, inclusive.

Amendment No. 147

On page 36 of the printed bill, as amended, strike out all of lines 24 to 27, inclusive, and insert

"Item 116—For support of Stockton State Hospital, in accordance with the following schedule----- \$2,722,523.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages-----	\$1,963,420.00
(b) Operating Expenses-----	825,489.00
(c) Equipment-----	34,414.00

Total of Schedule-----\$2,823,323.00

Less: Estimated abatements for services to employees
and for sales of surplus products----- 100,800.00

Net Appropriation -----\$2,722,523.00".

Amendment No. 148

On page 36 of the printed bill, as amended, strike out all of lines 28 to 50, inclusive.

Amendment No. 149

On page 37 of the printed bill, as amended, strike out all of lines 4 to 7, inclusive, and insert

"Item 118—For support of Pacific Colony and State Narcotic Hospital, in accordance with the following schedule----- \$1,258,677.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages-----	\$814,180.00
(b) Operating Expenses-----	487,628.00
(c) Equipment-----	8,869.00

Total of Schedule-----\$1,310,677.00

Less: Estimated abatements for services to employees and for sales of surplus products----- 52,000.00

Net Appropriation-----\$1,258,677.00".

Amendment No. 150

On page 37 of the printed bill, as amended, strike out all of lines 8 to 25, inclusive.

Amendment No. 151

On page 37 of the printed bill, as amended, strike out all of lines 31 to 34, inclusive, and insert

"Item 120—For support of Sonoma State Home, in accordance with the following schedule----- \$2,214,486.00

and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said institution.

Schedule:

(a) Salaries and Wages.....	\$1,553,013.00
(b) Operating Expenses.....	687,040.00
(c) Equipment	24,833.00

Total of Schedule.....\$2,264,886.00

Less: Estimated abatements for services to employees and for sales of surplus products.... 50,400.00

Net Appropriation.....\$2,214,486.00".

Amendment No. 152

On page 37 of the printed bill, as amended, strike out all of lines 35 to 50, inclusive.

Amendment No. 153

On page 38 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive.

Amendment No. 154

On page 38 of the printed bill, as amended, strike out all of lines 5 to 8, inclusive, and insert

"Item 121—For support of Preston School of Industry, in accordance with the following schedule.....\$1,130,410.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said school.

Schedule:

(a) Salaries and Wages.....	\$815,485.00
(b) Operating Expenses.....	339,070.00
(c) Equipment	20,055.00

Total of Schedule.....\$1,174,610.00

Less: Estimated abatements for services to employees and for sales of surplus products.... 44,200.00

Net Appropriation.....\$1,130,410.00".

Amendment No. 155

On page 38 of the printed bill, as amended, strike out all of lines 9 to 26, inclusive.

Amendment No. 156

On page 38 of the printed bill, as amended, strike out all of lines 30 to 33, inclusive, and insert

"Item 123—For support of Whittier State School, in accordance with the following schedule.....\$596,364.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which are by law available for support of said school.

Schedule:

(a) Salaries and Wages.....	\$454,224.00
(b) Operating Expenses	172,650.00
(c) Equipment	9,490.00

Total of Schedule.....\$636,364.00

Less: Estimated abatements for services to employees and for sales of surplus products.... 40,000.00

Net Appropriation.....\$596,364.00".

Amendment No. 157

On page 38 of the printed bill, as amended, strike out all of lines 34 to 50, inclusive.

Amendment No. 158

On page 39 of the printed bill, as amended, strike out all of lines 5 to 8, inclusive, and insert

"Item 125—For support of Ventura School for Girls, in accordance with the following schedule.....\$337,625.00

and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for said school.

Schedule:	
(a) Salaries and Wages-----	\$263,656.00
(b) Operating Expenses-----	97,340.00
(c) Equipment-----	5,529.00
Total of Schedule-----	\$366,525.00
Less: Estimated abatements for services to employees and for sales of surplus products--	28,900.00
Net Appropriation-----	\$337,625.00".

Amendment No. 159

On page 39 of the printed bill, as amended, strike out all of lines 9 to 24, inclusive.

Amendment No. 160

On page 39 of the printed bill, as amended, strike out all of lines 29 to 31, inclusive, and insert

"Item 127—For support of Industrial Homes for Adult Blind, in accordance with the following schedule.----- \$247,854.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.

Schedule:	
(a) Salaries and Wages-----	\$172,500.00
(b) Operating Expenses-----	80,980.00
(c) Equipment-----	2,574.00
Total of Schedule-----	\$256,054.00
Less: Estimated abatements for services to employees and for sales of surplus products--	8,200.00
Net Appropriation-----	\$247,854.00".

Amendment No. 161

On page 39 of the printed bill, as amended, strike out all of lines 32 to 43, inclusive.

Amendment No. 162

On page 39 of the printed bill, as amended, strike out all of lines 48 to 51, inclusive, and insert

"Item 129—For support of Industrial Workshop for Adult Blind, in accordance with the following schedule.----- \$58,794.00

Schedule:	
(a) Salaries and Wages-----	\$44,700.00
(b) Operating Expenses-----	12,910.00
(c) Equipment-----	1,184.00
Total of Schedule-----	\$58,794.00".

Amendment No. 163

On page 40 of the printed bill, as amended, strike out all of lines 1 to 11, inclusive.

Amendment No. 164

On page 40 of the printed bill, as amended, strike out all of lines 12 to 15, inclusive, and insert

"Item 130—For support of State Blind Shop, in accordance with the following schedule.----- \$27,610.00

Schedule:	
(a) Salaries and Wages-----	\$17,850.00
(b) Operating Expenses-----	9,060.00
(c) Equipment-----	700.00
Total of Schedule-----	\$27,610.00".

Amendment No. 165

On page 40 of the printed bill, as amended, strike out all of lines 16 to 27, inclusive.

Amendment No. 166

On page 40 of the printed bill, as amended, strike out all of lines 37 to 41, inclusive, and insert

"Item 132—For support of Division of Banking, Department of Investment, in accordance with the following schedule, payable from the Banking Fund. \$262,800.00

Schedule:

(a) Salaries and Wages	\$206,750.00
(b) Operating Expenses	55,050.00
(c) Equipment	1,000.00".

Amendment No. 167

On page 40 of the printed bill, as amended, strike out all of lines 42 to 46, inclusive.

Amendment No. 168

On page 41 of the printed bill, as amended, strike out all of lines 1 to 5, inclusive.

Amendment No. 169

On page 41 of the printed bill, as amended, strike out all of lines 6 to 11, inclusive, and insert

"Item 133—For support of Division of Building and Loan, Department of Investment, in accordance with the following schedule, payable from the Building and Loan Inspection Fund \$149,607.00

Schedule:

(a) Salaries and Wages	\$118,207.00
(b) Operating Expenses	30,000.00
(c) Equipment	1,400.00".

Amendment No. 170

On page 41 of the printed bill, as amended, strike out all of lines 12 to 25, inclusive.

Amendment No. 171

On page 41 of the printed bill, as amended, strike out all of lines 26 to 31, inclusive, and insert

"Item 134—For support of Division of Corporations, Department of Investment, in accordance with the following schedule, payable from the Corporation Commission Fund \$783,521.00

Schedule:

(a) Salaries and Wages	\$626,303.00
(b) Operating Expenses	149,218.00
(c) Equipment	8,000.00".

Amendment No. 172

On page 41 of the printed bill, as amended, strike out all of lines 32 to 51, inclusive.

Amendment No. 173

On page 42 of the printed bill, as amended, strike out all of lines 1 to 5, inclusive, and insert

"Item 135—For support of the Division of Insurance, Department of Investment, in accordance with the following schedule, payable from the Insurance Fund \$764,347.00

Schedule:

(a) Salaries and Wages	\$525,900.00
(b) Operating Expenses	235,306.00
(c) Equipment	3,141.00".

Amendment No. 174

On page 42 of the printed bill, as amended, strike out all of lines 6 to 20, inclusive.

Amendment No. 175

On page 42 of the printed bill, as amended, strike out all of lines 21 to 25, inclusive, and insert

"Item 136—For support of the Division of Real Estate, Department of Investment, in accordance with the following schedule, payable from the Real Estate Fund \$366,962.00

Schedule:

(a) Salaries and Wages	\$251,670.00
(b) Operating Expenses	112,092.00
(c) Equipment	3,200.00".

Amendment No. 176

On page 42 of the printed bill, as amended, strike out all of lines 26 to 40, inclusive.

Amendment No. 177

On page 42 of the printed bill, as amended, strike out all of lines 41 to 44, inclusive, and insert

"Item 137—For support of California Districts Securities Commission, in accordance with the following schedule-----	\$26,850.00
Schedule:	
(a) Salaries and Wages-----	\$22,440.00
(b) Operating Expenses-----	4,310.00
(c) Equipment-----	100.00".

Amendment No. 178

On page 42 of the printed bill, as amended, strike out all of lines 45 to 50, inclusive.

Amendment No. 179

On page 43 of the printed bill, as amended, strike out all of lines 1 to 6, inclusive.

Amendment No. 180

On page 43 of the printed bill, as amended, strike out all of lines 10 to 17, inclusive, and insert

"Item 138—For support of The Adjutant General and the California National Guard, including rental of Armories, and maintenance of High School Cadets, in accordance with the following schedule-----	\$338,258.00
Schedule:	
(a) Salaries and Wages-----	\$219,373.00
(b) Operating Expenses-----	97,955.00
(c) Equipment-----	20,930.00".

Amendment No. 181

On page 43 of the printed bill, as amended, strike out all of lines 18 to 51, inclusive.

Amendment No. 182

On page 44 of the printed bill, as amended, strike out all of lines 1 to 34, inclusive.

Amendment No. 183

On page 44 of the printed bill, as amended, after line 34, insert	
"Item 138.5—For allowances to organizations of the California National Guard, The Adjutant General-----	\$421,765.00
The moneys appropriated under this item are available only for the purposes specified in Sections 330 to 332, inclusive, of the Military and Veterans Code. Any amounts remaining unexpended at the end of the biennium shall revert to the General Fund."	

Amendment No. 184

On page 44 of the printed bill, as amended, strike out all of lines 35 to 40, inclusive, and insert

"Item 139—For construction, improvements, and equipment of armories, arsenals, stables, rifle ranges, and camp sites, The Adjutant General and the California National Guard-----	\$31,400.00".
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Amendment No. 185

On page 44 of the printed bill, as amended, strike out all of lines 41 to 52, inclusive.

Amendment No. 186

On page 45 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive, and insert

"Item 140 For support of Veterans' Home of California-----	\$843,584.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said home. The appropriation made by this item, together with any funds made available for support of the Veterans' Home of California by the Federal Government, or any agency thereof, shall be expended in accordance with the following schedule:	
Schedule:	
(a) Salaries and Wages-----	\$976,684.00
(b) Operating Expenses-----	595,900.00
(c) Equipment-----	9,600.00

Total of Schedule-----\$1,582,184.00

Less: Estimated amount payable from funds by the Federal Government or any agency thereof	648,000.00
Less: Estimated abatements for services to employees and for sales of surplus products	90,600.00
Net Appropriation	\$843,584.00

Amendment No. 187

On page 45 of the printed bill, as amended, strike out all of lines 5 to 23, inclusive.

There is no Amendment No. 188**Amendment No. 189**

On page 45 of the printed bill, as amended, strike out all of lines 23 to 35, inclusive, and insert

"Item 143—For support of Women's Relief Corps Home, in accordance with the following schedule	\$77,740.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said institution.	
Schedule:	
(a) Salaries and Wages	\$57,882.00
(b) Operating Expenses	24,265.00
(c) Equipment	1,093.00
Total of Schedule	\$83,240.00
Less: Estimated abatements for services to employees and for sales of surplus products	5,500.00
Net Appropriation	\$77,740.00

Amendment No. 190

On page 45 of the printed bill, as amended, strike out all of lines 36 to 45, inclusive.

Amendment No. 191

On page 45 of the printed bill, as amended, strike out all of lines 49 to 52, inclusive.

Amendment No. 192

On page 46 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive, and insert

"Item 145—For support of State Athletic Commission in accordance with the following schedule, payable from the Athletic Commission Fund	\$124,978.00
which amount shall not be augmented under the provisions of Section 661 of the Political Code.	
Schedule:	
(a) Salaries and Wages	\$92,650.00
(b) Operating Expenses	31,128.00
(c) Equipment	1,200.00

Amendment No. 193

On page 46 of the printed bill, as amended, strike out all of lines 5 to 22, inclusive.

Amendment No. 194

On page 46 of the printed bill, as amended, strike out all of lines 26 to 31, inclusive.

Amendment No. 195

On page 46 of the printed bill, as amended, strike out all of lines 32 to 41, inclusive, and insert

"Item 146—For support of Department of Motor Vehicles, payable from the Motor Vehicle Support Fund	\$12,601,205.00
The appropriation made by this item, together with any amounts appropriated for support of Motor Vehicle License Fee Administration out of the Motor Vehicle License Fee Fund, shall be expended in accordance with the following schedule:	
Schedule:	
(a) Salaries and Wages	\$9,908,427.00
(b) Operating Expenses	3,171,555.00
(c) Equipment	523,043.00
Total of Schedule	\$13,603,025.00

Less: Estimated amount payable from Motor Vehicle License Fee Fund-----	1,001,820.00
Net Appropriation -----	\$12,601,205.00".

Amendment No. 196

On page 46 of the printed bill, as amended, strike out all of lines 42 to 52, inclusive; and on page 47, strike out all of lines 1 to 31, inclusive.

Amendment No. 197

On page 47 of the printed bill, as amended, strike out all of lines 32 to 48, inclusive, and insert

"Item 147—For support of Motor Vehicle License Fee Administration, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund ----- \$1,001,820.00
(which amount may be augmented as provided by Section 661 of the Political Code if the amount thus made available under said section does not increase the total amount available for the purpose of this item during any fiscal year to an amount which exceeds 5 per cent of the amounts deposited during such year in said Motor Vehicle License Fee Fund)."

Amendment No. 198

On page 48 of the printed bill, as amended, strike out all of lines 3 to 6, inclusive, and insert

"Item 148—For support of Departmental Administration, Department of Natural Resources, in accordance with the following schedule ----- \$96,110.00
and in addition thereto any amounts collected for services to activities supported out of other funds, which by law are available for support of said division.
Schedule:
(a) Salaries and Wages----- \$170,690.00
(b) Operating Expenses ----- 31,690.00
(c) Equipment ----- 1,490.00
Total of Schedule----- \$203,870.00
Less: Estimated abatements for services to activities supported out of other funds----- 107,760.00
Net Appropriation ----- \$96,110.00".

Amendment No. 199

On page 48 of the printed bill, as amended, strike out all of lines 7 to 16, inclusive.

Amendment No. 200

On page 48 of the printed bill, as amended, strike out all of lines 17 to 21, inclusive, and insert

"Item 149—For support of Division of Forestry, Department of Natural Resources ----- \$1,908,626.00
and in addition thereto any amounts collected for services to other agencies and to employees, which by law are available for support of said division. The appropriation made by this item, together with any amounts available for support of the Division of Forestry out of appropriations from the Fire Prevention Fund and for funds made available by the Federal Government, or any agency thereof, shall be expended in accordance with the following schedule:
Schedule:
(a) Salaries and Wages----- \$1,790,417.00
(b) Operating Expenses ----- 1,122,154.00
(c) Equipment ----- 177,721.00
Total of Schedule----- \$3,090,292.00
Less: Estimated abatements:
For maintenance furnished to employees ----- 16,000.00
For services to counties under cooperative agreements ----- 412,300.00
Less: Amount payable from Fire Prevention Fund ----- 140,000.00
Less: Estimated amount payable from funds made available by the Federal Government----- 613,366.00
Net Appropriation ----- \$1,908,626.00".

Amendment No. 201

On page 48 of the printed bill, as amended, strike out all of lines 22 to 43, inclusive.

Amendment No. 202

On page 48 of the printed bill, as amended, strike out all of lines 49 and 50; and on page 49, strike out all of lines 1 to 4, inclusive, and insert

"Item 150—For support of Division of Mines, Department of Natural Resources, in accordance with the following schedule \$175,876.00
and in addition thereto any amounts collected for services to activities supported out of other funds, which by law are available for support of said division.

Schedule:

(a) Salaries and Wages	\$134,346.00
(b) Operating Expenses	49,070.00
(c) Equipment	2,500.00

Total of Schedule	\$185,976.00
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Less: Amounts payable for services to activities supported out of other funds	10,100.00
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Net Appropriation	\$175,876.00"
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Amendment No. 203

On page 49 of the printed bill, as amended, strike out all of lines 5 to 18, inclusive.

Amendment No. 204

On page 49 of the printed bill, as amended, strike out all of lines 30 to 35, inclusive, and insert

"Item 152—For support of Division of Parks, Department of Natural Resources, in accordance with the following schedule, payable from the State Park Maintenance and Acquisition Fund. \$276,310.00
and in addition thereto any amounts collected for services to employees which are by law available for the support of said division. The appropriation made by this item, together with any amount appropriated from the State Park Maintenance Fund, shall be expended in accordance with the following schedule:

Schedule:

(a) Salaries and Wages	\$294,997.00
(b) Operating Expenses	157,980.00
(c) Equipment	19,788.00

Total of Schedule	\$472,765.00
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Less: Estimated abatements for maintenance furnished to employees	11,700.00
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Amount payable from State Park Maintenance Fund	184,755.00
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Net Appropriations	\$276,310.00"
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Amendment No. 205

On page 49 of the printed bill, as amended, strike out all of lines 36 to 51, inclusive.

Amendment No. 206

On page 50 of the printed bill, as amended, strike out all of lines 12 to 18, inclusive, and insert

"Item 155—For construction, improvements and equipment of State Parks, Division of Parks, Department of Natural Resources, payable from the State Park Maintenance and Acquisition Fund \$48,450.00

Item 155.1—For construction, improvements and repairs to California's First Capitol, First Theater, and Custom House in Monterey County, Division of Parks, Department of Natural Resources \$5,000.00

Item 155.2—For repairs and restoration of the Arrowhead in San Bernardino County, Division of Parks, Department of Natural Resources, provided that any sum expended from this appropriation shall be matched by like amounts received from private or other sources \$1,000.00

Item 155.3—For acquisition and maintenance as an historical monument, property known as El Alisal in Los Angeles County, Division of Parks, Department of Natural Resources, provided that any sum expended from this appropriation shall be matched by like amounts in money, property or lands received from private or other sources \$5,000.00

Item 155.4—For acquisition of additional redwood park areas in Humboldt and Del Norte Counties, Division of Parks, Department of Natural Resources, provided that any sum expended from this appropriation shall be matched by like amounts in money, property, or lands received from private or other sources \$102,222.00".

Amendment No. 207

On page 50 of the printed bill, as amended, strike out all of lines 19 to 34, inclusive.

Amendment No. 208

On page 50 of the printed bill, as amended, strike out all of lines 35 to 45, inclusive, and insert

"Item 156—For support of Division of Fish and Game, Department of Natural Resources, including license commissions, State Fair and other exhibits, and for the maintenance and construction of fish screens and other stream improvements, in accordance with the following schedule, payable from the Fish and Game Preservation Fund----- \$4,150,739.00
and in addition thereto any amounts collected for services to employees which by law are available for support of said division.
Schedule:
(a) Salaries and Wages-----\$2,250,670.00
(b) Operating Expenses-----1,711,667.00
(c) Equipment -----201,998.00
Total of Schedule-----\$4,164,335.00
Less: Estimated refunds for maintenance furnished employees -----13,596.00
Net Appropriation-----\$4,150,739.00

Amendment No. 209

On page 50 of the printed bill, as amended, strike out all of lines 46 to 51, inclusive.

Amendment No. 210

On page 51 of the printed bill, as amended, strike out all of lines 1 to 27, inclusive.

Amendment No. 211

On page 51 of the printed bill, as amended, strike out all of lines 47 to 52, inclusive, and insert

"Item 159—For support of Division of Oil and Gas, Department of Natural Resources, in accordance with the following schedule, payable from the Petroleum and Gas Fund----- \$440,455.00
Schedule:
(a) Salaries and Wages----- \$318,594.00
(b) Operating Expenses-----115,167.00
(c) Equipment -----6,694.00".

Amendment No. 212

On page 52 of the printed bill, as amended, strike out all of lines 1 to 12, inclusive.

Amendment No. 213

On page 52 of the printed bill, as amended, strike out all of lines 22 to 26, inclusive, and insert

"Item 161—For support of Division of Criminal Identification and Investigation ----- \$395,688.00
and in addition thereto any amounts collected for services to other agencies which by law are available for support of said division. The amount appropriated by this item, together with any amount appropriated from the Motor Vehicle Fund for support of the Division of Criminal Identification and Investigation, shall be expended in accordance with the following schedule:
Schedule:
(a) Salaries and Wages-----\$260,880.00
(b) Operating Expenses -----229,208.00
(c) Equipment -----7,600.00
Total of Schedule-----\$497,688.00
Less: Estimated abatements for services to other agencies -----32,000.00
Amount payable from Motor Vehicle Fund-----70,000.00
Net Total Appropriation-----\$395,688.00".

Amendment No. 214

On page 52 of the printed bill, as amended, strike out all of lines 27 to 42, inclusive.

Amendment No. 215

On page 52 of the printed bill, as amended, strike out all of lines 48 to 51, inclusive, and insert

"Item 163—For support of Division of Narcotic Enforcement, in accordance with the following schedule ----- \$181,940.00

Schedule:

(a) Salaries and Wages-----	\$126,600.00
(b) Operating Expenses -----	53,840.00
(c) Equipment -----	1,500.00".

Amendment No. 216

On page 53 of the printed bill, as amended, strike out all of lines 1 to 13, inclusive.

Amendment No. 217

On page 53 of the printed bill, as amended, strike out all of lines 14 to 16, inclusive, and insert

"Item 164—For support of Advisory Pardon Board, in accordance with the following schedule----- \$13,970.00

Schedule:

(a) Salaries and Wages-----	\$9,120.00
(b) Operating Expenses -----	4,650.00
(c) Equipment -----	200.00".

Amendment No. 218

On page 53 of the printed bill, as amended, strike out all of lines 17 to 26, inclusive.

Amendment No. 219

On page 53 of the printed bill, as amended, strike out all of lines 27 to 31, inclusive, and insert

"Item 165—For support of Detective License Bureau, Board of Prison Directors, in accordance with the following schedule payable from the Detective Agency Contingent Fund----- \$18,490.00

Schedule:

(a) Salaries and Wages-----	\$10,800.00
(b) Operating Expenses -----	7,590.00
(c) Equipment -----	100.00

Total of Schedule----- \$18,490.00".

Amendment No. 220

On page 53 of the printed bill, as amended, strike out all of lines 32 to 42, inclusive.

Amendment No. 221

On page 53 of the printed bill, as amended, strike out all of lines 43 to 49, inclusive, and insert

"Item 166—For support of Folsom State Prison, in accordance with the following schedule----- \$1,520,002.00

and in addition thereto any amounts collected for services to employees and for sales of surplus products, which by law are available for support of said prison.

Schedule:

(a) Salaries and Wages-----	\$873,440.00
(b) Operating Expenses -----	691,082.00
(c) Equipment -----	17,480.00

Total of Schedule----- \$1,582,002.00

Less: Estimated abatements for services to employees and sale of surplus products----- 62,000.00

Net Appropriation ----- \$1,520,002.00".

Amendment No. 222

On page 54 of the printed bill, as amended, strike out all of lines 1 to 8, inclusive.

Amendment No. 223

On page 54 of the printed bill, as amended, strike out all of lines 12 to 15, inclusive, and insert

"Item 168—For support of San Quentin Prison in accordance with the following schedule----- \$2,191,184.00

and in addition thereto any amounts collected for services to employees and for sales of surplus products which by law are available for support of said prison.

Schedule:

(a) Salaries and Wages	\$1,161,020.00
(b) Operating Expenses	1,184,491.00
(c) Equipment	26,193.00

Total of Schedule.....\$2,371,704.00

Less: Estimated abatements for services to employees and sales of surplus products.....180,520.00

Net Appropriation\$2,191,184.00".

Amendment No. 224

On page 54 of the printed bill, as amended, strike out all of lines 16 to 27, inclusive.

Amendment No. 225

On page 54 of the printed bill, as amended, strike out all of lines 37 to 39, inclusive, and insert

"Item 171—For support of Southern California Prison, in accordance with the following schedule.....\$648,370.00
and in addition thereto any amounts collected for services to employees and for sales of surplus products which by law are made available for support of said prison.

Schedule:

(a) Salaries and Wages	\$351,860.00
(b) Operating Expenses	317,110.00
(c) Equipment	3,400.00

Total of Schedule.....\$672,370.00

Less: Estimated abatements for services to employees and for sales of surplus products..24,000.00

Net Appropriation\$648,370.00".

Amendment No. 226

On page 54 of the printed bill, as amended, strike out all of lines 40 to 49, inclusive.

Amendment No. 227

On page 55 of the printed bill, as amended, strike out all of lines 3 to 6, inclusive, and insert

"Item 173—For support of California Institution for Women, in accordance with the following schedule.....\$217,693.00
and in addition thereto any amounts collected for services to employees and sales of surplus products which by law are available for support of said institution.

Schedule:

(a) Salaries and Wages	\$155,696.00
(b) Operating Expenses	82,720.00
(c) Equipment	4,277.00

Total of Schedule.....\$242,693.00

Less: Estimated abatements for services to employees and sales of surplus products..25,000.00

Net Appropriation\$217,693.00".

Amendment No. 228

On page 55 of the printed bill, as amended, strike out all of lines 7 to 19, inclusive.

Amendment No. 229

On page 55 of the printed bill, as amended, strike out all of lines 20 to 25, inclusive, and insert

"Item 174—For support of Board of Prison Terms and Paroles, in accordance with the following schedule.....50,870.00

Schedule:

(a) Salaries and Wages	\$38,540.00
(b) Operating Expenses	12,100.00
(c) Equipment	230.00".

Amendment No. 230

On page 55 of the printed bill, as amended, strike out all of lines 26 to 33, inclusive, and insert:

"Item 174.5—For support of Parole Department, State Board of Prison Directors, in accordance with the following schedule..... \$227,390.00

Schedule:

(a) Salaries and Wages.....	\$162,480.00
(b) Operating Expenses.....	59,840.00
(c) Equipment.....	5,070.00".

Amendment No. 231

On page 55 of the printed bill, as amended, strike out all of lines 51 to 52, inclusive.

Amendment No. 232

On page 56 of the printed bill, as amended, strike out all of lines 1 to 3, inclusive, and insert:

"Item 178—For support of State Board of Accountancy, in accordance with the following schedule, payable from the Board of Accountancy Fund..... \$21,991.00

Schedule:

(a) Salaries and Wages.....	\$12,438.00
(b) Operating Expenses.....	9,453.00
(c) Equipment.....	100.00".

Amendment No. 233

On page 56 of the printed bill, as amended, strike out all of lines 4 to 13, inclusive.

Amendment No. 234

On page 56 of the printed bill, as amended, strike out all of lines 14 to 18, inclusive, and insert:

"Item 179—For support of State Board of Architecture, Northern District, in accordance with the following schedule, payable from the Board of Architecture, Northern District, Fund..... \$8,416.00

Schedule:

(a) Salaries and Wages.....	\$3,910.00
(b) Operating Expenses.....	4,486.00
(c) Equipment.....	20.00".

Amendment No. 235

On page 56 of the printed bill, as amended, strike out all of lines 19 to 29, inclusive.

Amendment No. 236

On page 56 of the printed bill, as amended, strike out all of lines 30 to 35, inclusive, and insert:

"Item 180—For support of State Board of Architecture, Southern District, in accordance with the following schedule, payable from the Board of Architecture, Southern District, Fund..... \$15,957.00

Schedule:

(a) Salaries and Wages.....	\$9,315.00
(b) Operating Expenses.....	6,592.00
(c) Equipment.....	50.00".

Amendment No. 237

On page 56 of the printed bill, as amended, strike out all of lines 36 to 46, inclusive.

Amendment No. 238

On page 56 of the printed bill, as amended, strike out all of lines 47 to 51, inclusive, and insert:

"Item 181—For support of State Board of Barber Examiners, in accordance with the following schedule, payable from the State Board of Barber Examiners' Fund..... \$108,304.00

Schedule:

(a) Salaries and Wages.....	\$72,360.00
(b) Operating Expenses.....	34,474.00
(c) Equipment.....	1,470.00".

Amendment No. 239

On page 57 of the printed bill, as amended, strike out all of lines 1 to 17, inclusive.

Amendment No. 240

On page 57 of the printed bill, as amended, strike out all of lines 27 to 31, inclusive, and insert

"Item 182—For support of Board of Registration for Civil Engineers, in accordance with the following schedule, payable from the Civil Engineers Fund ----- \$60,332.00

Schedule:

(a) Salaries and Wages-----	\$37,160.00
(b) Operating Expenses-----	22,992.00
(c) Equipment -----	180.00".

Amendment No. 241

On page 57 of the printed bill, as amended, strike out all of lines 32 to 45, inclusive.

Amendment No. 242

On page 57 of the printed bill, as amended, strike out all of lines 46 to 50, inclusive, and insert

"Item 183—For support of Contractors' License Bureau, in accordance with the following schedule, payable from the Contractors' License Fund ----- \$467,606.00

Schedule:

(a) Salaries and Wages-----	\$293,410.00
(b) Operating Expenses -----	168,866.00
(c) Equipment -----	5,330.00".

Amendment No. 243

On page 57 of the printed bill, as amended, strike out all of lines 51 to 52, inclusive.

Amendment No. 244

On page 58 of the printed bill, as amended, strike out lines 1 to 12, inclusive.

Amendment No. 245

On page 58 of the printed bill, as amended, strike out all of lines 13 to 17, inclusive, and insert

"Item 184—For support of State Board of Cosmetology, in accordance with the following schedule, payable from the Board of Cosmetology Contingent Fund----- \$193,534.00

Schedule:

(a) Salaries and Wages-----	\$118,290.00
(b) Operating Expenses -----	74,354.00
(c) Equipment -----	890.00".

Amendment No. 246

On page 58 of the printed bill, as amended, strike out all of lines 18 to 30, inclusive.

Amendment No. 247

On page 58 of the printed bill, as amended, strike out all of lines 31 to 34, inclusive, and insert

"Item 185—For support of Board of Dental Examiners, in accordance with the following schedule, payable from the Dentistry Fund ----- \$68,151.00

Schedule:

(a) Salaries and Wages-----	\$40,740.00
(b) Operating Expenses -----	27,411.00
(c) Equipment -----	Nothing".

Amendment No. 248

On page 58 of the printed bill, as amended, strike out all of lines 35 to 47, inclusive.

Amendment No. 249

On page 58 of the printed bill, as amended, strike out all of lines 48 to 50, inclusive; and on page 59, strike out all of lines 1 and 2, and insert

"Item 186—For support of Funeral Directors and Embalmers, in accordance with the following schedule, payable from the Funeral Directors and Embalmers' Fund----- \$43,563.00

Schedule:

(a) Salaries and Wages-----	\$25,720.00
(b) Operating Expenses-----	17,123.00
(c) Equipment -----	720.00".

Amendment No. 250

On page 59 of the printed bill, as amended, strike out all of lines 3 to 15, inclusive.

Amendment No. 251

On page 59 of the printed bill, as amended, strike out all of lines 16 to 23, inclusive, and insert

"Item 187—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, in accordance with the following schedule, payable from the Bureau of Furniture and Bedding Inspection Fund----- \$153,239.00

Schedule:

(a) Salaries and Wages-----	\$95,990.00
(b) Operating Expenses-----	55,509.00
(c) Equipment-----	1,740.00".

Amendment No. 252

On page 59 of the printed bill, as amended, strike out all of lines 24 to 39, inclusive.

Amendment No. 253

On page 59 of the printed bill, as amended, strike out all of lines 40 to 44, inclusive, and insert

"Item 188—For support of State Board of Medical Examiners, in accordance with the following schedule, payable from Medical Examiners' Contingent Fund----- \$154,384.00

Schedule:

(a) Salaries and Wages-----	\$84,700.00
(b) Operating Expenses-----	69,364.00
(c) Equipment-----	230.00".

Amendment No. 254

On page 59 of the printed bill, as amended, strike out all of lines 45 to 50, inclusive.

Amendment No. 255

On page 60 of the printed bill, as amended, strike out all of lines 1 to 6, inclusive.

Amendment No. 256

On page 60 of the printed bill, as amended, strike out all of lines 7 to 11, inclusive, and insert

"Item 189—For support of Board of Nurse Examiners, in accordance with the following schedule, payable from the Board of Nurse Examiners' Fund----- \$93,714.00

Schedule:

(a) Salaries and Wages-----	\$55,990.00
(b) Operating Expenses-----	37,444.00
(c) Equipment-----	310.00".

Amendment No. 257

On page 60 of the printed bill, as amended, strike out all of lines 12 to 24, inclusive.

Amendment No. 258

On page 60 of the printed bill, as amended, strike out all of lines 25 to 28, inclusive, and insert

"Item 190—For support of State Board of Optometry, in accordance with the following schedule, payable from the Board of Optometry Fund----- \$18,178.00

Schedule:

(a) Salaries and Wages-----	\$10,150.00
(b) Operating Expenses-----	7,968.00
(c) Equipment-----	60.00".

Amendment No. 259

On page 60 of the printed bill, as amended, strike out all of lines 29 to 41, inclusive.

Amendment No. 260

On page 60 of the printed bill, as amended, strike out all of lines 42 to 46, inclusive, and insert

"Item 191—For support of State Board of Pharmacy, in accordance with the following schedule, payable from the Pharmacy Board Contingent Fund----- \$123,371.00

Schedule:

(a) Salaries and Wages-----	\$77,974.00
(b) Operating Expenses-----	43,457.00
(c) Equipment-----	1,940.00".

Amendment No. 261

On page 60 of the printed bill, as amended, strike out all of lines 47 to 50, inclusive.

Amendment No. 262

On page 61 of the printed bill, as amended, strike out all of lines 1 to 10, inclusive.

Amendment No. 263

On page 61 of the printed bill, as amended, strike out all of lines 11 to 16, inclusive, and insert

"Item 192—For support of Structural Pest Control Board, in accordance with the following schedule, payable from the Structural Pest Control Board Fund----- \$19,600.00

Schedule:

(a) Salaries and Wages-----	\$10,608.00
(b) Operating Expenses-----	8,892.00
(c) Equipment-----	100.00".

Amendment No. 264

On page 61 of the printed bill, as amended, strike out all of lines 17 to 21, inclusive, and insert

"Item 193—For support of Board of Examiners in Veterinary Medicine, in accordance with the following schedule, payable from the Veterinary Medicine Examiners' Contingent Fund----- \$11,141.00

Schedule:

(a) Salaries and Wages-----	\$5,880.00
(b) Operating Expenses-----	5,246.00
(c) Equipment-----	15.00".

Amendment No. 265

On page 61 of the printed bill, as amended, strike out all of lines 22 to 35, inclusive.

Amendment No. 266

On page 61 of the printed bill, as amended, strike out all of lines 36 to 37, inclusive, and insert

"Item 194—For support of Yacht and Ship Brokers Commission, in accordance with the following schedule, payable from the Yacht and Ship Brokers Fund----- \$8,892.00

Schedule:

(a) Salaries and Wages-----	\$4,792.00
(b) Operating Expenses-----	4,080.00
(c) Equipment-----	20.00".

Amendment No. 267

On page 61 of the printed bill, as amended, strike out all of lines 38 to 41, inclusive.

Amendment No. 268

On page 61 of the printed bill, as amended, strike out all of lines 42 to 46, inclusive, and insert

"Item 195—For support of Board of Chiropractic Examiners, in accordance with the following schedule, payable from the Chiropractic Examiners' Fund----- \$26,355.00

Schedule:

(a) Salaries and Wages-----	\$15,780.00
(b) Operating Expenses-----	10,350.00
(c) Equipment-----	225.00".

Amendment No. 269

On page 61 of the printed bill, as amended, strike out all of lines 47 to 52, inclusive.

Amendment No. 270

On page 62 of the printed bill, as amended, strike out all of lines 1 to 8, inclusive.

Amendment No. 271

On page 62 of the printed bill, as amended, strike out all of lines 9 to 13, inclusive, and insert

"Item 196—For support of State Board of Osteopathic Examiners, in accordance with the following schedule, payable from the Osteopathic Examiners' Contingent Fund----- \$25,094.00

Schedule:

(a) Salaries and Wages-----	\$17,480.00
(b) Operating Expenses-----	7,214.00
(c) Equipment-----	400.00".

Amendment No. 272

On page 62 of the printed bill, as amended, strike out all of lines 14 to 28, inclusive.

Amendment No. 273

On page 62 of the printed bill, as amended, strike out all of lines 32 to 36, inclusive, and insert

"Item 197—For support of Department of Public Health, exclusive of Bureau of Cannery Inspection, in accordance with the following schedule \$815,948.00
and in addition thereto any amounts collected for sales of antigens and for services performed for activities supported from other funds, which by law are available for support of said department.

Schedule:

(a) Salaries and Wages	\$657,462.00
(b) Operating Expenses	160,291.00
(c) Equipment	12,695.00

Total of Schedule \$830,448.00

Less: Estimated abatements from sales of antigens 14,500.00

Net Appropriation \$815,948.00".

Amendment No. 274

On page 62 of the printed bill, as amended, strike out all of lines 37 to 50, inclusive.

Amendment No. 275

On page 63 of the printed bill, as amended, strike out the period in line 4; and strike out all of lines 5 to 45, inclusive, and insert "or for the salary of Public Relation Officer, Bureau of Venereal Diseases, Department of Public Health."

Amendment No. 276

On page 64 of the printed bill, as amended, strike out all of lines 5 to 10, inclusive, and insert

"Item 200—For support of Bureau of Cannery Inspection, Department of Public Health, in accordance with the following schedule, payable from the Cannery Inspection Fund. \$493,137.00

Schedule:

(a) Salaries and Wages	\$361,510.00
(b) Operating Expenses	129,517.00
(c) Equipment	2,110.00".

Amendment No. 277

On page 64 of the printed bill, as amended, strike out all of lines 11 to 20, inclusive.

Amendment No. 278

On page 64 of the printed bill, as amended, strike out all of lines 21 to 24, inclusive, and insert

"Item 201—For support of Department of Public Health, in accordance with the following schedule, payable from Aviary Inspection Fund \$2,000.00

Schedule:

(a) Salaries and Wages	\$1,200.00
(b) Operating Expenses	800.00".

Amendment No. 279

On page 64 of the printed bill, as amended, strike out all of lines 25 to 28, inclusive, and insert

"Item 202—For support of Department of Public Health, in accordance with the following schedule, payable from the Clinic and Dispensary Fund \$3,000.00

Schedule:

(a) Salaries and Wages	\$2,000.00
(b) Operating Expenses	1,000.00".

Amendment No. 280

On page 64 of the printed bill, as amended, strike out all of lines 29 to 32, inclusive, and insert

"Item 203—For support of Department of Public Health, in accordance with the following schedule, payable from the Clinical Laboratory Fund \$5,495.00

Schedule:

(a) Salaries and Wages	\$3,390.00
(b) Operating Expenses	2,010.00
(c) Equipment	95.00".

Amendment No. 281

On page 64 of the printed bill, as amended, strike out all of lines 33 to 42, inclusive.

Amendment No. 282

On page 64 of the printed bill, as amended, strike out all of lines 43 to 47, inclusive, and insert

"Item 204—For support of Department of Public Health, in accordance with the following schedule, payable from the State Board of Public Health Fund----- \$5,658.00

Schedule:

(a) Salaries and Wages-----	\$3,510.00
(b) Operating Expenses-----	2,148.00".

Amendment No. 283

On page 64 of the printed bill, as amended, strike out all of lines 48 to 52, inclusive.

Amendment No. 284

On page 65 of the printed bill, as amended, strike out all of lines 1 to 4, inclusive.

Amendment No. 285

On page 65 of the printed bill, as amended, strike out all of lines 13 to 15, inclusive, and insert

"and Rights of Way, in accordance with the following schedule----- \$43,837.00

Schedule:

(a) Salaries and Wages-----	\$40,160.00
(b) Operating Expenses-----	3,200.00
(c) Equipment-----	477.00".

Amendment No. 286

On page 65 of the printed bill, as amended, strike out all of lines 16 to 19, inclusive, and insert

"Item 206—For support of Division of Architecture, Department of Public Works, in accordance with the following schedule----- \$208,973.00

and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said division.

Schedule:

(a) Salaries and Wages-----	\$176,609.00
(b) Operating Expenses-----	39,524.00
(c) Equipment-----	2,840.00

Total of Schedule-----	\$218,973.00
Less: Estimated abatements for services to activities supported out of other funds-----	10,000.00

Net Appropriation-----	\$208,973.00".
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Amendment No. 287

On page 65 of the printed bill, as amended, strike out all of lines 20 to 33, inclusive.

Amendment No. 288

On page 65 of the printed bill, as amended, strike out all of lines 34 to 39, inclusive, and insert

"Item 207—For support of Division of Architecture, Department of Public Works, in accordance with the following schedule, payable from the Division of Architecture Public Building Fund-- \$187,041.00

Schedule:

(a) Salaries and Wages-----	\$159,801.00
(b) Operating Expenses-----	24,040.00
(c) Equipment-----	3,200.00".

Amendment No. 289

On page 65 of the printed bill, as amended, strike out all of lines 40 to 45, inclusive.

Amendment No. 290

On page 66 of the printed bill, as amended, strike out all of lines 1 to 7, inclusive.

Amendment No. 291

On page 66 of the printed bill, as amended, strike out all of lines 8 to 12, inclusive, and insert

"Item 208—For support of Division of Water Resources, including cooperative work with other agencies, in accordance with the following schedule----- \$956,661.00

and in addition thereto any amounts collected for services to activities supported out of other funds which by law are available for support of said division.

Schedule:

(a) Salaries and Wages	\$687,175.00
(b) Operating Expenses	361,115.00
(c) Equipment	23,451.00

Total of Schedule

\$1,074,041.00

Less: Estimated abatements for services to activities supported out of other funds

117,380.00

Net Appropriation

\$956,661.00

Amendment No. 292

On page 66 of the printed bill, as amended, strike out all of lines 13 to 36, inclusive.

Amendment No. 293

On page 66 of the printed bill, as amended, strike out all of lines 48 and 49.

Amendment No. 294

On page 67, lines 8, 9 and 10, of the printed bill, as amended, strike out "(exempt from the provisions of Sections 13, 13.5 and 13.6 of this act)".

Amendment No. 294a

On page 67 of the printed bill, as amended, strike out lines 18 to 21, inclusive, and insert

"Public Works, in accordance with the following schedule, payable from Supervision of Outdoor Advertising Fund-----

\$70,300.00

Schedule:

(a) Salaries and Wages	\$44,940.00
(b) Operating Expenses	24,720.00
(c) Equipment	640.00

Amendment No. 295

On page 67 of the printed bill, as amended, strike out all of lines 43 to 48, inclusive.

Amendment No. 296

On page 68 of the printed bill, as amended, strike out all of lines 1 to 6, inclusive; and strike out lines 11 and 12.

Amendment No. 297

On page 68 of the printed bill, as amended, strike out all of lines 13 to 15, inclusive, and insert

"Item 211—For support of Colorado River Board, in accordance with the following schedule-----

\$19,442.00

Schedule:

(a) Salaries and Wages	\$15,420.00
(b) Operating Expenses	3,972.00
(c) Equipment	50.00

Amendment No. 298

On page 68 of the printed bill, as amended, strike out all of lines 16 to 24, inclusive.

Amendment No. 299

On page 68 of the printed bill, as amended, strike out all of lines 28 to 31, inclusive, and insert

"Item 212—For support of Department of Social Welfare, in accordance with the following schedule-----

\$789,264.00

to be transferred to the Social Welfare Fund under the provisions of Section 124 of the Welfare and Institutions Code. Such appropriation shall be in addition to any grants made available by the Federal Government for support of the Department of Social Welfare during the Ninety-third and Ninety-fourth Fiscal Years.

Schedule:

(a) Salaries and Wages	\$1,791,877.00
(b) Operating Expenses	606,900.00
(c) Equipment	30,949.00

Total of Schedule

\$2,429,726.00

Add: Estimated contributions to State Employees'

Retirement Fund-----

67,196.00

Less: Estimated amounts payable from Federal grants ----- 1,707,658.00

Net Appropriation----- \$789,264.00".

Amendment No. 300

On page 68 of the printed bill, as amended, strike out all of lines 32 to 48, inclusive.

Amendment No. 301

On page 69 of the printed bill, as amended, strike out lines 21 and 22, and insert "Item 216—For Emergency Fund, exempt".

Amendment No. 302

On page 69 of the printed bill, as amended, strike out line 33, and insert "State Department of Finance-----\$1,000,000.00".

Amendment No. 303

On page 70, line 49, of the printed bill, as amended in the Assembly on May 8, 1941, after "\$2,000", strike out the period, and insert ", except in the case of the Attorney General's Office, whose expenditures for such confidential purposes shall be governed by Section 476 of the Political Code."

Amendment No. 304

On page 72, line 50, of the printed bill, as amended, strike out the period, and insert a comma and "and in connection therewith may authorize appropriate adjustments in the respective schedules set forth for each such appropriation in Section 2 hereof."

Amendment No. 305

On page 73, line 5, of the printed bill, as amended, strike out the period, and insert a comma and "and in connection therewith may authorize appropriate adjustments in the respective schedules set forth for each such appropriation in Section 2 hereof."

Amendment No. 306

On page 73, line 11, of the printed bill, as amended, strike out the period, and insert a comma and "and in connection therewith may authorize appropriate adjustments in the respective schedules set forth for each such appropriation in Section 2 hereof."

Amendment No. 307

On page 73 of the printed bill, as amended, strike out all of lines 12 to 51, inclusive; and on page 74, strike out all of lines 1 to 47, inclusive, and insert

"Sec. 13. In providing that certain appropriations in Section 2 of this act are to be expended in accordance with a schedule set forth after each such appropriation item, it is the intent of the Legislature to limit thereby the amount of money to be expended from each such appropriation item for certain specified purposes, such as, "Salaries and Wages", "Operating Expenses", or "Equipment", using in that connection the same terms as used in the detailed budget of the officer, department, division, bureau or other agency to whom the appropriation is made, as contained in that document entitled "State of California Budget for the Biennium July 1, 1941 to June 30, 1943, Ninety-third and Ninety-fourth Fiscal Years", submitted by the Governor to the Legislature at the Fifty-fourth Session; except, however, that the terms "Materials and Supplies", and "Service and Expense", as used in that document, are combined under the designation "Operating Expenses" for the purposes of this act. Each such schedule in this act is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money and is not itself an item of appropriation.

As used in such schedules:

"Salaries and Wages" shall include all expenditures for pay of officers and employees of the State but does not include compensation of independent contractors rendering personal services to the State under contract. "Operating Expenses" shall include all expenditures for purchase of materials, supplies (including expendable equipment), services (other than personal services of State officers and employees), and all other proper expenses (other than the acquisition and replacement of nonexpendable tangible property).

"Equipment" shall include all expenditures for the acquisition or replacement of nonexpendable tangible property.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to the aforementioned budget document and the appropriate portions thereof.

Sec. 13.5. The State Board of Control may, upon recommendation of the Director of Finance pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made

herein, authorize the augmentation of the amount available for expenditure for a purpose designated in any schedule set forth for such appropriation in Section 2 by transfer from any of the other designated purposes within the same schedule."

Amendment No. 308

On page 74 of the printed bill, as amended, strike out all of lines 48 to 51, inclusive; and on page 75, strike out all of lines 1 to 17, inclusive, and insert

"Sec. 13.6. The Director of Finance may, upon request of the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a purpose designated in any schedule set forth for such appropriation in Section 2 hereof in the amount of any funds which he estimates will be received by said officer, department, division, bureau, board, commission, or other agency during the Ninety-third and Ninety-fourth Fiscal Years from any other officer, department, division, bureau, or other agency of this State, from any county, city and county or city, or any agency thereof, from the Federal Government, or any agency thereof, from any appropriation made by the Legislature at the Fifty-fourth Session, or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1855

Senator Crittenden moved that Assembly Bill No. 1855 be re-referred to Committee on Agriculture.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 179—An act to repeal Section 791, and to amend section and renumber Section 791.5 to be 791, of the Fish and Game Code, relating to crabs, declaring the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 179?

Amendment No. 1

On page 2, line 8, of the printed bill, after the word "not", strike out "less than one hundred".

Amendment No. 2

On page 2, line 9, of the printed bill, strike out "dollars (\$100) nor".

Amendment No. 3

On page 2, line 10, of the printed bill, strike out "less than 50".

Amendment No. 4

On page 2, line 11, of the printed bill, strike out "days nor".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 179 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuehel, Luckey, McCormack, Myhand, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagye, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 360—An act to add Part 2, comprising Chapters 1 to 4, inclusive, Sections 16600 to 17101, inclusive, to Division 7, and to add Section 30028 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the preser-

vation and regulation of competition, and repealing acts and parts of acts specified herein.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 360?

Amendment No. 1

On page 6 of the printed bill, as amended, strike out lines 43 to 52, inclusive.

Amendment No. 2

On page 14, line 38, of the printed bill, as amended, strike out "1907 530 984".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 360 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggy—28.

NOES—None.

Above bill ordered enrolled.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 981

Senator Gordon moved that Senate Bill No. 981 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 981—An act to amend Section 11 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor and providing for the collection of damages by owners of live stock injured by dogs," approved June 3, 1921, relating to the disposition of funds.

Bill read second time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, after "counties", insert a comma.

Amendment No. 2

In line 7 of the title of the printed bill, after "therefor", insert a comma.

Amendment No. 3

In line 9 of the title of the printed bill, strike out "disposition of funds.", and insert "enforcement of this act and the payment of fees, salaries, costs, and expenses therefor from live stock indemnity funds, declaring the urgency thereof and providing that this act shall take effect immediately."

Amendment No. 4

On page 1, line 6, of the printed bill, strike out "may", and insert "shall".

Amendment No. 5

On page 1 of the printed bill, strike out lines 8 and 9, and insert "second, notwithstanding any other provision of this act or of any other law, to pay fees, salaries, costs, expenses, or any or all of them (which the board of supervisors is hereby authorized to do) for the enforcement of this act and all ordinances made pursuant to this act;"

Amendment No. 6

On page 1 of the printed bill, after line 18, insert

"Sec. 2. Any action heretofore taken by any county, its board of supervisors, or any county officers which action would hereafter be in conformity with the terms of Section 11 of the act cited in the title hereof is hereby validated.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall therefore take effect immediately. A statement of the facts constituting such necessity is as follows:

Doubt has been thrown upon the ability of counties to provide for the compensation by salary of persons engaged in carrying out the provisions of the act cited in the title hereof.

It is immediately necessary for the public safety that counties be enabled to carry out the provisions of the act cited in the title hereof as extensively as possible and in order to do so that counties be able to compensate the persons engaged in enforcing the provisions of the act cited in the title hereof by salary rather than by occasional fees."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 114 was refused passage, was continued until the next legislative day.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 395—An act to amend Section 622 of the Fish and Game Code, relating to goldfish and non-native minnows.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 7, of the printed bill, following "to", strike out balance of bill, and insert "use for bait or to release or to plant any freshwater or anadromous fish other than trout in any inland or tidal waters or portion thereof in which trout have been planted by the commission or which have been designated and posted as trout waters by the commission; provided, however, that fish other than trout may be used for bait or released in the same waters wherein taken, and they may be planted under a written permit issued by the commission when in its discretion the productivity of trout waters will not be reduced thereby."

Amendment read and adopted.

Bill ordered printed, engrossed and to third reading.

Senate Bill No. 762—An act to add Chapter 1c to Division 5 of the Agricultural Code, relating to grades, standards, inspection, and certification of dried fruits.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1207—An act to add Section 1149.2 to the Agricultural Code, relating to the liability of sellers of nursery stock improperly labeled as to grade, variety, and grade size.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "all".

Amendment No. 2

On page 1, line 6, of the printed bill, after the period, strike out the balance of the line, and all of lines 7 to 13, inclusive, and insert

"Damages under this section shall include only the purchase price of trees or vines, and expenses and losses incurred by the purchaser in planting and bringing the trees or vines to such maturity that it can be determined if the trees or vines are of the variety set forth in the original invoice. This section shall apply only to fruit trees or grapevines or other vines planted for the production of farm crops. A tolerance of 5 per cent shall be allowed the seller in determining damages under this section."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 970—An act to amend Sections 911 and 916 of, and to add two new sections, to be numbered 911.5 and 916.5, to Article 1 of Chapter 5 of Division 5 of the Agricultural Code, relating to agricultural seeds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 2, line 30, of the printed bill, strike out "braba", and insert "draba".

Amendment No. 2

On page 2, line 33, of the printed bill, before "Euphorbia", insert "(".

Amendment No. 3

On page 2, line 38, of the printed bill, strike out "(Gaura species)", and insert "(including Gaura sinuata, Gaura coccinea, Gaura odorata, and Gaura villosa)".

Amendment No. 4

On page 3, line 12, of the printed bill, strike out "medic", and insert "medick".

Amendment No. 5

On page 4, line 6, of the printed bill, strike out "chapter", and insert "article".

Amendment No. 6

On page 4, line 13, of the printed bill, strike out "of them".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Agriculture.

Senate Bill No. 715—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read second time, and ordered to third reading.

Senate Bill No. 641—An act to prevent and punish the desecration, mutilation or improper use of the Flag of the United States of America, and of this State, and of any flag, standard, color, ensign or shield authorized by law.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1 of the printed bill, strike out the title, and insert "An act relating to the National and State Flags."

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. The Flag of the United States and the Bear Flag of California shall be permanently installed and displayed in the following places in this State:

- (a) All court rooms of the Supreme Court and the district court of appeal;
- (b) All superior court rooms;
- (c) All municipal court rooms;
- (d) All rooms where a court holds any sessions whatever."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 25, inclusive; and on page 2, strike out lines 1 to 23, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1159—An act to amend Section 750 of the Code of Civil Procedure, relating to the service and publications of summons in quiet title actions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "750 of the Code of", and insert "2931a of the".

Amendment No. 2

Strike out lines 4, 5 and 6 of the title of the printed bill, as amended, and insert "Code, relating to making the State of California a party to certain actions pertaining to real property."

Amendment No. 3

On page 1, line 15, of the printed bill, as amended, strike out "750 of the Code of Civil Procedure", and insert "2931a of the Civil Code".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 15 to 26, inclusive, and insert

"2931a. In all actions brought to determine conflicting claims to real property, or for partition of real property under the provision of Chapter 4, Title 10, Part 2 of the Code of Civil Procedure, or to foreclose a deed of trust, mortgage, or other lien upon real property upon which exists a lien to secure the payment of taxes or other obligations, to the State of California, other than taxes upon such real property, the State of California may be made a party, and in such action the court shall have jurisdiction to determine the priority and effect of any such liens [determined as in other cases] in or upon the property, but the jurisdiction of the court in such action shall not include a determination of the validity of the tax giving rise to the lien or claim of lien. The complaint in such action shall contain a description of the lien sufficient to enable the tax or other obligation, payment of which it secures, to be identified with reasonable certainty. Services of process in such actions shall be made upon the [Chairman of the State Board of Equalization] Secretary of State or his assistant, or any of his deputies, and upon the Attorney General or any of his

deputies. It shall be the duty of the Attorney General to [appear and] represent the State in all such actions."

Amendment No. 5

Strike out all of page 2 of the printed bill, as amended.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Judiciary.

Senate Bill No. 293—An act to add Section 1192.5 to the Code of Civil Procedure, relating to liens.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 383—An act to repeal Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 651, 651.5, 655, 656, 710, 791.6, 808.5, 843, 844, 886, 957, 1208, 1213 and 1344 of, and to add Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 651, 651.5, 655, 656, 710, 791.6, 808.5, 843, 886, 957, 1208, 1213 and 1344 to the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, following "618," insert "619,".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, following "618," insert "619,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 402—An act to add Section 719 to the Fish and Game Code, relating to shad and shad roe.

Bill read second time, and ordered to third reading.

Assembly Bill No. 457—An act to amend Section 1063 of the Fish and Game Code, relating to grades of fish and fish products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 525—An act to repeal Section 808.5 of the Fish and Game Code, relating to clams.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1128—An act to add Sections 432.6, 990.1, 990.2, 990.3, 990.4, 990.5, 990.6, 990.7, 994, 995, 995.1 and 995.2 to the Fish and Game Code, relating to commercial fishing licenses and permits to operate vessels for transporting persons for the purpose of taking fish.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1496—An act to amend the Fish and Game Code of the State of California by adding thereto Sections 103.7, 615.6, 615.7, 615.8, relating to steelhead trout fishing in the Carmel River.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1299—An act to amend Section 665 of the Fish and Game Code, relating to sale of salmon in certain districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1047—An act to add Section 1352.5 to the Fish and Game Code, relating to frogs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1116—An act to amend Section 62 and to repeal Section 141 of the Fish and Game Code, relating to fish and game districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1117—An act to amend Section 62.6 of the Fish and Game Code, relating to Fish and Game District 14.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1439—An act to amend Sections 1177 and 1203.6 of the Fish and Game Code, relating to entirely protected birds and to pheasants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 33—An act to amend Section 990 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1574—An act to amend Section 790 of the Fish and Game Code, relating to crabs and crab meat.

Bill read second time, and ordered to third reading.

Assembly Bill No. 42—An act to add Section 73.5 to the Agricultural Code, relating to exhibits at the California State Fair.

Bill read second time, and ordered to third reading.

Assembly Bill No. 161—An act to amend Section 21 of the Agricultural Code, relating to the salary of the Director of Agriculture.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1924—An act to add Section 643.5 to the Agricultural Code, relating to dairies, and the exemption of dairies with six cows or less producing milk for manufacturing purposes only from certain requirements concerning equipment and facilities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1925—An act to amend Section 496 of the Agricultural Code, relating to dairies and dairy products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1498—An act to amend Section 830 of, and to add Sections 830.1 and 830.2 to the Agricultural Code, relating to by-products disposal.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1088—An act to add a new section to be numbered 154.35 to Chapter 1 of Division 2 of the Agricultural Code, relating to permits to operate seed cleaning equipment.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, on line 22, immediately preceding "pest", insert "noxious weed".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 74—An act making an appropriation for the eradication of dourine, a communicable disease of horses, mules, and asses; amending Section 182 of, and adding Section 207.7 to, the Agricultural Code, relating to animals affected with dourine; and declaring the urgency thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2612—An act providing for posting property used for certain purposes, prohibiting trespassing upon, and loitering in the immediate vicinity of, such posted property, and providing penalties for violation thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1577—An act to amend Sections 2762 and 2763 of the Penal Code, relating to the employment of prisoners upon State highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 556—An act to add Section 4015a to the Political Code, relating to justices of the peace.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out the entire line following "4015a.", and insert "Boards of supervisors may".

Amendment No. 2

On page 1, line 6, of the printed bill, strike out the entire line, and insert "may".

Amendment No. 3

On page 1 of the printed bill, strike out lines 14 to 21, inclusive.

Amendment No. 4

On page 1, line 25, of the printed bill, following the period, strike out the balance of said line, and all of lines 26 and 27.

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, MAY 22, 1941

MR. PRESIDENT: The Committee on Conference concurring:

Assembly Bill No. 563—An act to amend Sections 593 and 604 of and add Section 230.25 to the Civil Code, relating to the formation and purposes of non-profit corporations, consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 7, 1941, be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 593 and", and insert "Section".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "Section", and insert "Sections 593a and".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 24, inclusive, and insert "SECTION 1. Section 593a is hereby added to the Civil Code, to read as follows: 593a. A nonprofit corporation may be formed under this article for the purposes of defraying or assuming the cost of professional services of licentiates under any chapter of Division 2 of the Business and Professions Code or of rendering any such services but it may not engage directly or indirectly in the performance of the corporate purposes or objects unless:

(1) At least one-fourth of all licentiates of the particular profession become members;

(2) Membership in the corporation and an opportunity to render professional services upon a uniform basis is available to all licensed members of the particular profession;

(3) Voting by proxy and cumulative voting are prohibited; and

(4) A certificate has been issued to the corporation by the particular professional board, whose licentiates have become members, finding compliance with the foregoing requirements.

Any such nonprofit corporation shall be subject to supervision by the particular professional board under which its members are licensed and shall also be subject to the provisions of Section 605c of this code. This section, except as expressly permitted herein, does not authorize the formation of any corporation for the purpose of rendering the professional services regulated by Division 2 of the Business and Professions Code."

SWING
LUCKEY
SWAN

CRONIN
GALLAGHER
POULSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Keating, Kenny, Kuebel, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 416—An act to amend Sections 9, 30, 34, 35, 46, 49, 76, 85a, 90, 92 and 101 of the State Employees Retirement Act, relating

to a retirement system for employees and officers of the State of California, and of such cities, school districts, and counties as may elect to include their employees by contract.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, McCormack, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagdy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1013—An act to add Section 14226.5 to, and to amend Section 14227 of, the Health and Safety Code, relating to fire protection districts in unincorporated areas and the inclusion of contiguous territory.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "add Section 14226.5 to, and to".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out the comma.

Amendment No. 3

In line 6 of the title of the printed bill, as amended, after "ritory", insert "therein".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 8 to 16, inclusive.

Amendment No. 5

On page 1, line 17, of the printed bill, as amended, strike out "SEC. 2.", and insert "SECTION 1."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTION TO EXCUSE MEMBERS TEMPORARILY

Senator Slater moved that the members of the Committee on Education be excused temporarily for the purpose of holding a short committee meeting.

Motion carried.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of this legislative day:

Senator Myhand, on motion of Senator Parkman.

MOTION TO RECALL ASSEMBLY BILL NO. 1544

Senator DeLap moved that Assembly Bill No. 1544, heretofore passed by the Senate and transmitted to the Assembly, be recalled from the Assembly for the purpose of correcting an error.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2106—An act to amend Sections 1003 and 1005 of the Elections Code, relating to elections including the publication and posting of election proclamations.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Cunningham, Gordon, Kenny, Mayo, Parkman, and Seawell—6

NOES—Senators Biggar, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, Luckey, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—24

Assembly Bill No. 1865—An act to add Sections 5014 and 6817 to the Public Resources Code, relating to the moneys deposited in the State Park Maintenance and Acquisition Fund and providing the manner in which the moneys in said fund may be expended.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kuchel moved a call of the Senate.

Motion carried. Time, 3.08 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1024—An act to renumber and amend Section 800 to be Section 800.5 and to add Section 800 to the Health and Safety Code, relating to the regulation of plumbing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1393—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the purpose of augmenting appropriations for the support of the government of the State, in order to provide for salary and wage adjustments for certain State employees, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2197—An act to repeal Part 2 of Division 13 of the Health and Safety Code, and to add a new Part 2 to said Division 13, relating to auto courts and resorts, and auto and trailer camps.

Bill read third time.

Motion to Amend

Senator Slater moved the adoption of the following amendments:

Amendment No. 1

On page 5, line 6, of the printed bill, as amended, after "Courts", insert "and Resorts".

Amendment No. 2

On page 6, line 51, of the printed bill, as amended, after "court", insert "and resort".

Amendment No. 3

On page 8, line 24, of the printed bill, as amended, strike out the period, and insert "and resort."

Amendment No. 4

On page 9, line 27, of the printed bill, as amended, after "court", insert "and resort".

Amendment No. 5

On page 12, line 35, of the printed bill, as amended, after "court", insert "and resort".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 407—An act to add Article 3.5 (comprising Sections 13340 to 13352, inclusive) to Chapter 2 of Part 2 of Division 12 of the Health and Safety Code, and to add Section 13405 thereto, relating to clothes cleaning establishments, including the examination of operators and persons in charge thereof, the issuance of certificates of competency to such persons, the fees for such certificates, the revocation and suspension of such certificates, and the control of operations by persons having such certificates.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Luckey, McCormack, Quinn, and Wagy—15.

NOES—Senators Collier, Crittenden, DeLap, Foley, Kuebel, Mayo, McBride, Parkman, Powers, Shelley, Swan, and Ward—12.

Motion to Reconsider

Senator Jespersen moved to reconsider the vote whereby Assembly Bill No. 407 was refused passage.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 407 was refused passage, was continued until the next legislative day.

Assembly Bill No. 404—An act to amend Sections 13215 and 13388 of the Health and Safety Code, relating to boilers and boiler rooms in clothes cleaning establishments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Powers, Quinn, and Wagy—22.

NOES—Senators Foley, McBride, Parkman, Shelley, Swan, and Ward—6.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 405—An act to amend Section 13314 of the Health and Safety Code, and to add Section 13314.5 thereto, relating to clothes cleaning establishments, including licenses and license fees and penalties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 406—An act to amend Section 13203 of the Health and Safety Code, relating to clothes cleaning establishments, including the definition of solvents used therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Parkman, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 976—An act to amend Sections 828 and 845 of the Insurance Code, relating to insurance securities and brokers' and agents' certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1713—An act to amend Section 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to the regulation of credit unions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1516—An act to add Sections 10830.5, 10830.6, 10831.5, 10832 and 10861.5 to, to amend Sections 10831, 10870, 10875, 10882, 10883, 10901 and 10928 of, and to repeal Sections 384, 10650 and 10811 of, the Insurance Code, and to add Article 4, comprising Sections 10490 to 10494, inclusive, to Chapter 5, Part 2, Division 2 of said code, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1308—An act to permit the sale of certain land by the Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2055—An act authorizing the Department of Finance to sell certain State-owned lands and to acquire by exchange, purchase or otherwise additional lands, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Seawell, Shelley, Swan, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1420—An act to amend Section 155 of the State Civil Service Act, relating to reinstatements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah,

Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1174—An act to add Sections 2 and 3 to an act entitled "An act providing for the sale or trade of property used by the California Polytechnic School and providing for the purchase of property for the use of said school," approved June 12, 1931, relating to the purchase of additional land for the California Polytechnic School.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1900—An act to amend Section 3 of an act entitled "Los Angeles County Flood Control Act," approved June 12, 1915, relating to the board of supervisors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Concurrent Resolution No. 43: By Senator Keating—Relative to obtaining a report on the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the State Highway System.

Request for Unanimous Consent

Senator Keating asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 43, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 43

Senate Concurrent Resolution No. 43—Relative to obtaining a report on the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the State Highway System.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keat-

ing, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.
NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Deuel and Kenny:

Senate Resolution No. 119

WHEREAS, The Legislature has passed Senate Concurrent Resolution No. 16, providing for a committee of two Senators and two Assemblymen to go to Washington, D. C., to negotiate with the Federal Government in connection with the controversy over conformity of California's Aged Aid Law with the Federal Statute; and

WHEREAS, The situation is one of great urgency because action must be taken before July 1, 1941; and

WHEREAS, The presence in Washington of the Speaker of the Assembly would lend prestige to any committee sent by the California Legislature to Washington; and

WHEREAS, The Speaker of the Assembly would naturally be reluctant to appoint himself to such a committee; now, therefore, be it

Resolved, That the Senate requests the Speaker of the Assembly, Gordon Garland, be named as one of the two Assemblymen who will be designated to perform this negotiation.

Resolution read, and unanimously adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2059—An act to amend Section 692 of the Political Code, relating to the approval of contracts by the Director of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECALL ASSEMBLY BILL NO. 841

Senator Breed moved that Assembly Bill No. 841, heretofore passed by the Senate and transmitted to the Assembly, be recalled from the Assembly for the purpose of correcting errors.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Seawell moved that Senate Constitutional Amendment No. 16 be taken from the inactive file, and placed on the second reading file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Biggar, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 720 was refused passage, was continued until the next legislative day.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 762

And reports the same correctly engrossed.

RICH, Chairman

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, May 21, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Senate Bill No. 1316

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 907

Assembly Bill No. 1756

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 784

Assembly Bill No. 1679

Assembly Bill No. 1051

Assembly Bill No. 1938

Assembly Bill No. 1052

Assembly Bill No. 2355

Assembly Bill No. 1053

Assembly Bill No. 2587

Assembly Bill No. 1311

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 8; absent 2.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 951

Assembly Bill No. 943

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

WAGY, Chairman

Above reported bills ordered to second reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1865 passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Seawell, Shelley, Swan, Swing, Waggy, and Ward—24.

NOES—Senators Brown, Collier, DeLap, Deuel, Foley, Garrison, Judah, McCormack, Mixter, Rich, and Tickle—11.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Constitutional Amendment No. 2—A resolution proposing to the people of the State of California to amend Section 23 of Article IV of the Constitution of said State, relating to the compensation of members of the Legislature.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Foley moved a call of the Senate.

Motion carried. Time, 4.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Bill No. 56 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Bill No. 2578 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.18 p.m., on motion of Senator Foley, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 2 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Swan, Tickle, and Ward—27.

NOES—DeLap, Deuel, Fletcher, Gordon, McCormack, Mixter, Rich, Slater, Swing, and Waggy—10.

Resolution ordered transmitted to the Assembly.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1800

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read.

Motion to Amend

Senator Swan moved the adoption of the following amendment:

Amendment No. 1

On page 29, line 17, of the printed bill, as amended, strike out "\$1,250,000.00", and insert "\$1,400,000.00".

Motion to Table

Senator Rich moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Swan, Carter and Garrison demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagv, and Ward—27.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Kenny, Mayo, McBride, Shelley, and Swan—10.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 33, line 22, of the printed bill, as amended, strike out "\$814,192.00", and insert "\$838,882.00".

Amendment No. 2

On page 33 of the printed bill, as amended, strike out lines 27 to 37, inclusive, and insert

"Schedule:

(a) Salaries and Wages	\$819,832.00
(b) Operating Expenses	94,045.00
(c) Equipment	36,800.00

Total of Schedule	\$950,677.00
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Less: Estimated student fees appropriated by Chapter 819, Statutes of 1933	111,795.00
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Net Appropriation	\$838,882.00".
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Motion to Table

Senator Collier moved that the above amendments be laid on the table.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Deuel, Fletcher, Gordon, Luckey, Mayo, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tickle, Wagv, and Ward—20.

NOES—Senators Biggar, Carter, Cunningham, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, McCormack, Seawell, Shelley, Slater, and Swan—16.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 45, line 26, of the printed bill, as amended, strike out "\$1,272,330.00", and insert "\$1,376,690.00".

Amendment No. 2

On page 45 of the printed bill, as amended, strike out all of lines 27 to 30, inclusive, and insert

"Schedule:

(a) Salaries and Wages-----	\$1,178,000.00
(b) Operating Expenses-----	161,790.00
(c) Equipment-----	36,840.00".

Motion to Table

Senator DeLap moved that the above amendments be laid on the table.

Roll Call Demanded

Senators Shelley, Kenny and Carter demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Jespersen, Judah, Kuchel, Mixer, Parkman, Phillips, Rich, Swing, and Tickle—17.

NOES—Senators Carter, Foley, Garrison, Keating, Kenny, Luckey, Mayo, McBride, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Ward—15.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 6, line 46, of the printed bill, as amended, strike out "\$5,000.00", and insert "\$15,000.00".

Motion to Table

Senator Kenny moved that the above amendment be laid on the table.

Roll Call Demanded

Senators McBride, Carter and Garrison demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Fletcher, Kenny, Kuchel, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tickle, and Waggy—20.

NOES—Senators Brown, Carter, Crittenden, Foley, Garrison, Jespersen, Judah, Keating, Luckey, McBride, Seawell, Shelley, Slater, Swan, and Ward—15.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 42 of the printed bill, as amended, after line 24, insert
 "Item 88.5—For construction, improvements, alterations and equipment of the State Capitol, including an additional wing or additional wings, for the purpose of providing necessary space and facilities for members of the Legislature, the Legislative Counsel Bureau, the Legislative Bill Room, the Legislative clerical and stenographic help, the State Controller, the Secretary of State, the State Treasurer, the Attorney General, and the Department of Finance, one million five hundred thousand dollars----- \$1,500,000.00

The money appropriated by this item shall be expended in accordance with law pursuant to plans and specifications approved by the Director of Finance and by a joint committee of the Legislature appointed pursuant to a concurrent resolution of the Senate and Assembly."

Roll Call Demanded

Senators Seawell, Carter and Quinn demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Brown, Carter, Collier, Garrison, Luckey, Mayo, McBride, McCormack, Seawell, Shelley, and Swan—11.

NOES—Senators Biggar, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Mixer, Parkman, Phillips, Quinn, Rich, Swing, Tickle, Waggy, and Ward—22.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 27 of the printed bill, as amended in the Senate May 22, 1941, strike out line 4, and insert "Improvement Commission-----\$10,555.00".

Motion to Table

Senator Tickle moved that the above amendment be laid on the table.

Roll Call Demanded

Senators Garrison, Swan and Carter demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, Tickle, and Ward—24.

NOES—Senators Carter, Foley, Garrison, Jespersen, Kenny, Shelley, Slater, Swan, and Waggy—9.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Rich:

Resolved, That Assembly Bill No. 1800 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 1800

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1800.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—Senator Phillips—1.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 2575

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 9.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 771

Assembly Bill No. 880

Assembly Bill No. 1928

Assembly Bill No. 2519

Assembly Bill No. 743

Assembly Bill No. 744

Assembly Bill No. 745

Assembly Bill No. 748

Assembly Bill No. 751

Assembly Bill No. 752

Assembly Bill No. 753

Assembly Bill No. 754

Assembly Bill No. 755

Assembly Bill No. 756

Assembly Bill No. 758

Assembly Bill No. 759

Assembly Bill No. 760

Assembly Bill No. 762

Assembly Bill No. 763

Assembly Bill No. 765

Assembly Bill No. 381

Assembly Bill No. 632

Assembly Bill No. 634

Assembly Bill No. 635

Assembly Bill No. 647

Assembly Bill No. 649

Assembly Bill No. 733

Assembly Bill No. 734

Assembly Bill No. 735

Assembly Bill No. 736

Assembly Bill No. 737

Assembly Bill No. 738

Assembly Bill No. 739

Assembly Bill No. 740

Assembly Bill No. 741

Assembly Bill No. 742

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

DEUEL, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 648

Assembly Bill No. 650

Assembly Bill No. 747

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, MAY 22, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 654

Assembly Bill No. 750

Assembly Bill No. 749

Assembly Bill No. 757

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and place on the inactive file.

Committee membership 11; committee vote: Ayes 10; absent 1.

DELL ELLA, Vice Chairman

Above reported bills ordered to inactive file.

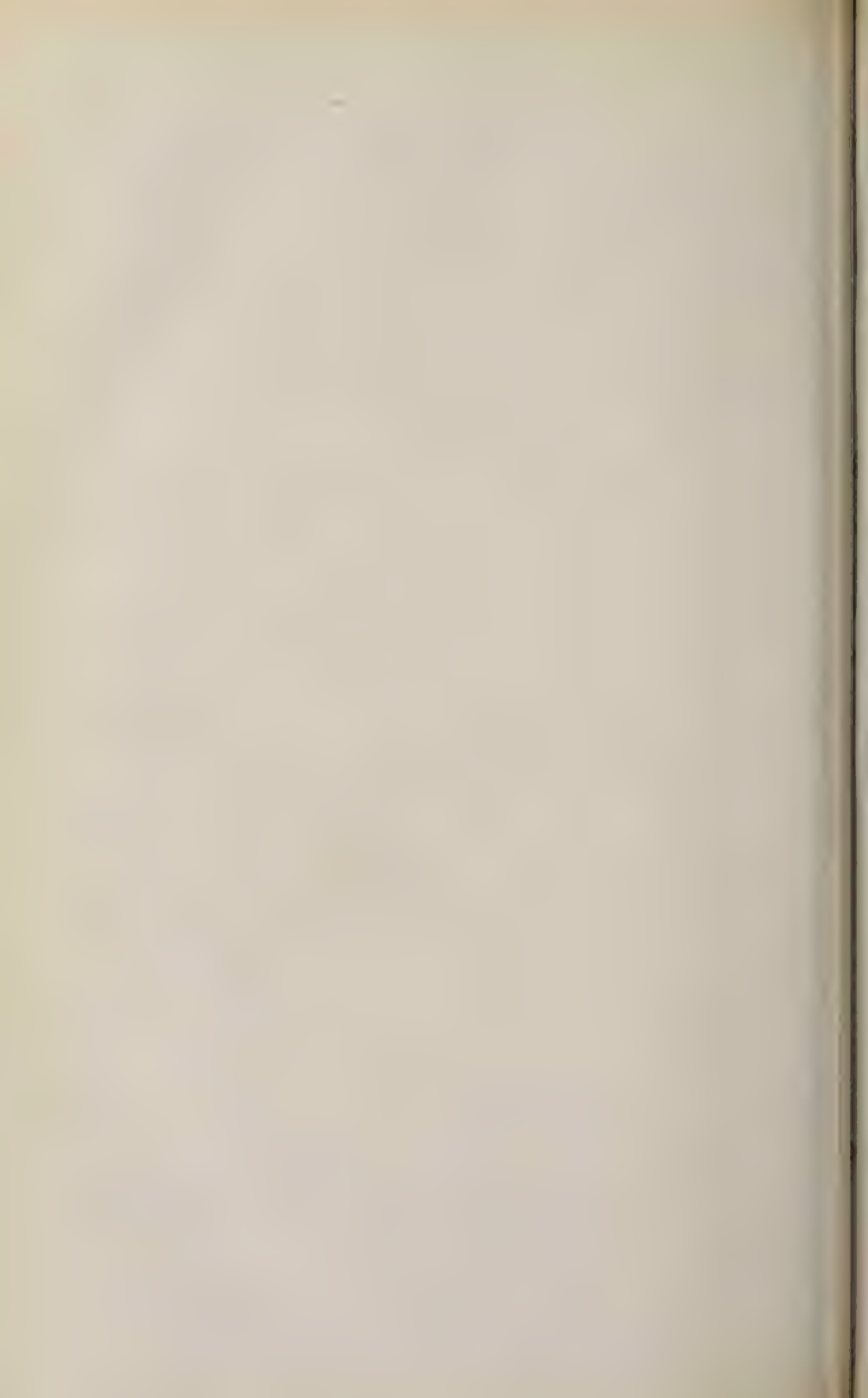
MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kuchel moved that Senate Bill No. 1004 be taken from the inactive file, and placed on the second reading file.

Motion carried.

ADJOURNMENT

At 6.30 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., May 23, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED THIRTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 23, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Callen, Cuthbertson, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kiesel, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—34.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Metzger, on motion of Senator DeLap.

Senator McCormack, on motion of Senator Slater.

Senator Swing, on motion of Senator DeLap.

Senator Jespersen, on motion of Senator Swan.

Senator Luckey, on motion of Senator Phillips.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the Senate Chamber for this day was unanimously extended to Judge David E. Flynn and Thomas Gill of Camarillo, and George Engelke of Tuolumne County.

On request of Senator Ward, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarence Williams of Santa Barbara.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. E. Sparks and M. F. Quinlan, both of Ventura.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Aldous Huxley of Santa Monica.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 713

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 975

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 563 An act to amend Section 593 of the Civil Code, relating to the formation and purposes of nonprofit corporations.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1800 An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately;

And appointed Messrs. Millington, Lyon and Allen as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly returns herewith, in accordance with your request:

Assembly Bill No. 841

Assembly Bill No. 1544

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 110
 Assembly Bill No. 334
 Assembly Bill No. 355
 Assembly Bill No. 660
 Assembly Bill No. 691
 Assembly Bill No. 813
 Assembly Bill No. 859
 Assembly Bill No. 972
 Assembly Bill No. 1027
 Assembly Bill No. 1122
 Assembly Bill No. 1152
 Assembly Bill No. 1162
 Assembly Bill No. 1173
 Assembly Bill No. 1415
 Assembly Bill No. 1463
 Assembly Bill No. 1481
 Assembly Bill No. 1511
 Assembly Bill No. 1518
 Assembly Bill No. 1545
 Assembly Bill No. 1554

Assembly Bill No. 1571
 Assembly Bill No. 1579
 Assembly Bill No. 1595
 Assembly Bill No. 1596
 Assembly Bill No. 1598
 Assembly Bill No. 1765
 Assembly Bill No. 1841
 Assembly Bill No. 1876
 Assembly Bill No. 1937
 Assembly Bill No. 1962
 Assembly Bill No. 2208
 Assembly Bill No. 2212
 Assembly Bill No. 2245
 Assembly Bill No. 2254
 Assembly Bill No. 2494
 Assembly Bill No. 2501
 Assembly Bill No. 2596
 Assembly Bill No. 2611
 Assembly Bill No. 2625

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, MAY 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 52

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 110—An act to amend Section 4986 of the Revenue and Taxation Code, relating to the cancellation of taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 334—An act to amend Section 4300b of the Political Code, relating to fees.

Referred to Committee on Judiciary.

Assembly Bill No. 355—An act to amend Section 256 of the Probate Code, relating to estates of illegitimate children.

Referred to Committee on Judiciary.

Assembly Bill No. 660—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record.

Referred to Committee on Judiciary.

Assembly Bill No. 691—An act to amend Section 5705 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 813—An act to amend Section 4057 of, and to add Section 4058 to, the Political Code, relating to county ordinances and to validate county ordinances wherein publication was defective.

Referred to Committee on Judiciary.

Assembly Bill No. 859—An act to add Section 2468.5 to the Civil Code, relating to licenses and permits, and the suspension of privileges exercised thereunder.

Referred to Committee on Judiciary.

Assembly Bill No. 972—An act to amend Sections 7455 and 7677 of the Revenue and Taxation Code and Sections 2 and 4 of the Motor Vehicle Fuel License Tax Act, relating to delinquency of the motor vehicle fuel license tax, including recoveries on bonds of delinquent distributors.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1027—An act to add Section 832.5 to the Civil Code, relating to entry upon adjoining lands.

Referred to Committee on Judiciary.

Assembly Bill No. 1122—An act to amend Section 1 of, and to add Sections 2e, 2f and 2g, to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed; regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors; regulating the health of the persons by whom the materials from which food is prepared or the finished product is handled; providing for the inspection of such places, persons and things; declaring places and things in violation of this act to be nuisances, dangerous to health and providing for the abatement of same; providing for the licensing of premises upon which walnuts are shelled or otherwise prepared and for the inspection of such premises and prohibiting the purchase, acquisition or receiving of walnuts shelled or prepared other than on licensed premises; providing for license fees; providing for producer exemption and empowering the California State Board of Public Health to make rules and regulations, and providing for the keeping of records; making violations of this act misdemeanors; and providing for the punishment of the same," approved March 6, 1909, relating to food sanitation.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1152—An act to repeal Chapter 166 of the Statutes of 1939, relating to summary probate proceedings.

Referred to Committee on Judiciary.

Assembly Bill No. 1162—An act to add Section 5.534 to the School Code, relating to the service in the armed forces of the United States of America or of the State of California, or in the medical, nursing or ambulance service of the American Red Cross, of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1173—An act making an appropriation for the purchase of water stock at Pacific Colony-State Narcotic Hospital.

declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1415—An act to amend Section 30 of the State Civil Service Act, relating to the compensation of the members of the State Personnel Board.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1463—An act to amend Section 92 of the Agricultural Code, relating to district agricultural fairs.

Referred to Committee on Agriculture.

Assembly Bill No. 1481—An act to amend Section 9.18 of the Building and Loan Association Act, relating to building and loan associations and the making of loans by such associations, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1511—An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance and life insurance analysts.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1518—An act to amend Section 986 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1545—An act to add Division 2a, comprising Sections 3100 to 3124, to the Labor Code, relating to labor organizations and the procedure to be followed in fining, suspending, and expelling members thereof.

Referred to Committee on Labor.

Assembly Bill No. 1554—An act to amend Section 2 of the Retail Sales Tax Act of 1933; to amend Sections 2 and 21 of the Use Tax Act of 1935; to add Section 6009.1 to, and to amend Sections 6015 and 7054 of, the Revenue and Taxation Code, relating to the definition of retailer, storage and use, and to the administration of the tax, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1571—An act to amend Section 658 of the Fish and Game Code, relating to the taking of salmon.

Referred to Committee on Fish and Game.

Assembly Bill No. 1579—An act to amend the title and Sections 1a, 1b, 1c, 2, 3, 3a, 4, 5, 7, 8, 9, 12, 14, 15, 16, 17, 18 and 19 of the Municipal Improvement Act of 1913, and to add Sections 1e and 14a thereto, relating to the construction of public improvements, the levy of assessments and the limitation thereof and the issuance of bonds.

Referred to Committee on Local Government.

Assembly Bill No. 1595—An act to amend Sections 6, 10, 14, 15, 16 and 20, and to add Sections 24, 25 and 26 to an act entitled "District Investigation Act of 1933," relating to the investigation report and debt limitations.

Referred to Committee on Local Government.

Assembly Bill No. 1596—An act to amend Section 6541.5 of, and to add Sections 4774 and 6544 to, the Health and Safety Code, relating to special assessment proceedings.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1598—An act to amend Sections 5821 and 5830 of the Streets and Highways Code, relating to the levy of a maintenance tax.

Referred to Committee on Transportation.

Assembly Bill No. 1765—An act to add a new section to the State Civil Service Act, to be numbered 57.1, relating to the officers and employees of the Railroad Commission of the State of California.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1841—An act to amend Section 1043 of the Insurance Code, relating to mutualization, reinsurance and rehabilitation of persons in the possession of the Insurance Commissioner.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1876—An act to amend Sections 8 and 9 of, to repeal Section 8½ of, and to add Sections 8½ and 9½ to, the Retail Sales Tax Act of 1933, relating to the tax imposed thereby, and providing for the collection of the amount of the tax by the retailer from the purchaser.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1937—An act to add Section 6215 to the Public Resources Code, relating to State lands and to the powers and duties of the State Lands Commission in connection therewith, declaring the scope, purpose and intent of the Legislature in enacting the State Lands Act of 1938 and acts amendatory thereof, and validating and confirming the acts of the State Lands Commission.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1962—An act to add Sections 151, 152 and 153 to the School Code, relating to student body funds and organizations.

Referred to Committee on Education.

Assembly Bill No. 2208—An act to amend Section 1207 of the Penal Code, relating to entry of judgment of conviction.

Referred to Committee on Judiciary.

Assembly Bill No. 2212—An act to amend Section 555 of the Insurance Code, relating to proof by a third party under a policy of insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2245—An act to add Section 10369 to the Insurance Code, relating to approval of policy forms.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2254—An act to amend Section 3 of "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California, to adopt a system of group life, health and accident insurance, and health services for the benefit of officers and employees, and to deduct from the compensation thereof the premium upon such insurance," approved May 25, 1939, relating to wage or salary deductions for public officers and employees.

Referred to Committee on Local Government.

Assembly Bill No. 2494—An act to add Sections 11650, 11651, 11652 and 11653 to the Elections Code, relating to abuse of the initiative, referendum, and recall.

Referred to Committee on Elections.

Assembly Bill No. 2501—An act to amend Sections 19008, 19009, 19010, 19016, 19018, 19050, 19053, 19057, 19060, 19070, 19071, 19080, 19081, 19082, 19084, 19085, 19086, 19090, 19095, 19096, 19124, 19125, 19127, 19151, 19157, 19159, 19170, 19173, 19202, 19203, 19207 and 19208, to add Sections 19007.5, 19010.5, 19012.5, 19049, 19065, 19080.5, 19089.5, 19123.4, 19123.5, 19123.6, and to repeal Sections 19130, 19152, 19156, of the Business and Professions Code, relating to the regulation of the business of manufacturing, selling, repairing, renovating and sterilizing bedding and upholstered furniture.

Referred to Committee on Business and Professions.

Assembly Bill No. 2596—An act to add Section 696 to the Political Code and to repeal an act entitled "An act appropriating money to create a Revolving Fund for the Department of Finance for State Purchases and repealing an act entitled 'An act appropriating money to create a Revolving Fund for the State Purchasing Department,'" approved May 15, 1917," approved May 22, 1919, relating to the Revolving Fund for State Purchases and the purposes for which it may be expended, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2611—An act to add Section 844 to the Political Code, relating to qualifications for public office, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 2625—An act making an appropriation for aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance.

Assembly Concurrent Resolution No. 52—Relative to improvement of road from State Highway 119, at Paicines to New Idria Mine, in San Benito County.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 41—Relative to approving 12 certain amendments to the charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at the general municipal election held therein on the sixth day of May, 1941;

Senate Bill No. 502—An act to amend Section 2953 of the Civil Code, relating to agreements waiving statutory rights;

Senate Bill No. 776—An act to amend Sections 4380, 4381, 4382, 4400, 4101, 4113 of, and to add Section 4101.5 to, the Water Code, or to amend Sections 4, 8 and 12 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams;

Senate Bill No. 915—An act to amend Sections 5.500 and 5.501 of the School Code, relating to persons employed by school districts in positions requiring certification qualifications;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1941, at 11 a.m.

RICH, Chairman

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1392

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 1339

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 37

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 1; absent 2.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1057

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; noes 2; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 917

Assembly Bill No. 540

Assembly Bill No. 918

Assembly Bill No. 624

Assembly Bill No. 2280

Assembly Bill No. 187

Assembly Bill No. 1085

Assembly Bill No. 301

Assembly Bill No. 354

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2457

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; noes 2; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2290

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 17

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Bill No. 1129

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 784—An act to add Sections 2.170-1 and 4.720-1 to the School Code, relating to the Public School System and elementary school districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1316—An act to amend Sections 1012, 1018, 1019, 1023, 1025, 1028, 1030, 1034, 1035, 1042 and 1043 of, and to add Section 1046 to, the Military and Veterans Code, relating to veterans, including the administration of estates of incompetent and deceased veterans and the conduct of the Veterans' Home and the powers and duties of the officers thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 3, line 44, of the printed bill, after "guardian", insert "and no responsible relative in California entitled thereto".

Amendment No. 2

On page 4, line 1, of the printed bill, after the first comma, insert "and the public administrator being entitled but making no objection thereto,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 38, directing the Legislature to create the office of State Manager and providing for his appointment.

Resolution read, and ordered to third reading.

Senate Bill No. 1004—An act to amend Sections 6 and 9 of, and to add Section 18 to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1982—An act to amend Section 2 of The Personal Income Tax Act, relating to the definition of residents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 819—An act to amend Section 11005 of the Revenue and Taxation Code, and Section 11 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemp-

tion of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to the expenditure by cities and cities and counties of motor vehicle license fee money distributed to them.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1411—An act to add Section 162 to the Revenue and Taxation Code, relating to actions to quiet title against the State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 800—An act to amend Sections 2, 4, 7, 8, 9.2, 9.3, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 26, 28, 30, 32, 33 and 34 of The Personal Income Tax Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 809—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 29 of, and to add a new section to be numbered 18.1 to, the Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 925—An act to amend Section 5138 of the Revenue and Taxation Code, and to add Sections 5151, 5152 and 5153 to the Revenue and Taxation Code, relating to the refund of taxes paid under protest.

Bill read second time, and ordered to third reading.

Assembly Bill No. 927—An act to amend Sections 5096, 5098 and 5099 of the Revenue and Taxation Code, to repeal Section 5101 of the Revenue and Taxation Code, and to add Sections 5101, 5103, 5104, 5105, 5106 and 5107 to the Revenue and Taxation Code, relating to the refund of taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1635—An act to repeal and add Section 4101.5 of the Revenue and Taxation Code, relating to property taxation, and the redemption of property, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1138—An act to amend Sections 3696, 3699, 3705 and 3706 of, and to add Section 3707 to, the Revenue and Taxation Code, relating to property taxation, including sales at public auction of tax-deeded property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 808—An act to amend Sections 4, 4a, 6, 8, 9, 11, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 32 and 35 of, and to add a new section to be numbered 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 22, inclusive; on page 2, strike out lines 1 to 52, inclusive; and on page 3, strike out lines 1 to 9, inclusive.

Amendment No. 3

On page 16 of the printed bill, as amended, strike out lines 1 and 2, inclusive, and insert "this act, if the corporation should have filed a return under this act.

In the event that taxes, interest and penalties have been or shall be assessed against, paid by or collected from a corporation under this act, which assessment, payment or collection should have been made under The Corporation Income Tax Act, such taxes, interest and penalties shall be considered as having been assessed, paid or collected under The Corporation Income Tax Act as of the date or dates they were made".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1434—An act to amend Sections 2, 5, 6, 7, 8, 9, 10, 12 and 14 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of distributors of motor vehicle fuel and the administration of the tax and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "amend", insert "Sections 7305, 7402, 7481, 7482, 7483, 7506, 7651, 7678, 8302 and 8306 of and to add Article 2.5, consisting of Sections 7491 to 7493, inclusive, to Chapter 4 of Part 2 of Division 2, and Sections 8254, 8307 and 8403 to the Revenue and Taxation Code, and to amend".

Amendment No. 2

On page 5, line 2, of the printed bill, as amended, strike out "broad", and insert "board".

Amendment No. 3

On page 9 of the printed bill, as amended, strike out line 21, and insert "Sec. 10. Section 7305 of the Revenue and Taxation Code is hereby amended to read as follows:

7305. "Distribution" includes any of the following:

(a) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this State, and the sale, donation, consignment for sale, barter, or use of the fuel in this State.

(b) The importing of motor vehicle fuel into this State, and the sale, donation, consignment for sale, barter, or use of the fuel in this State whether in the original package or container in which imported or otherwise.

(c) The acquiring of motor vehicle fuel in this State in the original package or container in which it was imported, and the sale, donation, consignment for sale, barter, or use of the fuel in this State whether in the original package or container in which imported or otherwise.

"Distribution" does not include the exchange of motor vehicle fuel for motor vehicle fuel, gallon for gallon, with another duly licensed distributor at motor vehicle fuel.

SEC. 11. Section 7402 of said code is hereby amended to read as follows:

7402. In support of any exemption from license taxes claimed under this chapter on account of the exportation of motor vehicle fuel, every distributor shall execute an export certificate in such form as shall be prescribed [, prepared, and furnished] by the board, containing a sworn statement made by some person having actual knowledge of the fact of the exportation that the motor vehicle fuel has been exported from the State and giving such details with reference to the shipment as the board may require.

SEC. 12. Section 7481 of said code is hereby amended to read as follows:

7481. Every person before becoming a producer or broker shall [register as such with the board and] apply for a license on forms [to be prepared and furnished] prescribed by the board. Each application shall be accompanied by a license fee of ten dollars (\$10) payable to the board.

SEC. 13. Section 7482 of said code is hereby amended to read as follows:

7482. Upon the receipt of the application [of the producer or broker], accompanied by the license fee, the board shall issue to the applicant, *except as otherwise provided in this chapter*, a license to engage in business as a producer or broker from the date of the issuance thereof to and including the following December 31st unless sooner canceled or revoked.

SEC. 14. Section 7483 of said code is hereby amended to read as follows:

7483. [On or before] Before January 1st of each year every producer or broker shall [renew his] file an application for and obtain a license for the succeeding calendar year [by filing an application therefor].

SEC. 15. Section 7506 of said code is hereby amended to read as follows:

7506. The board may revoke the license of any distributor, producer, or broker who refuses or neglects to comply with [the] *any* provisions of this part or *any* rule or regulation of the board prescribed and adopted under this part.

SEC. 16. Article 2.5, comprising Sections 7491 to 7493, inclusive, is hereby added to Chapter 4 of Part 2 of Division 2 of said code, to read as follows:

Article 2.5. Denial of License

7491. The board may refuse to issue a distributor's, producer's, or broker's license:

(a) If the application therefor is filed by an applicant who formerly held any license under this part which, prior to the time of filing the application, has been revoked for cause by the board; or

(b) If the board determines that the application therefor is not filed in good faith or made by the real person in interest.

7492. Before such refusal, the board shall grant the applicant a hearing and shall give him at least 10 days' written notice of the time and place thereof.

7493. The notice may be served personally or by mail. If by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the applicant at his address as it appears in the records of the board.

SEC. 17. Section 7651 of said code is hereby amended to read as follows:

7651. Each distributor shall on or before the fifteenth day of each month file with the board on forms prescribed [, prepared, and furnished] by the board a sworn statement showing the total number of gallons of motor vehicle fuel distributed by him within this State during the preceding calendar month, or *monthly period ended during that calendar month as prescribed by the board*. The distributor need not report distributions not taxable under this part. The report shall also contain such other information as the board may require.

SEC. 18. Section 7678 of said code is hereby amended to read as follows:

7678. If the license tax and penalties incurred thereon are not fully paid by the delinquent date specified, the Controller shall forthwith notify the board which [shall] *may* cite the distributor to appear [within 10 days] before the board and show cause why his license should not be revoked.

SEC. 19. Section 8254 is hereby added to said code, to read as follows:

8254. As this State is the source of petroleum products for other States, if such examination or investigation necessitates collaboration or conference with motor vehicle fuel tax officials of other States, at places inside or outside this State, such collaboration or conference is declared to be a necessary function in the administration of this part.

SEC. 20. Section 8302 of said code is hereby amended to read as follows:

8302. Every distributor shall take a physical inventory [each month] of the

petroleum products on hand [on the first day of the month] at least once each month as prescribed by the board and keep a record of the inventory. If the board or its representatives are dissatisfied with the accuracy of the inventory, they may take a physical inventory of the petroleum products.

SEC. 21. Section 8306 of said code is hereby amended to read as follows:

8306. Upon demand of the board or its representatives every distributor [producer, or broker] shall furnish a statement under oath reflecting the contents of any records kept by them under this chapter.

SEC. 22. Section 8307 is hereby added to said code, to read as follows:

8307. On or before the fifteenth day of each month, every producer and broker shall file on forms prescribed by the board a report showing such information with respect to the operations of the preceding calendar month as the board may require to carry out the provisions hereof.

SEC. 23. Section 8403 is hereby added to said code, to read as follows:

8403. It is unlawful for any person, firm, association, or corporation, or any officer or agent thereof, to conduct any activities requiring a license under this part without a license or after a license has been revoked.

Any violation of this section is subject to the same punishment as is prescribed in Section 8402.

SEC. 24. This act, inasmuch as it provides for a tax levy".

Amendment No. 4

On page 9, line 28, of the printed bill, as amended, after "1941", insert "and that the provisions of this act amending the Revenue and Taxation Code shall become operative at the same time as Part 2 of Division 2 of the Revenue and Taxation Code passed by the Legislature at its Fifty-fourth Session, at which time the provisions of the Motor Vehicle Fuel License Tax Act amended by this act are hereby repealed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1438-An act to amend Sections 5, 5.1, 10, 12, 14, 19, 20, 23, 27 and 29 of the Use Fuel Tax Act of 1937, relating to the taxation of the use of motor vehicle fuel in this State and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

PRINTER'S NOTE.--There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "amend", insert "Sections 8703, 8776, 8782, 8801, 8804, 8991, 8993, 8995, 9011, 9171, and 9351 of, and to add Section 8705 to, the Revenue and Taxation Code, and to amend".

Amendment No. 2

On page 4, line 36, of the printed bill, as amended, strike out "write", and insert "writ".

Amendment No. 3

On page 5 of the printed bill, as amended, strike out line 25, and insert

"SEC. 11. Section 8703 of the Revenue and Taxation Code is hereby amended to read as follows:

8703. On receipt of an application and after the deposit of such security as the board may require pursuant to Section 8951 of this code, the board shall issue to the applicant a use fuel tax permit authorizing him to become a user of fuel taxable under this part. The permit is valid until revoked.

SEC. 12. Section 8705 is hereby added to said code, to read as follows:

8705. It is unlawful for any person whose permit has been revoked to operate as a user of fuel in this State until he has fully complied with the provisions of this part and has been issued a new permit.

SEC. 13. Section 8776 of said code is hereby amended to read as follows:

8776. If the board is dissatisfied with the report filed, it may compute and determine the amount to be paid upon the basis of any information available to it. [A]

One or more deficiency determination s may be made of the amount of tax due for one or for more than one month.

SEC. 14. Section 8782 of said code is hereby amended to read as follows:

8782. Except in the case of [fraudulent report or neglect or refusal] *fraud, intent to evade the tax, or failure to make a report*, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported.

SEC. 15. Section 8801 of said code is hereby amended to read as follows:

8801. If any user [neglects or refuses] *fails to make a report*, the board shall make an estimate of the amount of fuel used by the user which is subject to the tax. The estimate shall be made for the month or months in respect to which the user failed to make a report and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 25 per cent thereof. [A] *One or more determination s may be made for one or for more than one month.*

SEC. 16. Section 8804 of said code is hereby amended to read as follows:

8804. If the [neglect or refusal] *failure of a user to file a report is due to fraud or an intent to evade the tax*, a penalty of 50 per cent of the amount required to be paid by the user, exclusive of penalties, shall be added thereto in addition to the 25 per cent penalty provided in Section 8801.

SEC. 17. Section 8991 of said code is hereby amended to read as follows:

8991. The excise tax [is], *interest, and penalties are a lien upon and [has] have the effect of an execution duly levied against any motor vehicle in which fuel taxable under this part is used.*

SEC. 18. Section 8993 of said code is hereby amended to read as follows:

8993. The lien shall not be removed until the excise tax [is], *interest, and penalties are paid or the vehicle subject to the lien is sold in payment [of the tax] thereof.*

SEC. 19. Section 8995 of said code is hereby amended to read as follows:

8995. The Department of Motor Vehicles may transfer the registered ownership of any motor vehicle *using fuel taxable under this part [subject to the lien of the tax]* only after a certificate of excise tax clearance has been issued by the board. *The certificate may be issued after the payment of all amounts due under this part or after the payment of the amounts is secured to the satisfaction of the board.*

SEC. 20. Section 9011 of said code is hereby amended to read as follows:

9011. Whenever any user is delinquent in the payment of the obligations imposed under this part, the board or its authorized representative may collect the amount due in the following manner: The board [shall] *may seize any motor vehicle subject to the lien imposed under this part [of the tax] and sell the vehicle at public auction to pay the [tax due together with any penalties or interest imposed for the delinquency] amount due and any costs incurred on account of the seizure and sale.*

SEC. 21. Section 9171 of said code is hereby amended to read as follows:

9171. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this part of any excise tax or other amounts required to be collected *or to prevent or enjoin the revocation of any permit issued under this part or any other action whereby it is sought to enforce the payment of any excise tax or other amounts required to be paid.*

SEC. 22. Section 9351 of said code is hereby amended to read as follows:

9351. Any person who places or causes to be placed fuel into any receptacle on a motor vehicle from which receptacle fuel is supplied for the propulsion of the vehicle is guilty of a misdemeanor unless a valid use fuel tax permit is held by the [owner] *operator of the vehicle.*

SEC. 23. This act, inasmuch as it provides for a tax levy".

Amendment No. 4

On page 5, line 32, of the printed bill, as amended, after "1941", insert " , and that the provisions of this act amending the Revenue and Taxation Code shall become operative at the same time as Part 3 of Division 2 of the Revenue and Taxation Code passed by the Legislature at its Fifty-fourth Session, at which time the provisions of the Use Fuel Tax Act of 1937 amended by this act are hereby repealed".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1456—An act to amend Sections 323, 405, 459, 2510, 2605, 2607, 2621, 2626, 2803, 2805, 2808, 3354, 3355, 3656, 3695, 3696, 3701, 3720, 3721, 3724, 4109, 4151, 4154, 4155 and 4217 of, and to add Sections 3510, 3700.5 and 3701.5 to the Revenue and Taxation

Code, relating to property taxation, including assessments, the levy of taxes, the collection of taxes, tax sales, tax-deeded property, and the redemption of delinquent property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

Strike out lines 1 to 4, inclusive, of the title of the printed bill, and insert "An act to amend Sections 323, 405, 459, 2510, 2605, 2606, 2607, 2621, 2626, 2803, 2805, 2808, 2905, 3354, 3355, 3656, 3695, 3696, 3700, 3701, 3720, 3721, 3724, 4109, 4151, 4154, 4155 and 4217 of, and to add Sections 3510, 3696.5 and 3701.5 to the".

Amendment No. 2

In line 7 of the title of the printed bill, as amended, after "taxes," insert "computation of taxes,".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 14 to 19, inclusive, and insert

"2605. The following taxes on the secured roll are due November 1st:

(a) All taxes on personal property.

(b) Half the taxes on real property, and if the amount is not evenly divisible by two, the odd cent is also due.

SEC. 5.5. Section 2606 of the Revenue and Taxation Code is hereby amended to read as follows:

2606. The second half of taxes on real property [other than possessory interests] on the secured roll is due January 20th."

Amendment No. 4

On page 3 of the printed bill, as amended, between lines 23 and 24, insert "SEC. 11.5. Section 2905 of the Revenue and Taxation Code is hereby amended to read as follows:

2905. In collecting taxes on the unsecured roll the tax rate to be used is the rate for property of the same kind on the secured roll last fixed before the lien date for the taxes to be collected. *The taxes on the unsecured roll shall be computed in dollars and cents, rejecting the fractions of a cent.*"

Amendment No. 5

On page 4 of the printed bill, as amended, strike out line 3, and insert

"(j) That if no bid is made and accepted at the sale, and the property is deeded to the State, the right of redemption ceases as provided in Sections 3511.3 and 3511.5.

(k) The date of the notice."

Amendment No. 6

On page 4 of the printed bill, as amended, strike out lines 26 and 27, and insert "not, before the date of sale, file with the tax collector and the board".

Amendment No. 6a

On page 4, line 32, of the printed bill, as amended, strike out "under said lien or assessments".

Amendment No. 7

On page 4, line 39, of the printed bill, as amended, after the period, insert "If the taxing agency objects to the sale and before the date of sale applies in writing to the board of supervisors to purchase the property under Chapter 8 of this part at a price equal to that approved by the board of supervisors, or upon a pro rata division of the proceeds of a sale as may be provided under Chapter 8, the tax collector shall not proceed with the sale."

Amendment No. 8

On page 4 of the printed bill, as amended, strike out lines 48 to 52, inclusive; and on page 5, strike out lines 1 to 12, inclusive, and insert "defray the cost of advertising.

SEC. 18. Section 3696.5 is hereby added to the Revenue and Taxation Code, to read as follows:

3696.5. If a taxing agency objects to the sale, the tax collector shall so notify the applicant, and he may withdraw his application before the sale. The entire deposit shall be returned to the applicant if:

(a) The property is redeemed or payments under an installment payment plan are commenced before the sale.

(b) The applicant fails to secure the property on his bid at the sale, in which event the advertising costs shall be collected from the successful purchaser.

(c) After the objection of a taxing agency to the sale, the applicant withdraws his application before the sale.

(d) A taxing agency objects to the sale and before the date of sale applies to purchase the property under Chapter 8 of this part.

SEC. 18.5. Section 3700 of the Revenue and Taxation Code is hereby amended to read as follows:

3700. On receipt of the copy of the resolution approving the sale the tax collector shall forward a copy of it to:

(a) The Controller for his authorization.

(b) *The clerk or secretary of the governing board of each taxing agency, other than the county, having the right to levy taxes or assessments on the property.*

Amendment No. 9

On page 5 of the printed bill, as amended, strike out lines 25 to 31, inclusive, and insert "tion due to a taxing agency objecting to the sale, or if a taxing agency objects to the sale and before the date of sale applies to purchase the property under Chapter 8 of this part, the entire proceeding is canceled. After the cancellation, it shall be the same as if no application had been made by the applicant, and any such application to purchase by a taxing agency shall be governed by the provisions of Chapter 8 of this part.

Within five days after the cancellation, the tax collector shall give notice of the cancellation."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 926—An act to amend Sections 3520 and 3712 of, and to add Sections 606.5 and 3695.3 to, the Revenue and Taxation Code, relating to property taxation and tax-deeded property, including the assessment of property, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "Sections 606.5 and", and insert "Section".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. Section 3520 of the Revenue and Taxation Code".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 527—An act to amend Section 7 of an act entitled "An act authorizing the establishing of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification

and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2321—An act to amend Section 4246 of the Political Code, relating to the compensation for public services in counties of the seventeenth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 171—An act to add a new section to the Political Code, to be numbered 4076a, relating to procedure for audit, allowance and payment or rejection of claims in counties.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1600—An act to add Section 4097.5 to the Political Code, relating to the counting of money in the county treasury.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1034—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1036—An act to amend Section 737o of the Political Code, relating to salaries of the judges of the Superior Court of Kern County.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2475—An act to amend Section 4276 of the Political Code, relating to compensation for public service in counties of the forty-seventh class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1240—An act to amend Section 737d of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Butte.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1700—An act to amend Section 2 of the Planning Act, relating to planning commissions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "shall", and insert "may at its discretion".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 951—An act to repeal Chapter 281, Statutes of 1889, entitled "An act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for

purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same." approved March 20, 1889.

Bill read second time, and ordered to third reading.

Assembly Bill No. 943—An act to add Section 6215 to the Public Resources Code, relating to the administration of public lands, and providing alternative methods for protecting the interests of the State in the case of lands heretofore sold with a reservation to the State of a one-sixteenth interest in the oil and gas and other minerals therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1051—An act to amend School Code Section 2.680, relating to elections for the formation of junior college districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1052—An act to amend School Code Sections 2.85 and 2.112, relating to school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1053—An act to add Section 2.88 to the School Code, relating to the inclusion of territory within a school district.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1311—An act to add Section 1.182, Section 1.183 and Section 1.184 to the School Code, relating to the employment of minor children.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1679—An act to amend Section 5.722 of the School Code, relating to sabbatical leaves.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1938—An act to add Section 1.107 to the School Code, relating to the pupils of the public schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2355—An act to amend School Code Section 3.760, relating to courses of study in day elementary schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2587—An act to amend Sections 3.90 and 3.101 of the School Code, relating to school holidays, declaring February 12th and February 22d legal holidays, and providing for the observance thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 907—An act to amend School Code Sections 5.822, 5.854, 5.872 and 5.876, and to add Section 5.872-1 to the School Code, all relating to the California State Teachers' Retirement System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended, after the semicolon, insert "and provided, further, that time included under this paragraph shall be considered as served in the State in which the member was last so employed before entering such forces;"

Amendment No. 2

On page 2, line 46, of the printed bill, as amended, after the semicolon, insert "provided, that retirement salaries hereafter payable to persons retired after July 1, 1937, and prior to the effective date hereof, shall be adjusted upon the request of said persons, to the provisions of this paragraph, effective on the first day of the month in which said requests are received at the office of the Retirement System in Sacramento, California;"

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1756—An act to amend Sections 5.792 and 5.796 of the School Code, relating to the merit system of noncertificated employees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 27, of the printed bill, as amended, before "10 per cent", insert "not less than".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2575—An act to add Section 90 to Article 2 of Chapter 2 of Title 1 of Part 2, and Section 110 to Chapter 3 of Title 1 of Part 2 of, and to repeal Section 117 of, the Political Code, providing for the division of this State into districts for the election of legislative representatives, including districts for the election of Assemblymen and Representatives in Congress.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "add", insert "Section 80 to Article 1 of Chapter 2 of Title 1 of Part 2."

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 78 and".

Amendment No. 3

In line 6 of the title of the printed bill, as amended, after "election of", insert "State Senators,".

Amendment No. 4

On page 1, line 1, of the printed bill, as amended, after "Section 1.", insert "Section 80 is hereby added to Article 1 of Chapter 2 of Title 1 of Part 2 of the Political Code, to read as follows:

80. The State is divided into 40 Senatorial districts, which shall be designated and constituted as follows:

1. The Counties of Modoc, Lassen and Plumas shall constitute the First Senatorial District.

2. The Counties of Del Norte and Siskiyou shall constitute the Second Senatorial District.
 3. The County of Humboldt shall constitute the Third Senatorial District.
 4. The Counties of Mendocino and Lake shall constitute the Fourth Senatorial District.
 5. The Counties of Trinity and Shasta shall constitute the Fifth Senatorial District.
 6. The County of Butte shall constitute the Sixth Senatorial District.
 7. The Counties of Sierra, Nevada and Placer shall constitute the Seventh Senatorial District.
 8. The Counties of Tehama, Glenn and Colusa shall constitute the Eighth Senatorial District.
 9. The Counties of El Dorado, Amador and Alpine shall constitute the Ninth Senatorial District.
 10. The Counties of Yuba and Sutter shall constitute the Tenth Senatorial District.
 11. The Counties of Napa and Yolo shall constitute the Eleventh Senatorial District.
 12. The County of Sonoma shall constitute the Twelfth Senatorial District.
 13. The County of Marin shall constitute the Thirteenth Senatorial District.
 14. The City and County of San Francisco shall constitute the Fourteenth Senatorial District.
 15. The County of Solano shall constitute the Fifteenth Senatorial District.
 16. The County of Alameda shall constitute the Sixteenth Senatorial District.
 17. The County of Contra Costa shall constitute the Seventeenth Senatorial District.
 18. The County of Santa Clara shall constitute the Eighteenth Senatorial District.
 19. The County of Sacramento shall constitute the Nineteenth Senatorial District.
 20. The County of San Joaquin shall constitute the Twentieth Senatorial District.
 21. The County of San Mateo shall constitute the Twenty-first Senatorial District.
 22. The County of Stanislaus shall constitute the Twenty-second Senatorial District.
 23. The County of Santa Cruz shall constitute the Twenty-third Senatorial District.
 24. The Counties of Merced and Madera shall constitute the Twenty-fourth Senatorial District.
 25. The Counties of Monterey and San Benito shall constitute the Twenty-fifth Senatorial District.
 26. The Counties of Tuolumne, Mariposa and Calaveras shall constitute the Twenty-sixth Senatorial District.
 27. The County of Kings shall constitute the Twenty-seventh Senatorial District.
 28. The Counties of Mono and Inyo shall constitute the Twenty-eighth Senatorial District.
 29. The County of San Luis Obispo shall constitute the Twenty-ninth Senatorial District.
 30. The County of Fresno shall constitute the Thirtieth Senatorial District.
 31. The County of Santa Barbara shall constitute the Thirty-first Senatorial District.
 32. The County of Tulare shall constitute the Thirty-second Senatorial District.
 33. The County of Ventura shall constitute the Thirty-third Senatorial District.
 34. The County of Kern shall constitute the Thirty-fourth Senatorial District.
 35. The County of Orange shall constitute the Thirty-fifth Senatorial District.
 36. The County of San Bernardino shall constitute the Thirty-sixth Senatorial District.
 37. The County of Riverside shall constitute the Thirty-seventh Senatorial District.
 38. The County of Los Angeles shall constitute the Thirty-eighth Senatorial District.
 39. The County of Imperial shall constitute the Thirty-ninth Senatorial District.
 40. The County of San Diego shall constitute the Fortieth Senatorial District.
- SEC. 1.5".

Amendment No. 5

On page 45 of the printed bill, as amended, strike out lines 35 and 36, and insert "SEC. 3. Section 78 of the Political Code is hereby repealed."

Amendments read and adopted.

Amendment No. 1

On page 36, line 19, of the printed bill, as amended, after "Avenue", insert "to the center line of that portion of Vermont Avenue lying easterly of the Los Angeles Railway Company's right of way; thence northerly along the center line of Vermont Avenue to the easterly prolongation of the center line of Seventy-ninth Street (from the west); thence westerly along said prolongation and center line of Seventy-ninth

Street to the center line of Budlong Avenue; thence southerly along the center line of Budlong Avenue to the center line of Manchester Avenue; thence westerly along the center line of Manchester Avenue".

Amendment No. 2

On page 36, line 34, of the printed bill, as amended, after "Avenue", insert "to the center line of Budlong Avenue; thence northerly along the center line of Budlong Avenue to the center line of Seventy-ninth Street; thence easterly along the center line of Seventy-ninth Street and the easterly prolongation thereof to the center line of that portion of Vermont Avenue lying easterly of the Los Angeles Railway Company's right of way; thence southerly along the center line of Vermont Avenue to the center line of Manchester Avenue; thence easterly along the center line of Manchester Avenue".

Amendments read and adopted.

Amendment No. 1

On page 8 of the printed bill, as amended, at the end of line 36, after "Daly Street", insert "and its southerly prolongation and center line".

Amendment No. 2

On page 11, line 26, of the printed bill, as amended, after "in the", insert "boundary of the".

Amendment No. 3

On page 11, line 36, of the printed bill, as amended, strike out "lines" and insert "line".

Amendment No. 4

On page 14, line 30, of the printed bill, as amended, after "Street", insert "(formerly Westminster Avenue)".

Amendment No. 5

On page 14, line 42, of the printed bill, as amended, after "Street" insert " , its northerly prolongation and center line".

Amendment No. 6

On page 15, line 19, of the printed bill, as amended, after "Avenue", insert "(formerly Fourteenth Avenue)".

Amendment No. 7

On page 17, line 13, of the printed bill, as amended, strike out "northerly".

Amendment No. 8

On page 17, line 29, of the printed bill, as amended, strike out "Avenue", and insert "Street".

Amendment No. 9

On page 20, lines 39 and 40, of the printed bill, as amended, strike out "Avenue" and insert "Road".

Amendment No. 10

On page 23, line 1, of the printed bill, as amended, strike out "northerly" and insert "southerly".

Amendment No. 11

On page 23, line 15, of the printed bill, as amended, strike out "northerly".

Amendment No. 12

On page 25 of the printed bill, as amended, strike out line 13, and insert "Tract No. 452, recorded in Book 14, page 157, of Maps, in".

Amendment No. 13

On page 25, line 29, of the printed bill, as amended, strike out "Book 54, page 75" and insert "Book 32, pages 71 and 72".

Amendment No. 14

On page 25, line 52, of the printed bill, as amended, after "Western", insert "Avenue".

Amendment No. 15

On page 26, line 15, of the printed bill, as amended, after "point", insert "therein".

Amendment No. 16

On page 29, lines 17 and 18, of the printed bill, as amended, strike out "Palo Vista" and insert "Pacific View".

Amendment No. 17

On page 30, line 7, of the printed bill, as amended, after "the", insert "boundary of the".

Amendment No. 18

On page 30, line 30, of the printed bill, as amended, strike out "23" and insert "13".

Amendment No. 19

On page 30, line 41, of the printed bill, as amended, strike out "page 30", and insert "pages 30 and 31".

Amendment No. 20

On page 32, line 52, of the printed bill, as amended, after "Boulevard" insert "(formerly Washington Street)".

Amendment No. 21

On page 32, line 52, of the printed bill, as amended, after "Avenue", insert "(formerly Cheswick Drive)".

Amendment No. 22

On page 33, line 9, of the printed bill, as amended, strike out "Book 54, page 75", and insert "Book 32, pages 71 and 72".

Amendment No. 23

On page 34, line 20, of the printed bill, as amended, after "Street", strike out the comma and insert a semicolon; strike out the remainder of the line; strike out lines 21 and 22; and in line 23, strike out "Angeles".

Amendment No. 24

On page 39, line 45, of the printed bill, as amended, after "along", insert "said prolongation and".

Amendments read and adopted.

Amendment No. 1

On page 9 of the printed bill, as amended, strike out lines 15 to 52, inclusive; and on page 10, strike out lines 1 to 6, inclusive, and insert "of Sec. 6, T. 2 N., R. 13 W., S. B. B. & M.; thence southerly along section lines to the southeast corner of Sec. 36, T. 3 N., R. 14 W., S. B. B. & M.; thence westerly along section lines to the first angle point in the boundary of the City of Los Angeles as the same existed on March 1, 1941, located on the southerly line of Sec. 36, T. 3 N., R. 15 W., S. B. B. & M.; thence westerly along the boundary of the City of Los Angeles and following the same in all its various courses to the center line of Vaughn Street; thence southwesterly along the center line of Vaughn Street to the center line of Foothill Boulevard; thence northwesterly along the center line of Foothill Boulevard to the center line of Larue Street; thence southwesterly along the center line of Larue Street to the northeasterly boundary of the City of San Fernando, as the same existed on above date; thence southeasterly and southwesterly along the boundary of the City of San Fernando and southwesterly along the prolongation of the most southeasterly portion thereof to the center line of the Southern Pacific Railroad Company's right of way in San Fernando Road; thence southeasterly along the center line of said right of way to the easterly prolongation of the northerly line of Roscoe Boulevard, being also the southerly line of Maclay Rancho, as shown on map recorded in Book 37, pages 5 to 16, inclusive, of Miscellaneous Records in the office of the Recorder of the County of Los Angeles; thence westerly along the southerly line of Maclay Rancho and the westerly prolongation thereof to the center line of Van Nuys Boulevard; thence southerly along the center line of Van Nuys Boulevard to the center line of Roscoe Boulevard; thence westerly along the center line of Roscoe Boulevard and along the prolongation of the most westerly portion thereof to the westerly boundary of the City of Los Angeles, as the same existed on above date; thence northerly along the boundary of the City of Los Angeles to the northerly line of fractional Sec. 34, T. 2 N., R. 17 W., S. B. B. & M.; thence westerly along section lines to the westerly".

Amendment No. 2

On page 10 of the printed bill, as amended, strike out lines 17 to 52, inclusive; and on page 11, strike out lines 1 to 3, inclusive, and insert "all its various courses to the northerly line of fractional Sec. 33, T. 2 N., R. 17 W., S. B. B. & M.; thence easterly along section lines to the westerly boundary of the City of Los Angeles as the same existed on March 1, 1941; thence southerly along the boundary of the City of Los Angeles to the westerly prolongation of the center line of the most westerly portion of Roscoe Boulevard; thence easterly along said prolongation and center line and following the center line of Roscoe Boulevard to the center line of Van Nuys Boulevard; thence northerly along the center line of Van Nuys Boulevard to the westerly prolongation of the southerly line of Maclay Rancho, as shown on map recorded in Book 37, pages 5 to 16, inclusive, of Miscellaneous Records, in the office of the Recorder of the County of Los Angeles; thence easterly along said prolongation and southerly line of Maclay Rancho to the center line of the Southern Pacific Railroad Company's right of way in San Fernando Road; thence north-

westerly along the center line of said right of way to the southwesterly prolongation of the most southeasterly portion of the boundary of the City of San Fernando as same existed on above date; thence northeasterly along said prolongation and boundary and northwesterly along the boundary of the City of San Fernando to the center line of Larue Street; thence northeasterly along the center line of Larue Street to the center line of Foothill Boulevard; thence southeasterly along the center line of Foothill Boulevard to the center line of Vaughn Street; thence northeasterly along the center line of Vaughn Street to the boundary of the City of Los Angeles, as the same existed on above date; thence northerly along the boundary of the City of Los Angeles to the southerly line of Sec. 35, T. 3 N., R. 15 W., S. B. B. & M.; thence easterly along section lines to the southeast corner of Sec. 36, T. 3 N., R. 14 W., S. B. B. & M.; thence northerly along section lines to the southwest corner of Sec. 31, T. 3 N., R. 13 W., S. B. B. & M.; thence easterly along section lines to the northwest corner of Sec. 2, T. 2 N., R. 13 W., S. B. B. & M.; thence southerly along section lines and the southerly prolongation thereof to the first intersection with the northerly boundary of the City of Glendale as the same existed on above date (in Verdugo Boulevard); thence southerly along the boundary of the City of Glendale and following the same in all its various courses to its first intersection with the northerly boundary of the City of Los Angeles, as the same existed on above date; thence south-".

Amendments read and adopted.

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, after "of", insert "Trinity,".

Amendment No. 2

On page 1, line 10, of the printed bill, as amended, strike out "Trinity,".

Amendments read and adopted.

Amendment No. 1

On page 4 of the printed bill, as amended, strike out lines 33 to 50, inclusive; strike out pages 5, 6, and 7; and on page 8, strike out lines 1 to 28, inclusive, and insert

"19. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the intersection of Arguello Boulevard and the southerly boundary line of the Presidio Military Reservation; thence along the center lines of the following streets: Arguello Boulevard to California, California to Presidio Avenue, Presidio Avenue to Geary, Geary to Broderick, Broderick to Fell, Fell to Stanyan, Stanyan to Fulton, Fulton to the shoreline of the Pacific Ocean, northerly and easterly along said shoreline to the center line of Lobos Creek, Lobos Creek to the southerly boundary line of the Presidio Military Reservation, easterly along said boundary line to Arguello Boulevard and the point of commencement, shall constitute the Nineteenth Assembly District.

20. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the point of intersection of the center line of Leavenworth Street and the shoreline of the Bay of San Francisco; thence along the center lines of the following streets: Leavenworth to Columbus Avenue, Columbus Avenue to Powell, Powell to Market, Market to Eleventh, Eleventh to Bryant, Bryant to Army, Army to Bay Shore Boulevard, Bay Shore Boulevard to the boundary line separating the City and County of San Francisco from the County of San Mateo; thence easterly along said boundary line to the shoreline of the Bay of San Francisco; thence northerly and westerly along said shoreline to the center line of Leavenworth Street and the point of commencement, and including all the piers and islands in the Bay of San Francisco, and the islands in the Pacific Ocean which are within the territorial boundaries of the City and County of San Francisco, shall constitute the Twentieth Assembly District.

21. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the intersection of the center line of Leavenworth Street and the shoreline of the Bay of San Francisco; thence along the center lines of the following streets: Leavenworth to Columbus Avenue, Columbus Avenue to Taylor, Taylor to Filbert, Filbert to Van Ness Avenue, Van Ness Avenue to Bush, Bush to Presidio Avenue, Presidio Avenue to California, California to Arguello Boulevard, Arguello Boulevard to the southerly boundary line of the Presidio Military Reservation, westerly along said boundary line to Lobos Creek, the center line of Lobos Creek to the shoreline of the Pacific Ocean; thence northerly along said shoreline of the shoreline of the Bay of San Francisco, easterly along said shoreline of the Bay of San Francisco to Leavenworth Street and the point of commencement, shall constitute the Twenty-first Assembly District.

22. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the intersection of the center line of Taylor Street with the center line of Columbus Avenue; thence along the center lines of the following streets: Columbus Avenue to Powell, Powell to Market, Market to Van Ness Avenue, Van Ness Avenue to O'Farrell, O'Farrell to Gough, Gough to Geary, Geary to Presidio Avenue, Presidio Avenue to Bush, Bush to Van Ness Avenue, Van Ness Avenue to Filbert, Filbert to Taylor, Taylor to Columbus Avenue and the point of commencement, shall constitute the Twenty-second Assembly District.

23. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the intersection of the center line of O'Farrell Street with the center line of Van Ness Avenue; thence along the center lines of the following streets: Van Ness Avenue to Market, Market to Eleventh, Eleventh to Bryant, Bryant to Twenty-fourth, Twenty-fourth to Mission, Mission to Twenty-first, Twenty-first to Dolores, Dolores to Market, Market to Duboce Avenue, Duboce Avenue to Fillmore, Fillmore to Fell, Fell to Broderick, Broderick to Geary, Geary to Gough, Gough to O'Farrell, O'Farrell to Van Ness Avenue and the point of commencement, shall constitute the Twenty-third Assembly District.

24. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the intersection of the center line of Twenty-second Street with the center line of Castro Street, thence along the center lines of the following streets: Castro to Twenty-fourth, Twenty-fourth to Dolores, Dolores to Twenty-ninth, Twenty-ninth to Mission, Mission to Brazil, Brazil to La Grande Avenue, La Grande Avenue to the northerly and easterly boundary line of the Amazon Tract Playground and Reservoir site along said easterly boundary line to Geneva Avenue, Geneva Avenue to the boundary line separating the City and County of San Francisco from the County of San Mateo, westerly along said boundary line to the shore line of the Pacific Ocean, northerly along said shore line to Sloat Boulevard, Sloat Boulevard to Nineteenth Avenue, Nineteenth Avenue to Holloway Avenue, Holloway Avenue to Ashton Avenue, Ashton Avenue to Ocean Avenue, Ocean Avenue to Faxon Avenue, Faxon Avenue to Yerba Buena Avenue, Yerba Buena Avenue to Miraloma Drive, Miraloma Drive to Portola Drive, Portola Drive to Burnett Avenue, Burnett Avenue to Dixie Alley, Dixie Alley to Grand View Avenue, Grand View Avenue to Twenty-second, Twenty-second to Castro and the point of commencement, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the City and County of San Francisco bounded and described as follows:

Commencing at the intersection of the center line of Fulton Street with the center line of Stanyan Street, thence along the center lines of the following streets: Stanyan to Fell, Fell to Masonic Avenue, Masonic Avenue to Piedmont, Piedmont to Ashbury, Ashbury to Clayton, Clayton to Twin Peaks Boulevard, Twin Peaks Boulevard to Burnett Avenue, Burnett Avenue to Portola Drive, Portola Drive to Miraloma Drive, Miraloma Drive to Yerba Buena Avenue, Yerba Buena Avenue to Faxon Avenue, Faxon Avenue to Ocean Avenue, Ocean Avenue to Ashton Avenue, Ashton Avenue to Holloway Avenue, Holloway Avenue to Nineteenth Avenue, Nineteenth Avenue to Sloat Boulevard, Sloat Boulevard to the shore line of the Pacific Ocean, northerly along said shore line to Fulton Street, Fulton Street to Stanyan and the point of commencement, shall constitute the Twenty-fifth Assembly District.

26. All that portion of the City and County of San Francisco, bounded and described as follows:

Commencing at the point of intersection of the center line of Fell Street with the center line of Fillmore Street, thence along the center lines of the following streets: Fillmore to Duboce Avenue, Duboce Avenue to Market, Market to Dolores, Dolores to Twenty-first, Twenty-first to Mission, Mission to Twenty-fourth, Twenty-fourth to Bryant, Bryant to Army, Army to Bay Shore Boulevard, Bay Shore Boulevard to the boundary line separating the City and County of San Francisco from the County of San Mateo, westerly along said boundary line to the center line of Geneva Avenue, Geneva Avenue to the easterly boundary line of the Amazon Tract Playground and Reservoir site, northerly along said boundary line to La Grande Avenue, La Grande Avenue to Brazil, Brazil to Mission, Mission to Twenty-ninth, Twenty-ninth to Dolores, Dolores to Twenty-fourth, Twenty-fourth to Castro, Castro to Twenty-second, Twenty-second to Grand View Avenue, Grand View Avenue to Dixie Alley, Dixie Alley to Burnett Avenue, Burnett Avenue to Twin Peaks Boulevard, Twin Peaks Boulevard to Clayton, Clayton to Ashbury, Ashbury to Piedmont, Piedmont to Masonic Avenue, Masonic Avenue to Fell, Fell to Fillmore and the point of commencement, shall constitute the Twenty-sixth Assembly District.

27. The County of San Mateo shall constitute the Twenty-seventh Assembly District.

28. All that portion of the County of Santa Clara embraced within the following precincts, as constituted at the general election of 1930, to wit: Agnew, Alviso, Barron, Bay View, Berryessa, Burbank, Calderon, Cupertino, Encina, Farwell,

Freemont Nos. 1 and 2, Fruitvale, Jefferson Nos. 1 and 2, Linda Vista Nos. 1 and 2, Los Altos Nos. 1 to 3, inclusive, Midway, Milpitas Nos. 1 and 2, Miramonte, Mount Hamilton Nos. 1 and 2, Mountain View Nos. 1 to 5, inclusive, Orchard, Pala, Palo Alto Nos. 1 to 23, inclusive, Purissima, Red Mountain, San Jose Nos. 1 to 33, inclusive, and Nos. 91 to 107, inclusive, Santa Clara Nos. 1 to 9, inclusive, San Tomas, Saratoga Nos. 1 and 2, Seale, Stanford Nos. 1 and 2 and Sunnyvale Nos. 1 to 4, inclusive, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the County of Santa Clara not included in the Twenty-eighth Assembly District, as fixed and defined by this section, shall constitute the Twenty-ninth Assembly District.

30. The County of Stanislaus shall constitute the Thirtieth Assembly District.

31. The Counties of Merced and Madera shall constitute the Thirty-first Assembly District.

32. The Counties of San Benito and Santa Cruz shall constitute the Thirty-second Assembly District.

33. The Counties of Monterey and San Luis Obispo shall constitute the Thirty-third Assembly District.

34. All that portion of the County of Fresno bounded as follows: Commencing at the point of intersection of the center line of Ashlan Avenue and the center of the main line track of the Southern Pacific Railroad running between the cities of San Francisco, Merced and Fresno; thence along the center line of the following named streets, to wit: Easterly on Ashlan Avenue to Winery Avenue; southerly on Winery Avenue to McKinley Avenue; westerly on McKinley Avenue to Chestnut Avenue; southerly on Chestnut Avenue to Church Avenue; westerly on Church Avenue to Hughes Avenue; northerly on Hughes Avenue to the center of the main line track of the Southern Pacific Railroad named above; northwesterly along the center line of said track to the point of beginning shall constitute the Thirty-fourth Assembly District.

35. All that portion of the County of Fresno not included in the Thirty-fourth Assembly District shall constitute the Thirty-fifth Assembly District.

36. The Counties of Kings and Tulare shall constitute the Thirty-sixth Assembly District.

37. The County of Santa Barbara shall constitute the Thirty-seventh Assembly District.

38. The County of Ventura shall constitute the Thirty-eighth Assembly District.

39. The County of Kern shall constitute the Thirty-ninth Assembly District."

Amendment read and adopted.

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 25 to 33, inclusive, and insert

"13. All that portion of the County of Alameda that was contained in the Thirteenth Assembly District as that district was designated, constituted and defined by Section 78 of the Political Code, as amended by Chapter 180 of the Statutes of 1931, shall constitute the Thirteenth Assembly District.

14. All that portion of the County of Alameda that was contained in the Fourteenth Assembly District as that district was designated, constituted and defined by Section 78 of the Political Code, as amended by Chapter 180 of the Statutes of 1931, shall constitute the Fourteenth Assembly District.

15. All that portion of the County of Alameda that was contained in the Fifteenth Assembly District as that district was designated, constituted and defined by Section 78 of the Political Code, as amended by Chapter 180 of the Statutes of 1931, shall constitute the Fifteenth Assembly District."

Amendment No. 2

On page 44, line 31, of the printed bill, as amended, strike out "following Assembly districts"; and insert "Thirteenth, Fourteenth and Fifteenth Assembly Districts as those districts are designated, constituted and defined by Section 90 of this code."

Amendments read and adopted.

Bill ordered reprinted, and re-referred to Committee on Elections.

Assembly Bill No. 381—An act to add Sections 2607, 2608, 2609 and 2610 to the Welfare and Institutions Code, relating to the property of indigents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 632—An act to repeal Chapter 1, Part 1, Division 2, and Section 1008 of the Welfare and Institutions Code, relating to the California Bureau of Juvenile Research.

Bill read second time, and ordered to third reading.

Assembly Bill No. 634—An act to amend Section 1129 of the Welfare and Institutions Code, relating to the establishment of feeble-mindedness.

Bill read second time, and ordered to third reading.

Assembly Bill No. 635—An act to repeal Sections 6622 and 6623 of the Welfare and Institutions Code, relating to dental services at State institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 647—An act to amend and renumber the title of Chapter 5, Part 4, of Division 6, of the Welfare and Institutions Code, relating to State Narcotic Hospital.

Bill read second time, and ordered to third reading.

Assembly Bill No. 649—An act to amend Section 7001 of the Welfare and Institutions Code, relating to purposes of State homes for the feeble-minded.

Bill read second time, and ordered to third reading.

Assembly Bill No. 733—An act to amend Section 740 of the Welfare and Institutions Code, pertaining to the order of commitment of juvenile delinquents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 734—An act to amend Section 742 of the Welfare and Institutions Code, relating to prohibited commitments of wards of the juvenile court.

Bill read second time, and ordered to third reading.

Assembly Bill No. 735—An act to amend Section 901 of the Welfare and Institutions Code, relating to establishment of juvenile camps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 736—An act to amend Section 5075 of the Welfare and Institutions Code, pertaining to the commitment of mentally disordered persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 737—An act to amend Section 5100 of the Welfare and Institutions Code, pertaining to the order of commitment of mentally ill persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 738—An act to amend Section 5101 of the Welfare and Institutions Code, relating to the county clerk's index.

Bill read second time, and ordered to third reading.

Assembly Bill No. 739—An act to amend Section 5102 of the Welfare and Institutions Code, relating to the prohibition of commitment to State hospitals of certain persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 740—An act to amend Section 5103 of the Welfare and Institutions Code, relating to delivery to State hospitals of persons committed.

Bill read second time, and ordered to third reading.

Assembly Bill No. 741—An act to amend Section 5251 of the Welfare and Institutions Code, relating to commitment to homes for the feeble-minded.

Bill read second time, and ordered to third reading.

Assembly Bill No. 742—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of persons to State institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 743—An act to amend Section 5258 of the Welfare and Institutions Code, relating to the order of commitment of feeble-minded persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 744—An act to amend Section 6664 of the Welfare and Institutions Code, relating to payment of expenses when person committed charged with crime.

Bill read second time, and ordered to third reading.

Assembly Bill No. 745—An act to amend Section 166 of the Welfare and Institutions Code, relating to the disposition of personal property unclaimed by the owner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 748—An act to amend Section 5104 of the Welfare and Institutions Code, relating to the patients' personal deposit fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 751—An act to amend Section 5701 of the Welfare and Institutions Code, providing for the license fee for private institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 752—An act to add Section 6500.5 to the Welfare and Institutions Code, relating to care and management of institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 753—An act to amend Section 6650 of the Welfare and Institutions Code, relating to liability for care, support, and maintenance of patients in State hospitals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 754—An act to amend Section 6655 of the Welfare and Institutions Code, relating to the liability to the State of the estates of persons committed to State institutions for the care, support, and maintenance of such persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 755—An act to amend Section 6656 of the Welfare and Institutions Code, relating to the deposit of funds by the guardian in the patient's deposit fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 756—An act to add Section 6656.5 to the Welfare and Institutions Code, relating to funds belonging to patients in State institutions and Patients' Personal Deposit Fund

Bill read second time, and ordered to third reading.

Assembly Bill No. 758—An act to add Section 6660.5 to the Welfare and Institutions Code, relating to the care of patients' estates where the value of said estate does not warrant a guardianship.

Bill read second time, and ordered to third reading.

Assembly Bill No. 759—An act to amend Section 6661 of the Welfare and Institutions Code, relating to estates under three hundred dollars (\$300) of persons committed to State institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 760—An act to amend Section 6663 of the Welfare and Institutions Code, pertaining to payment of board bills.

Bill read second time, and ordered to third reading.

Assembly Bill No. 762—An act to amend Section 7011 of the Welfare and Institutions Code, relating to payments of county officers

Bill read second time, and ordered to third reading.

Assembly Bill No. 763—An act to amend Section 7052 and Section 7050 of the Welfare and Institutions Code, relating to the commitment of defective or psychopathic delinquents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 765—An act to amend Section 7066 of the Welfare and Institutions Code, relating to the parole of defective or psychopathic delinquents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 771—An act to amend Section 7508 of the Welfare and Institutions Code, relating to civil actions or claims arising out of the discharge of official duties relating to inmates of State institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 880—An act to amend and renumber Section 3045 of the Welfare and Institutions Code (as added by Chapter 916 of the Statutes of 1939), relating to aid to the needy blind.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1928—An act to add Section 12.5 to the California Unemployment Relief Act of 1935, relating to the relief camps established by the State Relief Administration, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2519—An act to amend sundry article and chapter headings, to repeal Section 679a of, and to add Section 2876 to, the Penal Code, and to amend Section 6603 of the Welfare and Institutions Code, relating to prisons and prisoners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 648—An act to amend Section 7057 of the Welfare and Institutions Code, relating to the determination of the alleged defective or psychopathic delinquencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "7057", insert "and Section 7061".

Amendment No. 2

On page 1 of the printed bill, at the end of line 13, insert

"Sec. 2. Section 7061 of the Welfare and Institutions Code is hereby amended to read as follows:

7061. Each psychologist [.] or psychiatrist [, and criminologist] shall receive for each attendance mentioned in Section 7057 the sum of five dollars (\$5) for each person examined, together with his necessary actual expenses occasioned thereby, and other witnesses shall receive for such attendance such fees and expenses as the court in its discretion allows, if any, not exceeding the fees and expenses allowed by law in other cases in the superior court.

Any fees or traveling expenses payable to a psychologist, psychiatrist [, criminologist] or witness as provided in this section and expenses connected with the execution of any process under this chapter which are not paid by the person committed or by the person charged with his support shall be paid by the county treasurer of the county in which the person resides, upon the presentation to the treasurer of a certificate of the court that the claimant is entitled thereto."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 650—An act to amend Section 6651 of the Welfare and Institutions Code, relating to payment for the care, support, and maintenance of persons in State institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 20, of the printed bill, before "Department", insert "institution or the".

Amendment No. 2

On page 1, line 22, of the printed bill, after "demand", insert ", and in the statement to the Controller the amounts refunded shall be itemized and the aggregate deducted from the amount to be paid into the State Treasury, as provided by law".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 747—An act to amend Section 3254 of the Welfare and Institutions Code, relating to the duties of the Department of Institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "females," insert "and married couples".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 56—An act to add Section 305 to the Political Code, relating to disqualification for State compensation and employment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2578—An act to add Sections 8.1, 8.2 and 8.3 to the County Waterworks District Act, relating to the refunding of the indebtedness of county waterworks districts.

Bill read second time, and ordered to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Fletcher moved that Senate Bill No. 484 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1537—An act adding Section 4041.12a to the Political Code, authorizing the board of supervisors to appoint a county counsel in counties having a population of over 100,000.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, Mixter, Phillips, Powers, Quinn, Seawell, Slater, Swan, Tickle, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1275—An act to add Section 164.7 to the Vehicle Code, relating to stolen or embezzled vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, DeLap, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Kuchel, McBride, Mixter, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Tickle—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 975—An act to amend Section 3 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations,'" approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of

companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Kuchel, Mayo, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Tickle—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2332—An act to add Article 4, comprising Sections 11610 to 11613, inclusive, to Chapter 1, Part 3, Division 2, of the Insurance Code, relating to contracts of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 44: By Senator Seawell—Relative to the intent of the Legislature in enacting Assembly Bill No. 2332.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 44, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 44

Senate Concurrent Resolution No. 44—Relative to the intent of the Legislature in enacting Assembly Bill No. 2332.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and, on motion of Senator Seawell, ordered printed in the Journal:

CALIFORNIA ASSOCIATION OF INSURANCE AGENTS, May 23, 1941

Hon. Jerrold Seawell, State Capitol Building, Sacramento

DEAR SENATOR SEAWELL: I have reviewed the proposed resolution relating to Assembly Bill No. 2332, known as the Fictitious Fleet Bill, and thoroughly concur in the principles expressed in said resolution.

I can further assure you that I can pledge our association's concurrence in this matter, as the subject matter of said resolution has been under consideration by our organization and such purpose has always been acceptable to it.

Yours truly,

H. PERK, JR., President

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to postpone reconsideration of Assembly Bill No. 720, Senate Bill No. 114 and Assembly Bill No. 407, until the next legislative day.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1700

Senator Crittenden moved that Assembly Bill No. 1700 be re-referred to Committee on Local Government.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 1390 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Crittenden moved that Senate Bill No. 93 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Garrison moved that Assembly Bill No. 786 be taken from the inactive file, and placed on the second reading file.

Motion carried.

SECOND READING OF SENATE BILLS (RESUMED)

Senate Bill No. 17—An act to amend Section 758 of the Political Code, and to add thereto Section 758b, relating to the creation and establishment of one additional division of the District Court of Appeal for the Second Appellate District and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1339—An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and

other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to declare the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 37—An act to transfer to the City and County of San Francisco a surface easement over certain tidelands and submerged lands and to define the powers and responsibilities of the City and County of San Francisco over such lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 187—An act to amend Section 16601 of the Business and Professions Code, relating to sales of the good will of a business.

Bill read second time, and ordered to third reading.

Assembly Bill No. 301—An act to amend Section 17086 of the Business and Professions Code or to amend Section 10 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to close-out sales.

Bill read second time, and ordered to third reading.

Assembly Bill No. 354—An act to add Chapter 11, comprising Sections 22000 to 22001, inclusive, to Division 8 of the Business and Professions Code, relating to unfair trade practices in the jewelry business.

Bill read second time, and ordered to third reading.

Assembly Bill No. 540—An act to repeal Article 5, consisting of Sections 5570 to 5578, inclusive, of Chapter 3 of Division 3, and to add a new article numbered 5, consisting of Sections 5560 to 5587, inclusive, to Chapter 3 of Division 3 of the Business and Professions Code, relating to the practice of architecture.

Bill read second time, and ordered to third reading.

Assembly Bill No. 624—An act to add Section 5600.5 to the Business and Professions Code, relating to retirement of persons from the practice of architecture.

Bill read second time, and ordered to third reading.

Assembly Bill No. 917—An act to add a new section to Chapter 7 of Division 5 of the Business and Professions Code, to be numbered 12701.5, relating to weighmaster bond and license.

Bill read second time, and ordered to third reading.

Assembly Bill No. 918—An act to amend Section 12700 of the Business and Professions Code, relating to public weighmasters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1057—An act to repeal Chapter 14, comprising Sections 8500 to 8578, inclusive, of, and to add Chapter 14, comprising Sections 8500 to 8677, inclusive, to, Division 3 of the Business and Professions Code, relating to the regulation of structural pest control.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2 of the printed bill, as amended, after "hire", insert "as a business".

Amendment No. 2

On page 5 of the printed bill, as amended, in lines 49 and 50, strike out "To do pest control work for hire".

Amendments read and adopted.

Amendment No. 1

On page 10, line 17, of the printed bill, as amended, after "officer of", insert ", or responsible natural persons employed by,".

Amendment No. 2

On page 13, line 21, of the printed bill, as amended, after "operator.", insert "No violation of any of the provisions of this chapter on the part of any licensee shall cause the revocation or suspension of the license of the employer of such licensee whether such employer be an operator, co-partnership or corporation, unless it shall appear upon a hearing had in accordance with the provisions of this chapter, that said employer, operator, co-partnership, or corporation had guilty knowledge of such violation."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1085—An act to amend the article heading of Article 6 of Chapter 4, Part 1, Division 7 and Sections 16320, 16321, 16325, 16347, 16410, 16411, 16430 and 16451 of, and to add Section 16330, 16393, 16394, 16395, 16412 to, the Business and Professions Code, relating to the regulation of itinerant merchants.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1129—An act to establish a Legislative Audit Bureau and an Audit Committee of the Legislature, and in connection therewith to amend Section 11860 of the Insurance Code, and to repeal Sections 658 and 660 of the Political Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1392—An act to amend Section 1030 of the Political Code, relating to office hours.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, strike out lines 14 to 18, inclusive, and insert "Nothing contained in this section shall prevent the head of any department, bureau, board, commission or office from operating with a skeleton crew from 9

o'clock a. m. to 12 o'clock noon of each Saturday; provided, that the total number of hours per week of employees of any such department, bureau, board, commission or office shall not be less than the total number of office hours herein established."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2280—An act to add Section 7377 to the Business and Professions Code, relating to cosmetology.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2299—An act to add Section 3131 to the Business and Professions Code, relating to offenses against the chapter on optometry.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2457—An act to repeal Section 3051 of, and to add Section 3051 to, the Business and Professions Code, relating to the training of persons seeking an optometry license.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 5 to 19, inclusive, and insert

"3051. Each applicant for examination shall also furnish proof that he has completed two years of collegiate work and showing at least 60 semester units of credit of not less than C grade average.

After June, 1943, included in these semester units the following subjects are required: (i) Physics, (ii) Physiology, Biology or Zoology, (iii) Chemistry, (iv) Bacteriology, (v) Psychology, and (vi) Analytical Geometry.

The two years of collegiate work required by this section shall be in addition to and preliminary to the two-year course of study in optometry prescribed by Section 3049 of this code."

Amendment read and adopted.

Bill ordered printed, and to third reading.

ADJOURNMENT

At 11.55 a.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 26, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-SEVENTH LEGISLATIVE DAY

ONE HUNDRED FORTY-FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, May 26, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Powers, on motion of Senator Keating.

Senator Deuel, on motion of Senator Mayo.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Fletcher and Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Joseph Mento of Sacramento.

On request of Senator Myhand, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frank Duncan, Inspector, California Highway Patrol, and Richard Shaffer, both of Merced.

On request of Senator Jespersen, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Reverend F. H. Menzel of San Francisco.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jay D. O'Dell,

Intelligence Department, U. S. Navy, Twelfth Naval District, of San Francisco, Helen Lowry of Eureka, and Mr. and Mrs. L. J. Lane of Covelo.

On request of Senator Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert Durand of Colfax.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edwin J. Miller of Los Angeles.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to W. L. McFadden, State President, California State Employees' Association, of San Diego.

On request of Senator Wagy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to David K. Purman of Bakersfield.

On request of Senator Keating, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Joseph Mitti, teacher, Mrs. J. Horgan, and the following eighth grade students of the San Pedro School, Marin County: Genevieve Quan, Bertha Quan, and Marvis Horgan.

On request of Senator Kenny, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. A. W. Vasey of Long Beach.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 24, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty-third day of May, 1941, at 11:45 p.m., Senate Bill No. 1078 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable John Harold Swan, Member of the Senate.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

To the Members of the Senate

Herewith is the veto of Governor Culbert L. Olson of Senate Bill No. 1078. This veto was given me at 11:45 p.m., Friday, May 23d.

JOHN HAROLD SWAN

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 23, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 1078, entitled:

"An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such

plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937."

My objections to this bill are generally and specifically as follows:

1. The objective of the bill is to circumvent action taken by the Building and Loan Commissioner in the performance of his duty to protect from further manipulation, mismanagement and loss the interests of the certificate holders of the Pacific States Savings and Loan Company, which had ceased to function as such and the assets of which were impaired to an extent exceeding \$10,000,000.

Of all the building and loan associations in California, numbering more than 100, there is only this one association, and its condition, to which this legislation relates. There is no need or reason, nor is there any demand for this legislation except the desire that comes from the former management of the Pacific States Savings and Loan Company, representing a stockholding company which has no real interest in its assets. This bill would not have been presented to the Legislature but for the fact that it was sponsored by the individual who controls that stockholding company. It was introduced after the refusal of the Legislature to adopt an initiative measure, sponsored by him, as a vehicle which would enable him again to secure control of the assets of this association acquired with the savings of its depositors. These assets were taken over by the Building and Loan Commissioner for the protection of the holders of the certificates of these savings deposits, to whom they belong. Their operations are in competent hands, their earnings are being paid to the certificate holders, their management and careful disposition will go forward, and the moneys therefrom will be paid to the 40,000 or more certificate holders entitled thereto unless obstruction is placed in the way under provisions of a bill such as this.

In long-drawn-out litigation, instituted by the ousted management in an endeavor to recover possession of Pacific States assets, the evidence is clear and unimpeachable that the condition of this association and the illegal manner in which its assets had been handled to defeat the interests of the certificate holders, required the action taken by the commissioner. Protraction of that litigation has been due solely to the activities of the former management for the purpose of delaying final determination until legislation could be procured giving opportunity to promote a reorganization plan to place these assets into another organization, possibly a general corporation, which could be used as a vehicle for a continuance of the practices by which thousands upon thousands of small investors have been maneuvered out of their savings. This bill gives such an opportunity. If it became a law it would mean not the end of litigation regarding the assets of the Pacific States Building and Loan Company, but an indefinite continuation thereof in which the struggle of the State to protect the interests of the 40,000 deposit certificate holders, to whom its assets belong, would be made all the harder!

2. Support of the foregoing general objections is found in the provisions of the bill itself. In the litigation started by the former management to regain possession of the assets of Pacific States, expert witnesses appointed by the court itself have testified that the company is insolvent to an extent exceeding ten million dollars (\$10,000,000). These experts determined the actual or fair market value of all the assets in accordance with the only rule of evidence ever used in such cases in California or in any other State.

The bill provides for a new proceeding to be started for reorganization, in which proceedings the condition of the company would be determined according to a different rule of evidence for the determination of value, so speculative and conjectural as to be almost meaningless in itself, thus giving an opportunity to the stockholding interest to introduce evidence of value that is fictitious instead of actual. If by the use of this different rule of evidence as to value, the stockholding company and the old management controlled by one individual could make it appear that the stockholder has an equity in the assets, it would, under the provisions of this bill, be in a position to veto any plan of reorganization which did not give that individual effective control.

Supplementing the new rule of evidence is a provision that the trial in the pending case may be stayed. Since the condition of the company would be determined by a rule of value different from the established rule followed in the present case, findings of the experts and the court in the present case would be considered of no use and effect. All proceedings would be stopped, as this litigation is about to end in final judgment. Any finding of the court as to mismanagement or manipulation by the stockholding interest may, in this manner, be suppressed, and all of the time employed and expense incurred in establishing the facts of the case would be wasted if this bill becomes law.

It appears to me that his legislation would come to the rescue, so to speak, of a party litigant, removing him from the jurisdiction of one court and starting him off in another under rules made to favor him. In this respect this measure is an unwarranted and unjustifiable interference with the judicial process already in motion.

During the many years the present law has been in effect, a large number of building and loan associations have been taken over by the State. The rights of their various classes of investors have been determined and their affairs administered.

There have been no complaints about any injustices in the law. There seems to be no reason to change the law now to apply especially to the Pacific States case.

To my mind this bill can do nothing but harm to the 40,000 investment certificate holders who, as creditors of Pacific States, are entitled to first consideration in the disposition of its assets. The new proceeding provided by the bill would mean more litigation—not less—endless delay before the certificate holders could be given the relief for which they are waiting, and a great deal more expense. All of this unnecessary expenditure of time and money could only be for the purpose of giving the former management an opportunity to make some kind of a showing that would furnish the basis for its being restored to possession and control so that it may further exploit assets belonging to others.

Many of the certificate holders are elderly; time means a great deal to them. Most of them are greatly in need of the money they have invested in this company; they have relied upon their legal right to withdraw it and upon the State to protect that right. Relief will be brought to them sooner by permitting the present trial to go to judgment. Certainly it is not just public policy to provide ways and means for those who are engaged in efforts to obstruct this result to continue further that obstruction by endless litigation in addition to that which they have already been able to devise. The law is already broad enough to permit certificate holders who wish to reorganize to acquire and operate assets of the company after the court renders judgment in the present case.

In my opinion, if this measure were to become a law it would perpetrate a cruel injustice upon those whose interests it is our duty to protect.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 26, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty fourth day of May, 1941, at 10:50 p.m., Senate Bill No. 662 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable Ed. Fletcher, member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 24, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 662, entitled: "An act to amend Section 8560 of the Health and Safety Code, relating to cemeteries."

My objections to this bill are as follows:

This bill amends Section 8560 of the Health and Safety Code which now prohibits the placing of public utility facilities or highways through land dedicated to cemetery purposes without the consent of the cemetery authority owning and operating it or of not less than two-thirds of the owners of interment plots.

The bill would add a prohibition against incorporating any of such land into or annexing any of such land to any city without similar consent.

The bill applies to privately owned cemeteries which are dedicated in the manner provided by the Health and Safety Code. All that is necessary for such dedication is for a cemetery authority to file with the county recorder a map and a declaration of dedication.

I believe the bill is undesirable for the following reasons:

1. Section 1 (b) of Article XIII of the Constitution exempts from taxation property used or held for the burial of human dead "except as used or held for profit." This amendment will prevent the inclusion of such lands within a city which have not been sold and are held for sale so that they will not be subject to city taxes, even though owned by a cemetery corporation formed for profit.

2. If this bill effectually prevented the inclusion within any city of cemeteries, it would prevent any control or regulation in the way of zoning or other police power enactments by the city. If we assume that a city develops around a cemetery, this bill would create a very undesirable situation. The city would not be able to affect the property by zoning ordinances nor could it affect the property by means of any other police measure. Furthermore, in relation to the curtailment of the police power, Section 7600 of the Health and Safety Code provides for the removal of all remains in cemeteries within cities of 1,500 to 100,000 population, and Section 7700, the removal within cities of over 100,000 population. This bill

will prevent the exercise of the authority of cities under these sections to order the removal of cemeteries which endanger the health and safety of persons resident in the immediate vicinity.

3. I am also concerned about the principle involved in exempting any class of property from the right of annexation. The Annexation of Uninhabited Territory Act of 1939, Chapter 297, D. A. 5162, provides for a uniform procedure for annexing uninhabited territory. By exempting one type of property from the provisions of this act, an unwise precedent would be established.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, MAY 26, 1941

To the Honorable Members of the Senate

Sacramento, California

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 5966 entitled "An act to amend Sections 8934, 8938, 8939, 8963, 9000 and 9100 of the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemeteries."

My objections to this bill are as follows:

The bill makes a number of changes in that portion of the Health and Safety Code relating to cemetery districts. Such districts are formed under the provisions of the Health and Safety Code in the usual procedure for the formation of assessment districts. They are governed by a board of three trustees appointed by the board of supervisors.

The bill adds a restriction on the powers of such districts by providing "that the sale or lease of a burial plot or plots shall be made only to a resident of the district, and shall be limited in size to the needs of the immediate members of his family."

Under this provision it would be impossible for a child who had left the family home, and consequently was no longer a resident of the district, to purchase a burial plot for his parents. It would also mean that where a portion of a family might be buried in a cemetery conducted by such a district, and no provision had theretofore been made for additional space in which to bury other members of the family, it would be impossible for those members who were nonresidents to acquire burial plots within such cemeteries. I believe these provisions are unreasonable and would undoubtedly create additional sorrow at a time of a death in a family.

This bill would also require such cemetery districts to create a "Perpetual Care Fund," and for this purpose to set aside at least 25 cents per square foot for each grave sold; such money to be set aside for the future care of the cemetery. While in most instances wise administrative policy may prompt such districts to so conduct their affairs, I see no reason why the Legislature by statute should require this to be done. Provision is made in the existing law whereby these cemetery districts can so conduct the cemeteries under their control. They are under the control of the boards of supervisors of the various counties and are managed by trustees appointed by them. It seems to me that this matter can well be left to the discretion of those representatives of the people immediately concerned.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 45
Senate Bill No. 72
Senate Bill No. 74
Senate Bill No. 211

Senate Bill No. 639
Senate Bill No. 880
Senate Bill No. 1317

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 44

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 25

Senate Bill No. 152

Senate Bill No. 30

Senate Bill No. 366

Senate Bill No. 81

Senate Bill No. 742

Senate Bill No. 82

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 124

Assembly Bill No. 2206

Assembly Bill No. 389

Assembly Bill No. 2595

Assembly Bill No. 518

Assembly Bill No. 2605

Assembly Bill No. 678

Assembly Bill No. 2608

Assembly Bill No. 1191

Assembly Bill No. 2620

Assembly Bill No. 1285

Assembly Bill No. 2624

Assembly Bill No. 1740

Assembly Bill No. 2626

Assembly Bill No. 1906

Assembly Bill No. 2639

Assembly Bill No. 2129

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 468

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 61

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 124—An act to add Article 3, consisting of Section 3800, to Chapter 4 of Part 1 of Division 4 of the Labor Code, relating to workmen's compensation insurance and applicants for construction, improvement, alteration, or demolition permits.

Referred to Committee on Labor.

Assembly Bill No. 389—An act to add Section 647.1 to the Code of Civil Procedure, relating to objection to comment on the evidence.

Referred to Committee on Judiciary.

Assembly Bill No. 518—An act to amend Section 337 of the Code of Civil Procedure, relating to time of commencing actions.

Referred to Committee on Judiciary.

Assembly Bill No. 678—An act to add a new section to the Civil Code, to be numbered 955, relating to the assignment of accounts receivable and conditional contracts of sale.

Referred to Committee on Judiciary.

Assembly Bill No. 1191—An act to repeal Sections 22.5 and 24.5 of, and to add Sections 22.5 and 24.5 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1285—An act to amend Sections 583 and 586 of the Vehicle Code, relating to the stopping, standing or parking of a vehicle.

Referred to Committee on Transportation.

Assembly Bill No. 1740—An act to amend Sections 1181 and 1451 of, and to add Section 73.5 to, the Penal Code, relating to giving financial assistance in the prosecution of criminal cases.

Referred to Committee on Judiciary.

Assembly Bill No. 1906—An act to amend Section 2710 of the Penal Code, relating to the San Quentin Manufacturing Revolving Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2129—An act to repeal Section 55.8 of the Alcoholic Beverage Control Act.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2206—An act to provide for the formation of, government of, issuance of bonds by and assessment in motor vehicle parking districts.

Referred to Committee on Local Government.

Assembly Bill No. 2595—An act to amend Section 1 of "An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately," approved December 7, 1940, relative to reconstruction, replacement and repair of school buildings, making an appropriation, to take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 2605—An act to amend Section 8½ of the Retail Sales Tax Act of 1933 and Section 6052 of the Revenue and Taxation Code, relating to credits against sales and use taxes and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2608—An act to add Section 3666d to the Political Code and to amend Section 900.7 of the Insurance Code, relating to the administration of taxes imposed on insurance companies and associations.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2620—An act to declare legislative policy with respect to economy and State tax reduction in the interests of National defense, to amend Section 3 of the Retail Sales Tax Act of 1933, to amend Section 3 of the Use Tax Act of 1935, to add Section 5a to The Personal Income Tax Act, to add Section 4b to the Bank and Corporation Franchise Tax Act, to add Section 3a to The Corporation Income Tax Act of 1937, to add Section 24.1 to the Alcoholic Beverage Control Act, and to add Section 4a to "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 13, 1933, relating to the rates of State taxes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2624—An act to amend Section 470 of the Civil Code, relating to the use of land of a municipality by railroad corporations.

Referred to Committee on Local Government.

Assembly Bill No. 2626—An act to amend Section 239 of the Agricultural Code, relating to bovine tuberculosis indemnities.

Referred to Committee on Agriculture.

Assembly Bill No. 2639—An act to amend Section 384a of the Penal Code, relating to the unauthorized removal of plants and other substances from public or private lands or rights of way.

Referred to Committee on Judiciary.

Assembly Bill No. 468—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

Referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 61—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 22 to Article V, relating to the compensation of State officers.

Referred to Committee on Governmental Efficiency.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 53

Assembly Concurrent Resolution No. 54

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS
(RESUMED)**

The following resolution was read:

Assembly Concurrent Resolution No. 53—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 53, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 53

Assembly Concurrent Resolution No. 53—Relative to reports of the annual conventions or encampments of the Veterans of Foreign Wars of the Department of California.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Myland, Phillips, Rich, Seawell, Slater, Tickle, Wagy, and Ward—22

NOES—None.

Resolution ordered transmitted to the Assembly.

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS
(RESUMED)**

The following resolution was read:

Assembly Concurrent Resolution No. 54—Relating to relief for aliens.

Request for Unanimous Consent

Senator Phillips asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 54, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 54

Assembly Concurrent Resolution No. 54—Relating to relief for aliens.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 17

Senate Bill No. 784

Senate Bill No. 1339

Senate Bill No. 395

Senate Bill No. 1207

Senate Bill No. 641

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1013

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 179—An act to repeal Section 791, and to amend section and renumber Section 791.5 to be 791, of the Fish and Game Code, relating to crabs, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 360—An act to add Part 2, comprising Chapters 1 to 4, inclusive, Sections 16600 to 17101, inclusive, to Division 7, and to add Section 30928 to Division 30 of the Business and Professions Code, thereby consolidating and revising the law relating to the preservation and regulation of competition, and repealing acts and parts of acts specified herein;

Senate Bill No. 1276—An act to amend Section 4254 of the Political Code, relating to the compensation for public services in counties of the twenty-fifth class; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-third day of May, 1941, at 12 m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1316

And reports the same correctly engrossed.

RICH, Chairman

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 242

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Bill No. 1795

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 23, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 1329

Assembly Bill No. 1652

Assembly Bill No. 1650

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 7; absent 1.

GARRISON, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2602

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 681

Assembly Bill No. 656

Assembly Bill No. 1839

Assembly Bill No. 188

Assembly Bill No. 38

Assembly Bill No. 588

Assembly Bill No. 430

Assembly Bill No. 1905

Assembly Bill No. 2228

Assembly Bill No. 2338

Assembly Bill No. 1834

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; absent 5.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 625

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 205

Assembly Bill No. 2382

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2487

Assembly Bill No. 210

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 255

Assembly Bill No. 1173

Has had the same under consideration, and reports the same back with the recommendation: *Do pass.*

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bills ordered to second reading.

APPOINTMENT OF COMMITTEE ON CONFERENCE

May 26, 1941

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Breed, Quinn, and Rich as a Senate Committee on Conference concerning Assembly Bill No. 1800 to meet a like committee of the Assembly.

Under Rule No. 28 of the Joint Rules, Senator Phillips was entitled to be appointed a member of this Conference Committee but he has waived the appointment as will be noted from the letter attached.

COMMITTEE ON RULES
RICH, Chairman

Monday, May 26, 1941

*To the Members of the Rules Committee***GENTLEMEN:** I waive any right of appointment I may have to appointment to the Conference Committee under Rule No. 28 of the Joint Rules to be appointed on Assembly Bill No. 1800. It would be impossible for me to serve on such a committee during the next few days. If this committee does not reach an agreement (and I sincerely hope it may reach an acceptable agreement) and another has to be appointed which will work after the middle of the week, then I would like to have the Committee on Rules consider me as a possible appointment to that committee.

JOHN PHILLIPS

MOTION TO SET SPECIAL ORDER

Senator Crittenden moved that consideration of the Governor's veto to Senate Bill No. 1078 be made a special order of business for Monday, May 26, 1941, at 4 p.m.

Motion carried.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, May 19, 1941; Tuesday, May 20, 1941; Wednesday, May 21, 1941; Thursday, May 22, 1941; Friday, May 23, 1941; were, on motion of Senator Swing, approved as corrected by the Journal Clerk and the Minute Clerk.

REMARKS

Senator Collier expressed the opinion that the Assembly should give some immediate attention to the heavy file of Senate bills before that body, inasmuch as the Senate has been regularly clearing its file of Assembly bills.

MOTION TO SET SPECIAL ORDER

Senator Kenny moved that Assembly Bill No. 2575 be made a special order of business for Wednesday, May 28, 1941, at 3 p.m.

Motion carried.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS****Senate Bill No. 545**—An act to provide for the acquisition, development, and disposal of electrical power by Palo Verde Irrigation District

and granting to said district right of ways for electric light and power lines.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 545?

Amendment No. 1

On page 2, line 44, of the printed bill, as amended, following "city", and before the period, insert "; and provided further, that the rights herein granted are subject to compliance by said district in respect to any State highway with the provisions of Article 2 of Chapter 3 of Division 1 of the Streets and Highways Code."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 545 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLoar, Dellinger, Fletcher, Gordon, Jespersen, Judah, Kenny, Kuebel, Lurkey, Mason, McBride, McCrack, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 484—An act to repeal Section 5.1 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, both relating to exemption from retail sales taxes; to defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended in the Senate May 1, 1941, strike out all of lines 1, 2 and 3, and insert

"An act to add a new section, to be numbered 5.2, to the Retail Sales Tax Act of 1933 and a new section, to be numbered 6384, to the Revenue and Taxation Code, both relating to the taxable status of certain sales to contractors; to defer".

Amendment No. 2

In line 5 of the title of the printed bill, as amended in the Senate May 1, 1941, after "instances," insert "to define certain terms relating to said taxes, to declare the legislative intent with respect thereto,".

Amendment No. 3

On page 1 of the printed bill, as amended in the Senate May 1, 1941, strike out all of lines 1 to 17, both inclusive, and insert

"SECTION 1. A new section, to be numbered 5.2, is hereby added to the Retail Sales Tax Act of 1933, to read as follows:

Sec. 5.2. Notwithstanding any other provision of law the tax imposed under this act shall apply to the gross receipts from the sale of any tangible personal property to contractors purchasing such property either as the agents of the United States or for their own account and subsequent resale to the United States for use in the performance of contracts with the United States for the construction of improvements on or to real property.

SEC. 2. A new section, to be numbered 6384, is hereby added to the Revenue and Taxation Code.

6384. Notwithstanding any other provision of law the tax imposed under this part shall apply to the gross receipts from the sale of any tangible personal property to contractors purchasing such property either as the agents of the United States or for their own account and subsequent resale to the United States for use in the performance of contracts with the United States for the construction of improvements on or to real property."

Amendment No. 4

On page 2, line 1, of the printed bill, as amended in the Senate May 1, 1941, after "SEC.", strike out "4", and insert "3".

Amendment No. 5

On page 2, line 17, of the printed bill, as amended in the Senate May 1, 1941, after "SEC.", strike out "5", and insert "4".

Amendment No. 6

On page 2, line 21, of the printed bill, as amended in the Senate May 1, 1941, strike out "Sections 3 and 4", and insert "Section 3".

Amendment No. 7

On page 2, line 23, of the printed bill, as amended in the Senate May 1, 1941, after "said", strike out "sections", and insert "section".

Amendment No. 8

On page 2, line 25, of the printed bill, as amended in the Senate May 1, 1941, strike out "June", and insert "July".

Amendment No. 9

On page 2, line 36, of the printed bill, as amended in the Senate May 1, 1941, after "Section", strike out "7", and insert "5".

Amendment No. 10

On page 2, line 38, of the printed bill, as amended in the Senate May 1, 1941, after "SEC.", strike out "6", and insert "5".

Amendment No. 11

On page 2, line 39, of the printed bill, as amended in the Senate May 1, 1941, strike out "Sections 3, 4 and 5", and insert "Section 3".

Amendment No. 12

On page 2, line 44, of the printed bill, as amended in the Senate May 1, 1941, strike out "sections", and insert "section".

Amendment No. 13

On page 2, line 46, of the printed bill, as amended in the Senate May 1, 1941, after "SEC.", strike out "7", and insert "6".

Amendment No. 14

On page 2, line 49, of the printed bill, as amended in the Senate May 1, 1941, strike out "Sections 3, 4 and 5", and insert "Section 3".

Amendment No. 15

On page 3, line 6, of the printed bill, as amended in the Senate May 1, 1941, after "SEC.", strike out "8", and insert "7".

Amendment No. 16

On page 3, line 10, of the printed bill, as amended in the Senate May 1, 1941, strike out "Sections 3, 4 and 5", and insert "Section 3".

Amendment No. 17

On page 3, lines 10 and 11, of the printed bill, as amended in the Senate May 1, 1941, strike out "90 days", and insert "six months".

Amendment No. 18

On page 3, line 14, of the printed bill, as amended in the Senate May 1, 1941, after "SEC.", strike out "9", and insert "8".

Amendment No. 19

On page 3, line 23, of the printed bill, as amended in the Senate May 1, 1941, after "at retail.", insert "The Legislature hereby further declares that in enacting Section 5.1 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, it did not intend to exempt from the sales tax the gross receipts from sales of tangible personal property used in the performance of contracts with the United States for the construction of improvements on or to real property.

SEC. 9. Notwithstanding any of the provisions of this act, the Retail Sales Tax Act of 1933, the Use Tax Act of 1935 or the Revenue and Taxation Code, a sale of tangible personal property to a contractor or subcontractor for use in the performance of contracts with the United States for the construction of improvements on or to real property is hereby declared to be a retail sale within the meaning of that term as defined in said acts or said code, and, accordingly, the gross receipts from such a sale or the purchase price of property so sold shall be included in the measure of the tax imposed under said acts or said code, or any of them."

Amendment No. 20

On page 3 of the printed bill, as amended in the Senate May 1, 1941, strike out all of line 35 after "provisions"; strike out all of lines 36, 37 and 38; and in line 39, strike out "of", and insert "hereof adding Section 6384 to".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 93—An act to amend Sections 52.1, 53 and 57 of the Unemployment Insurance Act, relating to the amount of wages required to be earned in the base period.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 786—An act to amend Section 12024.5 of the Business and Professions Code, relating to the sale of meat, fish and poultry by weight.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1390—An act to amend Sections 59, 90, 93, 95, 125 and 172 of, and to add Sections 16.5 and 151.6 to the State Civil Service Act, relating to State civil service.

Bill read second time, and ordered to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Jespersen moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 407 was refused passage.

The roll was called, and Assembly Bill No. 407 refused reconsideration by the following vote:

AYES—Senators Brown, Fletcher, Jespersen, Judah, Kenny, Luckey, and McBride—7.

NOES—Senators Breed, DeLap, Dillinger, Foley, Keating, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Tickle, Wagy, and Ward—19.

THIRD READING OF SENATE BILLS

Senate Bill No. 395—An act to amend Section 622 of the Fish and Game Code, relating to goldfish and non-native minnows.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Wagy—27.

NOES—Senator McBride—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1207—An act to add Section 1149.2 to the Agricultural Code, relating to the liability of sellers of nursery stock improperly labeled as to grade, variety, and grade size.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey,

Mayo, McBride, Metzger, Mixter, Parkman, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 293—An act to add Section 1192.5 to the Code of Civil Procedure, relating to liens.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Shelley, Slater, Swing, Tickle, Wagye, and Ward—24.

NOES—Senator Foley—1.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1004—An act to amend Sections 6 and 9 of, and to add Section 18 to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 1004:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 20, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 1004

"An act to amend Sections 6 and 9 of, and to add Section 18 to an act entitled 'An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof,' approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 1004 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myland, Parkman, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagye, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack,

Metzger, Mixer, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 114 was refused passage was continued until the next legislative day.

MOTION TO RESCIND ACTION ON ASSEMBLY BILL NO. 1544

Senator DeLap moved that the action whereby Assembly Bill No. 1544 was passed in the Senate on May 20th be rescinded in order that a correction might be made.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenay, Kuchel, Luekey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1544

Assembly Bill No. 1544—An act to amend Section 4244 of the Political Code, relating to the compensation for public services in counties of fifteenth class.

Bill read.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 11, of the printed bill, as amended, strike out "dollars (\$3,000)", and insert "three hundred dollars (\$3300)".

Amendment read and adopted.

Bill ordered printed, and to unfinished business.

MOTION TO RE-REFER SENATE BILL NO. 1334

Senator Swing moved that Senate Bill No. 1334 be re-referred to Committee on Governmental Efficiency.

Motion carried.

CONSIDERATION OF SPECIAL ORDER

The hour of 4 p.m. having arrived, consideration of the Governor's veto to Senate Bill No. 1078 was taken up.

Motion to Postpone Consideration of Governor's Veto to Senate Bill No. 1078

Senator Shelley moved that the Governor's veto message to Senate Bill No. 1078 be printed in the Journal, and that consideration of the veto be postponed until the next legislative day.

Motion carried.

Motion to Set Special Order

Senator Crittenden moved that Senate Bill No. 1078 be made a special order of business for Tuesday, May 27, 1941, at 2.15 p.m.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 560—An act to amend Sections 2, 7, 11, 12, 13, 15, 41, 44.2, 45, 45.9, 45.10, 52.2, 53, 54, 55, 56, 57, 57.5, 58, 61, 66, 75, 91, 92 and 94, to amend and renumber Section 70, and to repeal Sections 47, 48, 49, 50, 51, 58, 67, 68, 69, 71 and 72 of, and to add Sections 7.1, 7.2, 67, 68, 69, 70, 71 and 73 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Phillips moved a call of the Senate.

Motion carried. Time, 4.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 948—An act to add Section 50.2 to the State Lands Act of 1938, and to add Section 6206.5 to the Public Resources Code, to empower the commission to apply to the United States of America for patents to public lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, Mixter, Parkman, Phillips, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1693—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 525—An act to repeal Section 808.5 of the Fish and Game Code, relating to clams.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, Metzger, Mixter, Myhand, Parkman, Phillips, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1128—An act to add Sections 432.6, 990.1, 990.2, 990.3, 990.4, 990.5, 990.6, 990.7, 994, 995, 995.1 and 995.2 to the Fish and Game Code, relating to commercial fishing licenses and permits to operate vessels for transporting persons for the purpose of taking fish.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.12 p.m., on motion of Senator Phillips, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 560 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Rich, Seawell, Swing, Tickle, Wagy, and Ward—24.

NOES—Senators Foley, Garrison, Jespersen, Keating, Kenny, Quinn, Shelley, Slater, and Swan—9.

Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 560 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 560 was passed, was continued until the next legislative day.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of the legislative day:

Senator Gordon, on motion of Senator Kuchel.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1047—An act to add Section 1352.5 to the Fish and Game Code, relating to frogs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Mixer, Myland, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1496—An act to amend the Fish and Game Code of the State of California by adding thereto Sections 103.7, 615.6, 315.7, 615.8, relating to steelhead trout fishing in the Carmel River.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLoach, Dillingham, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kiesel, Mayo, McConnaughey, Metzger, Mixer, Myland, Parkman, Quinn, Rich, Seewer, Sherry, Sutter, Swan, Tickle, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Mayo moved that Assembly Bill No. 1116 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1117—An act to amend Section 62.6 of the Fish and Game Code, relating to Fish and Game District 1 $\frac{3}{4}$.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 62.6", and insert "Sections 62 and 62.6".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "District 1 $\frac{3}{4}$ ", and insert "Districts 1 and 1 $\frac{3}{4}$ ".

Amendment No. 3

On page 1 of the printed bill, strike out line 1 and insert

"SECTION 1. Section 62 of the Fish and Game Code is hereby amended to read as follows:

62. District 1. The following shall constitute Fish and Game District 1: Those portions of the following counties not included in other districts: Trinity, Shasta, Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento, [Alpine,] Madera, Tulare; those portions of San Joaquin County lying east and north of the east bank of the San Joaquin River and not included in Districts 3 and 12B; those portions of Stanislaus and Merced Counties lying east of the west bank of the San Joaquin River; those portions of Fresno County lying east of the west bank of Fresno Slough, Fish Slough and Summit Lake, not included in District 1K; those portions of Kings County east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings County, in Section 4, Township 18 south, Range 19 east, and crossing the south line of said county on the section line between Sections 33 and 34, Township 24 south, Range 19 east; those portions of Kern County lying east of the west bank of Bull Slough and the west and south banks of Buena Vista Lake to the southeast corner of the lake and lying north of a line extending from this point directly east and intersecting the Tejon State Highway and lying east of said State highway from the above mentioned point of intersection where the said State highway crosses the northern boundary line of Los Angeles County, not included in other districts.

SEC. 2. Section 62.6 of the Fish and Game Code is".

Amendments read and adopted.

Bill ordered printed, and to inactive file.

Assembly Bill No. 1439—An act to amend Sections 1177 and 1203.6 of the Fish and Game Code, relating to entirely protected birds and to pheasants.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1574—An act to amend Section 790 of the Fish and Game Code, relating to crabs and crab meat.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Jespersen, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—Senators Judah, Quinn, and Tickle—3.

Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 1574 was passed.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1574 was passed.

The roll was called, and Assembly Bill No. 1574 refused reconsideration by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Garrison, McBride, McCormack, Metzger, Mixter, Parkman, Quinn, Slater, and Wagy—12.

NOES—Senators Brown, Cunningham, DeLap, Dillinger, Foley, Judah, Keating, Kuchel, Mayo, Myhand, Rich, Seawell, Shelley, Swan, Swing, Tickle, and Ward—17.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Foley moved to reconsider the vote whereby Assembly Bill No. 1693 was passed.

Postponement of Reconsideration

On motion of Senator Foley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1693 was passed, was continued until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 1501 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 2161 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 2088 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Assembly Bill No. 1066 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 654 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 749 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 750 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 757 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1434—An act to amend Sections 2, 5, 6, 7, 8, 9, 10, 12 and 14 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of distributors of motor vehicle fuel and the administration of the tax and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

On page 11, line 23, of the printed bill, as amended, strike out "make", and insert "may".

Amendment No. 2

On page 7, line 39, of the printed bill, as amended, after "any", insert "such".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1498—An act to amend Section 830 of, and to add Sections 830.1 and 830.2 to the Agricultural Code, relating to by-products disposal.

Bill read third time.

Motion to Amend

Senator Myhand moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and to add Sections 830.1 and", and insert "to repeal Section 830.5 of, and to add Sections 830.1, 830.2, 830.3, 830.4, and 830.5 to,".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "830.2 to".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 3 to 22, inclusive, and insert "830. Fruits, nuts, and vegetables, of the kinds specified in this chapter, if not wrapped or packed, are exempt from the standards established in this chapter when being transported or delivered to the destinations and for the purposes herein set forth, or when prepared, loaded, shipped, or sold under the following conditions:

(a) From a packing plant which has not proper or adequate facilities for processing, grading, packing, or reconditioning, to another packing plant within the State which has such facilities;

(b) To a by-product plant within the State for commercial processing, preserving, or manufacture of by-products for resale, provided, that dates for such purpose are not exempt from the standards established by Section 798 of this code;

(c) To a feed yard within the State for live stock feeding purposes;

(d) To a dumping ground or waste disposal plant within the State for disposal;

(e) From the orchard or field where they were produced to a packing plant within the State for first processing, grading, or packing."

Amendment No. 4

On page 2 of the printed bill, following line 40, insert

"SEC. 4. Section 830.3 is hereby added to the Agricultural Code, to read as follows:

830.3. Any commissioner may issue to any person residing in his county or maintaining a principal place of business therein a permit to transport or deliver fruits, nuts, or vegetables exempt from the standards established in this chapter, for any one or more of the purposes set forth in Section 830, but no permit shall be issued for the purpose set forth in subparagraph (a) of Section 830 unless and until the commissioner has found and determined that the packing plant from which the fruits, nuts, or vegetables are to be transported or delivered has not proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot of fruits, nuts, or vegetables, and that the packing plant to which the fruits, nuts, or vegetables are to be transported has such facilities. Such permits may be issued for a period not exceeding 12 months.

No permit issued hereunder shall be valid except in the county where issued unless the permit, or a rider securely attached thereto, carries the indorsement of the commissioner of the county to which the fruits, nuts, or vegetables are to be transported or delivered.

Any commissioner may refuse to issue or to indorse a permit if in his judgment the permittee does not have available proper and adequate facilities with which to pack, process or otherwise dispose of such commodities in accordance with the provisions of this chapter and the terms of the permit. A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as such commissioner reasonably may require as proof that the commodities have been disposed of in accordance with the provisions of this chapter and the terms of the permit.

Any commissioner, after notice and hearing, may revoke or suspend any permit or indorsement issued by him, and shall refuse to issue or to indorse any permit, if the facts established at such hearing reveal that the permittee or applicant has violated any of the provisions of this chapter or the terms of any permit issued hereunder, or has failed or refused to furnish the evidence required by the commissioner as hereinabove provided.

Notice of hearing when mailed to the permittee or applicant at the address given in his application shall give the commissioner jurisdiction to act in the matter.

SEC. 5. Section 830.4 is hereby added to the Agricultural Code, to read as follows:

830.4. It is unlawful to use or dispose of any fruits, nuts, or vegetables, for which a permit has been issued, in any manner or for any purpose other than that for which such permit was issued.

SEC. 6. Section 830.5 of the Agricultural Code is hereby repealed.

SEC. 7. Section 830.5 is hereby added to the Agricultural Code, to read as follows:

830.5. It is unlawful for any person who does not hold a valid permit issued under the provisions of Section 830.3 to transport, or cause to be transported, any fruits, nuts, or vegetables, which are exempt from the standards established in this

chapter, and which do not conform to such standards. No such permit is required for fruits, nuts, or vegetables, under the conditions set forth in subparagraph (e) of Section 830. Nothing herein contained shall apply to a common carrier operating over a regular route or between fixed termini and transporting any such fruits, nuts, or vegetables, in good faith and in accordance with its duties as a common carrier."

Amendments read and adopted.

Bill ordered printed, and to third reading.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Fletcher:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act declaring unlawful the transmission by telegraph or telephone companies of unverified "form" messages, and providing penalties therefor.

Respectfully submitted.

SENATOR FLETCHER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 26, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE
MYHAND

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillingger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—32.

NOES—None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Cunningham:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

To amend Sections 6050 and 6051 of the Harbors and Navigation Code, relating to Boards of Harbor Commissioners.

Respectfully submitted.

SENATOR CUNNINGHAM

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 26, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
MYHAND

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuebel, Mayo, McBride, McCormack, Metzger, Minter, Parkman, Quinn, Rich, Sewall, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1340: By Senator Fletcher—An act declaring unlawful the transmission by telegraph or telephone companies of unverified "form" messages, and providing penalties therefor.

Referred to Committee on Public Utilities.

Senate Bill No. 1341: By Senator Cunningham—An act amending Sections 6050 and 6051 of the Harbors and Navigation Code, relating to Boards of Harbor Commissioners.

Referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES

Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred,

Assembly Bill No. 2575

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2524

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; noes 1; absent 5.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 822

Assembly Bill No. 1287

Assembly Bill No. 1274

Assembly Bill No. 1485

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 108
 Assembly Bill No. 854
 Assembly Bill No. 1272
 Assembly Bill No. 1276
 Assembly Bill No. 1277
 Assembly Bill No. 1278
 Assembly Bill No. 1482

Assembly Bill No. 1483
 Assembly Bill No. 1759
 Assembly Bill No. 1984
 Assembly Bill No. 2064
 Assembly Bill No. 2074
 Assembly Bill No. 2326

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Concurrent Resolution No. 42

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

MCCORMACK, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 344
 Assembly Bill No. 2128

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

MCCORMACK, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1317—An act to repeal Section 400.5 and to amend Section 404 of the Civil Code, relating to dissolution of corporations;
 And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-sixth day of May, 1941, at 4.30 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 713—An act to add Chapter 1a, comprising Section 1247k, to Title 9 of Part 2 of the Penal Code, relating to the promulgation by the Judicial Council of rules having the force of law to govern appeals in criminal cases;

Senate Joint Resolution No. 24 Relative to memorializing the President, the Congress and the Solicitor General with respect to the assertion of any pretended Federal claim to the submerged lands of the State of California;
 And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-sixth day of May, 1941, at 5 p.m.

RICH, Chairman

SECOND READING OF SENATE BILLS (RESUMED)

Assembly Bill No. 2575—An act to add Section 80 to Article 1 of Chapter 2 of Title 1 of Part 2, Section 90 to Article 2 of Chapter 2 of Title 1 of Part 2, and Section 110 to Chapter 3 of Title 1 of Part 2 of, and to repeal Sections 78 and 117 of, the Political Code, providing for the division of this State into districts for the election of legislative rep-

representatives, including districts for the election of State Senators, Assemblymen and Representatives in Congress.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 16 of the printed bill, as amended, strike out lines 5 to 18, inclusive, and insert "above date; thence southeasterly, southwesterly and northwesterly along the boundary of the City of San Fernando to its intersection with Brand Boulevard; thence westerly along the center line of Brand Boulevard to the intersection of Sepulveda Boulevard; thence southerly along the center line of Sepulveda Boulevard to the center line of Roscoe".

Amendment No. 2

On page 17 of the printed bill, as amended, strike out lines 31 to 43, inclusive, and insert "ward to the center line of Sepulveda Boulevard; thence northerly along the center line of Sepulveda Boulevard to the center line of Brand Boulevard; thence northeasterly along the center line of Brand Boulevard to the boundary line of the City of San Fernando, thence southeasterly and north-".

Amendments read and adopted.

Amendment No. 1

On page 52, lines 4 and 5, of the printed bill, as amended, strike out "Twenty-fourth and Twenty-fifth", and insert "Twenty-first and Twenty-second".

Amendment read and adopted.

Bill ordered printed, and to third reading.

ADJOURNMENT

At 5.52 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., May 27, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FORTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, May 27, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names.

Senators: Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Kenna, Kuebel, Luckey, Mayo, McBride, Mixer, Myland, Phillips, Powers, Rich, Slater, Swan, Wagy, and Ward -27.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

Call of the Senate

Senator Crittenden moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Milton L. Kidd, Luther D. Thompson, Gerrit Veneman, and John L. Ebbie, Directors, Modesto Irrigation District, all of Modesto.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to J. A. Franklin of Modesto.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Bewley of Santa Cruz.

On request of Senator Swing, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. E. Grier, Chairman Board of Supervisors, San Bernardino County, Jerene Harnish, Wm. Starke, and W. C. Shay, all of San Bernardino.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Bernard Johnson of Sacramento.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ruth K. Collier and Carmalita Dunlap, both of Yreka.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 43.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 70
Assembly Bill No. 93
Assembly Bill No. 157
Assembly Bill No. 240
Assembly Bill No. 342
Assembly Bill No. 495
Assembly Bill No. 575
Assembly Bill No. 912
Assembly Bill No. 937
Assembly Bill No. 1055
Assembly Bill No. 1149
Assembly Bill No. 1189
Assembly Bill No. 1376
Assembly Bill No. 1378
Assembly Bill No. 1484
Assembly Bill No. 1594
Assembly Bill No. 1612
Assembly Bill No. 1731

Assembly Bill No. 1867
Assembly Bill No. 1936
Assembly Bill No. 2006
Assembly Bill No. 2096
Assembly Bill No. 2294
Assembly Bill No. 2421
Assembly Bill No. 2470
Assembly Bill No. 2538
Assembly Bill No. 2601
Assembly Bill No. 2606
Assembly Bill No. 2607
Assembly Bill No. 2616
Assembly Bill No. 2621
Assembly Bill No. 2628
Assembly Bill No. 2632
Assembly Bill No. 2634
Assembly Bill No. 2637
Assembly Bill No. 278

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 70—An act to amend Section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Referred to Committee on Fish and Game.

Assembly Bill No. 93—An act to amend Sections 3.761 and 3.762 of, and to add Section 6.261a to, the School Code, all relating to the teaching of civics in elementary schools.

Referred to Committee on Education.

Assembly Bill No. 157—An act to amend Section 542 of the Code of Civil Procedure, relating to the attachment of real and personal property.

Referred to Committee on Judiciary.

Assembly Bill No. 240—An act to amend Section 1538.5 of the Probate Code, relating to leases of wards' property.

Referred to Committee on Judiciary.

Assembly Bill No. 342—An act to add Section 12108 to the Business and Professions Code, relating to specifications and standards for weighing devices.

Referred to Committee on Business and Professions.

Assembly Bill No. 495—An act to amend Section 64 of the Fish and Game Code, relating to fish and game districts.

Referred to Committee on Fish and Game.

Assembly Bill No. 575—An act to add Section 817.5 to the Penal Code, relating to persons having the powers and authority of peace officers.

Referred to Committee on Judiciary.

Assembly Bill No. 912—An act to amend Section 159 of the Fish and Game Code, relating to Fish and Game District 311.

Referred to Committee on Fish and Game.

Assembly Bill No. 937—An act to amend Sections 23, 29, 29.5, 40, 43, 49 and 63 of, to repeal Section 31 of, and to add Sections 2.5, 31, 36.5, 40.5 and 70.5 to the Gift Tax Act of 1939, relating to the taxation of transfers of property, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1055—An act to add Section 4.2 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages in satisfaction of liens of warehousemen.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1149—An act to add Section 73.5 to the Agricultural Code, relating to fairs and expositions.

Referred to Committee on Agriculture.

Assembly Bill No. 1189—An act to amend Section 8, and to repeal Section 9, of the Community Recreation Enabling Act of 1939, relating to the qualifications of employees.

Referred to Committee on Local Government.

Assembly Bill No. 1376—An act declaring all buildings and places nuisances wherein or upon which any unlicensed sale of alcoholic beverages in violation of the provisions of the Alcoholic Beverage Control Act is made or occurs or which are used for such sale, providing for the abatement and prevention of such nuisances.

Referred to Committee on Judiciary.

Assembly Bill No. 1378—An act to amend Section 27b and Section 67 of the Alcoholic Beverage Control Act, relating to sales of alcohol and alcoholic beverages for use in the trades, professions or industries and to penalties.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1484—An act to amend Sections 276, 278, 303 and 353 of the Vehicle Code, relating to drivers' licenses.

Referred to Committee on Transportation.

Assembly Bill No. 1594—An act to amend Sections 2802, 2804, 2820, 2904, 2951 and 3012, and to add Sections 2809 and 2996, to the Streets and Highways Code, relating to waiver of report, limitation of actions, and costs on abandonment under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Referred to Committee on Transportation.

Assembly Bill No. 1612—An act to amend Section 8 of the Alcoholic Beverage Control Act, relating to renewal of alcoholic beverage licenses.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1731—An act relating to bids for the construction of public works and improvements.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1867—An act to amend Section 2576, to repeal Sections 2577 and 2578 and to amend and renumber Section 2579 of the Welfare and Institutions Code, relating to aid and relief to indigents and providing for reimbursement to the county from responsible relatives.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1936—An act to amend Section 6501 of the Public Resources Code, to add Sections 6501.2 and 6505, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510 and Chapter 2 of Part 2 of Division 6, comprising Sections 6601 to 6715, inclusive, thereof, relating to State lands, providing for the leasing thereof and prescribing the powers and duties of the State Lands Commission in relation thereto.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2006—An act for the protection of the domestic water supplies of cities, towns or districts from pollution by placer mining operations, providing a method of recording information with respect to operators using such methods, and providing penalties for the violation of this act.

Referred to Committee on Local Government.

Assembly Bill No. 2096—An act to add Section 6.37 to the School Code, relating to the powers and duties of governing boards of school districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 2294—An act to amend Section 5016.6 of the Business and Professions Code, relating to accountants.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2421—An act to add Section 2163.5 to the Welfare and Institutions Code, relating to real property as defined for the purposes of aid to the aged.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2470—An act to add Sections 2160.3, 2190 and 2195 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2538—An act to amend Sections 7301, 7303 and 7315 of the Business and Professions Code, relating to members of the Board of Cosmetology.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2601—An act to amend Section 1 of an act entitled "An act to authorize the payment of certain claims recommended for payment by the State Board of Control and to ratify the payment of such claims heretofore made," approved July 1, 1939, relating to claims recommended for payment by the resolution of March 2, 1938, and not yet paid.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2606—An act to amend Sections 2139 and 2148 of, and to add Section 2149 to, the Business and Professions Code, and to amend Sections 11000, 11160, 11161, 11475, 11476, 11477, 11479, 11570 and 11571 of the Health and Safety Code, relating to the diagnosis of foot conditions and ailments, the prescribing or recommending of foot appliances or shoes and the practice of chiropody, including the use of electric devices and narcotic drugs in such practice.

Referred to Committee on Business and Professions.

Assembly Bill No. 2607—An act providing for payment by the State for park property acquired for highway purposes.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2616—An act to add Sections 9b and 9c to the California Business Opportunity Act, relating to persons licensed as business opportunity brokers and business opportunity salesmen, entering the military service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Referred to Committee on Business and Professions.

Assembly Bill No. 2621—An act to add Section 4465.5 to the Political Code, relating to notice and publication and requiring that whenever by authority or requirement of any law of this State any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required to be published in a newspaper, it must be in a newspaper of general circulation.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2628—An act to add Section 7512.5 to the Business and Professions Code, relating to the regulation and licensing of private detectives.

Referred to Committee on Business and Professions.

Assembly Bill No. 2632—An act to validate that certain conveyance heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, to Lodi Winery, Inc., a corporation, by deed dated August 2, 1938, and recorded May 23, 1940, in Book of Official Records, Vol. 692, at page 249, in the office of the county recorder of the County of San Joaquin, State of California, involving certain portions of right of way and real property rights, at and near Urgan Station, between the City of Lodi and the Station of Acampo, in the County of San Joaquin, State of California, acquired by Central Pacific Railway Company, under the act of the Legislature of the State of California, approved May 20, 1861 (Statutes of California, Twelfth Session, 1861, Chapter 532, page 607, and following), as amended, and by the act of the Legislature of the State of California, approved April 4, 1864 (Statutes of California, 1863-4, Chapter 417, page 471, and following) and acts amendatory thereof or supplemental thereto.

Referred to Committee on Judiciary.

Assembly Bill No. 2634—An act to repeal Section 2.600 of the School Code and to repeal an act entitled "An act providing for the organization of certain elementary school districts into union or joint union high school districts," approved April 30, 1929, and to add Section 2.600 to the School Code, all relating to the formation of high school districts.

Referred to Committee on Education.

Assembly Bill No. 2637—An act to add Section 2540.5 to the Elections Code, relating to the qualification of political parties for participation in primary election.

Referred to Committee on Elections.

Assembly Bill No. 278—An act to amend Section 7110 of, and to add Section 7071.5 to, the Business and Professions Code, relating to contractors.

Referred to Committee on Business and Professions.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately, as amended in the Assembly May 22, 1941;

consisting of the undersigned members, has met, and reports that it has been unable to agree on a recommendation.

RICH
BREED
QUINN

Senate Committee on Conference

MILLINGTON
LYON
ALLEN

Assembly Committee on Conference

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 42

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 484

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1541

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 9; committee vote: Ayes 7; absent 2.

METZGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 2164

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

METZGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1342

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

METZGER, Chairman

Above reported bill ordered to second reading.

MOTION TO RESCIND ACTION ON ASSEMBLY BILL NO. 841

Senator Breed moved that the Senate rescind its action whereby Assembly Bill No. 841 was passed on May 21st, in order that errors might be corrected.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Waggy, and Ward—29.

NOES—None.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 662 An act to amend Section 8560 of the Health and Safety Code, relating to cemeteries.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 662 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES None

NOES Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—34

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.14 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following Senators answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Duell, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormick, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—39.

CONSIDERATION OF SPECIAL ORDER

The hour of 2.15 p.m. having arrived, consideration of the Governor's veto to Senate Bill No. 1078 was taken up.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 1078—An act to amend the Building and Loan Association Act by adding thereto a new section to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 1078 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 2.40 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 25—An act to amend Section 4153 of the Political Code, relating to the duties of the district attorney.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 25?

Amendment No. 1

On page 2, line 34, of the printed bill, as amended, strike out "freeholders' charter creating the office of".

Also:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 4153", and insert "Sections 4153 and 4308".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, after "attorney", insert "and the district attorney's special fund".

Amendment No. 3

On page 2 of the printed bill, as amended, after line 38, insert
"SEC. 2. Section 4308 of the Political Code is hereby amended to read as follows:
4308. There is hereby created in each county a fund to be known as the district attorney's special fund. It shall be the duty of the board of supervisors, within 30 days after this act takes effect, and annually thereafter, at the beginning of the fiscal year, to transfer from the general fund to the district attorney's special fund, such sum or sums as may be necessary from time to time so that there shall be in such fund at the beginning of each fiscal year available for use by the district attorney, the following amounts: In counties or cities and counties having a population of 90,000 or more the sum of five thousand dollars (\$5,000); in all other counties such sums as the board of supervisors shall set aside, not to exceed two thousand five hundred dollars (\$2,500)."

On the presentation of his requisition therefor by the district attorney to the auditor, said auditor shall draw his warrant in favor of the district attorney on such fund for such amounts as the district attorney may require from time to time. On presentation the treasurer shall cash said warrant.

Discretion of Supervisors in Counties of 90,000 or More. In their discretion the board of supervisors in counties having a population of 90,000 or more, in addition to the amounts hereinbefore mentioned, may transfer to such fund such additional sums as they deem necessary to be used by the district attorney as provided in this section.

All such sums may be used by the district attorney for his expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and for such expenses necessarily incurred by him in the detection of crime, other than those crimes declared to be misdemeanors by the ["California Vehicle Act," approved May 30, 1923, and amendments thereto.] *Vehicle Code*, and in the prosecution of criminal cases and for expenses in any matters in which the county may be interested.

The district attorney shall file vouchers with the auditor at the end of each fiscal year, showing what disposition he has made of any moneys received from such fund and the particular purpose for which it was spent; provided, that if a criminal proceeding be pending or under investigation as to any moneys spent in such pro-

ceeding or investigation, such vouchers need not be filed until the trial of the criminal proceeding be ended or the investigation concluded.

Provided, further, that nothing in this section contained shall be construed as a limitation or affecting in any way the provisions of Section 4307 of this code or any provision of law relative to the expenses of the district attorney, which may be incurred by him and paid as are other county claims, after allowance by the board of supervisors, but the fund herein shall be in addition to any funds at the disposal of the district attorney as now provided by law.

Provided, this section shall not apply to any county or city and county operating under a charter where provision for a similar fund is made by law. The population herein provided for to be fixed by the Federal Census taken in the year A. D. [1920] 1940."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 25 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Waggy, and Ward—30.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 30?

Amendment No. 1

On page 1, line 4, of the printed bill, as amended May 8, 1941, strike out "six thousand dollars", and insert "seven thousand five hundred dollars".

Amendment No. 2

On page 1, line 5, of the printed bill, as amended May 8, 1941, strike out "\$6,000", and insert "\$7,500".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 30 by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, DeLap, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—28.

NOES—Senators Biggar, Collier, Mayo, and Tickle—4.

Motion to Reconsider

Senator Tickle moved to reconsider the vote whereby Assembly amendments to Senate Bill No. 30 were this day concurred in.

Postponement of Reconsideration

On motion of Senator Tickle, the further consideration of the motion to reconsider the vote whereby Assembly amendments to Senate Bill No. 30 were this day concurred in, was postponed until the next legislative day.

Senate Bill No. 81—An act to add Section 3930.5 to, and to amend Sections 3931, 3933, 3934 and 3935 of, the Elections Code, relating to the order of names on primary election ballots.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 81?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 3930.5", and insert "Sections 3930.5 and 3935.5".

Amendment No. 2

On page 2 of the printed bill, after line 51, insert

"Sec. 6. Section 3935.5 is hereby added to the Elections Code, to read as follows:

3935.5. If the office is that of a member of a county central committee, the names of all candidates, including incumbents, shall be arranged upon the ballot in order determined as follows:

At 10 a.m. on the second Monday following the last day on which declarations of candidacy may be filed, the county clerk shall hold a public drawing to determine the order of names on the ballot. The name of each candidate shall be written on a separate and identical slip of paper which shall then be folded to conceal the name and deposited in a box. After all slips have been deposited, the box shall be shaken to mix the slips thoroughly. The slips shall then be withdrawn by the clerk, and the names of the candidates listed in their order of withdrawal. This order shall determine the order in which the names of the candidates shall be printed on the ballot.

The drawings for each party's candidates shall be held in the order in which the parties rank in the county according to the size of their membership as shown by the registration of voters."

Also:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 3930.5 and 3935.5", and strike out all of line 2 of the title, and insert "Section 3935.5 to the".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 27, inclusive; strike out all of page 2; and on page 3, strike out line 1, and insert "SECTION 1. Section 3935.5 is hereby added to the Elections".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 81 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuebel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—33.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 82—An act to amend Section 1 of, to add Section 8 to, and to repeal Section 6 of an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Section 5 of, and to add Section 9 to, an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 82?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Section 1 of, to add Section 8 to, and to repeal Section 6 of", and insert "Sections 1, 2, 4 and 6 of, and to add Section 8 to".

Amendment No. 2

In line 6 of the title of the printed bill, as amended, strike out "Section 5", and insert "Sections 3, 4 and 5".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out line 2, and insert "for 20 years in the aggregate within the period of 24 years".

Amendment No. 4

On page 2, line 3, of the printed bill, as amended, after "preceding", insert "or (3) Who, regardless of age, has been a judge or justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts for 30 years continuously immediately preceding his retirement,".

Amendment No. 5

On page 2, line 19, of the printed bill, as amended, strike out "24", and insert "20".

Amendment No. 6

On page 2, line 20, of the printed bill, as amended, strike out "30", and insert "24".

Amendment No. 7

On page 2, line 23, of the printed bill, as amended, after "courts", insert ", or (3) Who regardless of age has been a judge of a municipal court or a judge or justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts for 30 years continuously immediately preceding his retirement, having served over six years of that period as a judge or justice of the Supreme Court, or district court of appeal, or superior court, or any two or more of said courts,".

Amendment No. 8

On page 2 of the printed bill, as amended, between lines 44 and 45, insert "SEC. 2. Section 2 of an act entitled 'An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district court of appeal, and of judges of the superior courts,' approved July 1, 1937, is hereby amended to read as follows:

Sec. 2. Every justice or judge retiring after attaining the age of 70 years as provided in Section 1 of this act, shall, during the remainder of his life, receive an allowance equal to the salary which he last received as the incumbent of a judicial office to which he was elected by the people. Every justice or judge retiring before attaining the age of 70 years, as provided in Section 1 of this act, shall, during the remainder of his life, receive an allowance equal to one-half the salary which he last received as the incumbent of a judicial office to which he was elected by the people. Said allowance shall be paid by the State at the times and in the manner provided for the payment of salaries of Justices of the Supreme Court.

SEC. 3. Section 4 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, is hereby amended to read as follows:

Sec. 4. Every justice or judge retired for disability shall receive a retirement allowance payable in the same manner as the allowance above provided, which shall be computed as follows:

(a) If eligible to retire under the provisions of Section 1, he shall receive the allowance provided in Section 2.

(b) Except as provided in Section 5, if he is not eligible to retire under the provisions of Section 1, he shall receive an allowance equal to one-half of the salary which he last received as the incumbent of a judicial office to which he was elected by the people, which allowance shall be paid to him for five years from the date of his retirement, and thereafter for a period of time equal to [one-half] the period, if any, by which his aggregate service as a justice or judge of one or more of said courts exceeds five years.

SEC. 4. Section 6 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, is hereby amended to read as follows:

Sec. 6. Justices and judges retired under the provisions of this act, so long as they are entitled by its provisions to receive a retirement allowance, shall be judicial officers of the State, but shall not exercise any of the powers of a justice or judge except while under assignment to a court as hereinafter provided. Any such retired justice or judge may, with his own consent, and upon stipulation of all the counsel in the case or cases to which he is assigned to sit, be assigned by the chairman of the Judicial Council to sit in any court; and while so assigned shall have all the powers of a justice or judge thereof. If assigned to sit in a court [in a county other than that in which he resides], he shall be [allowed] paid while sitting therein from funds provided for that purpose in addition to his retirement allowance the difference, if any, between the retirement allowance and the compensation of a judge of the position to which he is assigned. When assigned to sit in a county other than that in which he resides, he shall also be allowed his necessary expenses for travel, board and lodging incurred in the discharge of the assignment, payable out of any funds available for similar expenses of judges assigned under the provisions of Section 1a of Article VI of the Constitution."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 152 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crattenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kosny, Kuchel, Luckey, Mayo, McBride, McCormick, Metzger, Mixter, Myland, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—33.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 366—An act to add Section 4300 1c to the Political Code, relating to municipal court fees and costs.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 366?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 4300 1c to", and insert "amend Section 4300/ of".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 9, inclusive, and insert

"SECTION 1. Section 4300/ of the Political Code is hereby amended to read as follows:

4300/. Municipal Court Fees. The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed, the following fees:

For filing the complaint, or other first paper, four dollars (\$4), to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment.

For filing the first paper on behalf of any party (other than plaintiff) one dollar (\$1) for each such party.

For filing the papers transmitted from another court, on the transfer of a civil action or proceeding, and all proceedings before trial and all services, five dollars (\$5).

When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar (\$1), and a further sum equal to the fee for filing in the court to which the case is to be transferred. The clerk shall transmit such filing fee, with the papers in the case, to the clerk or justice of the court to which the case is transferred.

For receiving and filing an abstract of judgment rendered by a justice or judge of another court and for subsequent services based thereon, five dollars (\$5).

For certificate and transmitting transcript and papers on appeal, one dollar (\$1).

For issuing a transcript of the register of actions, one dollar (\$1).

For issuing an abstract of judgment, fifty cents (\$0.50).

For taking an acknowledgment of any instrument, for each signature, fifty cents (\$0.50).

For administering an oath and certifying thereto, fifty cents (\$0.50).

For issuing a writ of execution, a writ of restitution, a writ of possession, or any writ for the enforcement of any order or judgment, one dollar (\$1).

For issuing an order of sale, one dollar (\$1).

For exemplification of record or other paper on file, besides the charges allowed for copying or comparing, one dollar (\$1).

For filing any notice of intention to move for a new trial of any cause, two dollars (\$2).

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents (\$0.12).

For preparing a carbon copy of any record, proceeding or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents (\$0.05).

For certifying a copy of any paper, record or proceeding on file in his office, fifty cents (\$0.50).

For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, two cents (\$0.02) per folio.

No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record or proceeding when not otherwise specified by law; nor shall any charge be made for any service to the United States of America or any officer thereof acting in his official capacity.

[On the commencement in or removal to the municipal court of any municipality, of any civil action or proceeding, the clerk shall collect the sum of one dollar for

the law library fund, and shall pay the same to the treasurer of his county, who shall keep the same in the law library fund designated in Section 4190 of this code.]

Marshals of municipal courts, except as otherwise provided by law, shall charge and collect the fees provided in Section 4300b, Political Code, except that for keeping property taken under legal process they shall collect the actual amount charged by any reputable warehouse or storage house for safely keeping and storing such property; but if such property shall be placed in the care of a keeper, the fee for such keeper shall be five dollars (\$5) per day.

Sections 4292 to 4297, inclusive, and Section 4305 of this code shall apply to officers of municipal courts and to the disposition of fees collected by such officers.

Witnesses in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to witnesses in the superior court in the county or city and county in which any such municipal court is situated.

Jurors in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated.

Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 366 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 742—An act to add Article 21 to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the filing, codification, and publication of the rules and regulations of officers, boards, authorities, and commissions, and creating a Codification Board.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 742?

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "filing", and insert "making, filing, compilation".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, between "of" and "officers", insert "State".

Amendment No. 3

In line 4 of the title of the printed bill, as amended, after "authorities," insert "agencies,".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 6 to 23, inclusive, and insert

"720. As used in this article:

(a) "State agency" includes any officer, department, bureau, division, board, authority, agency, commission or institution of this State except the judicial and the legislative branches.

(b) "Person" includes firm, association, organization, partnership, business trust, corporation or company.

(c) "Regulation" includes any rule or regulation made by any State agency.

"Regulation" does not include any rule, regulation or order made by any State agency which:

(1) Relates only to the organization or internal management of the State agency.

(2) Establishes or fixes rates or tariffs.

(3) Is directed to a specifically named person or to a group of persons, and does not apply generally throughout the State.

(4) Is duly served by the State agency in the manner authorized by law upon the person or persons designated therein as the party or parties legally affected.

721. Every State agency shall file with the Secretary of State an original and two duplicate copies of every regulation made by it. Each such regulation shall

include a citation of the authority pursuant to which it, or any part thereof, was adopted."

Amendment No. 5

On page 2, line 3, of the printed bill, as amended, after "complete", insert "compilation or".

Amendment No. 6

On page 2 of the printed bill, as amended, strike out line 4, and insert "have been made prior to the effective date of this".

Amendments Nos. 7 and 8

On page 2, line 9, of the printed bill, as amended, strike out "Unless so filed"; and strike out lines 10 to 15, inclusive.

Amendment No. 9

On page 2, line 27, of the printed bill, as amended, strike out "revision".

Amendment No. 10

On page 2, line 28, of the printed bill, as amended, before "codifications", insert "compilations or".

Amendment No. 11

On page 2, line 30, of the printed bill, as amended, after "regulations", insert ", compilations,".

Amendment No. 12

On page 2, line 31, of the printed bill, as amended, after "compiled," insert "recompiled,".

Amendment No. 13

On page 2, line 32, of the printed bill, as amended, after "regulations", insert ", compilations,".

Amendment No. 14

On page 2, line 35, of the printed bill, as amended, after "shall", insert ", in the manner provided by Section 356a of this code,".

Amendment No. 15

On page 2 of the printed bill, as amended, strike out lines 48 to 51, inclusive, and insert

"725.4. Nothing in this article shall prevent any State agency, in its discretion and subject to the approval of the Codification Board, from filing, and the Codification Board from publishing in such manner as it believes proper, rates, tariffs, and other documents not required by this article to be filed and published."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 742 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.
NOES—None.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Assembly Bill No. 1544—An act to amend Section 4244 of the Political Code, relating to the compensation for public services in counties of fifteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Biggar moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 720 was refused passage.

The roll was called, and Assembly Bill No. 720 refused reconsideration by the following vote:

AYES—Senators Biggar, Brown, DeLap, Denel, Fletcher, Garrison, Judah, Metzger, Mixter, Parkman, Phillips, Powers, Swing, Tickle, and Wagy—15.

NOES—Senators Breed, Carter, Collier, Dillinger, Foley, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Quinn, Seawell, Shelley, Slater, Swan, and Ward—20.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 1329—An act to add Section 12b to the California Districts Securities Commission Act, relating to notice and hearing of certain proceedings before the California District Securities Commission and relating to the change, modification or amendment of refunding plans and of the terms and conditions of refunding bonds of irrigation districts, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 255—An act to amend Section 1 of an act entitled "An act making an appropriation for the support of the California Commission on Interstate Cooperation, and providing for the expenditure of the same," approved July 22, 1939, extending the period of time during which the appropriation is available, this act to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 242—An act to amend Section 5752 of the Welfare and Institutions Code, relating to the appointment of guardians of insane or incompetent persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1652—An act to add Section 15.1 to the California Irrigation District Act, relating to the government of irrigation districts, authorizing them to acquire and improve land for airports or aviation schools and operate and lease the same, declaring the urgency hereof, and to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1650—An act to amend Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to irrigation districts for delinquent assessments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1795—An act to add Sections 28.25 and 28.35 to the California Irrigation District Act, relating to the manner of selecting directors of certain irrigation districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "and 28.35", and insert " , 28.35, and 19d".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "directors", and insert "officers".

Amendment No. 3

On page 2 of the printed bill, as amended, after line 32, insert

"SEC. 3. Section 19d is hereby added to the act cited in the title hereof, to read as follows:

Sec. 19d. The California Districts Securities Commission may file a report with the board of supervisors of a county in which an irrigation district or the greater part thereof is situated informing the board that:

(a) Not less than 90 per cent of the land in the irrigation district is delinquent for delinquent taxes or assessments to either the State or the irrigation district or both.

(b) No election of directors of the irrigation district has been held for a period of more than four years next preceding the filing of the report.

(c) In the opinion of the commission the interests of the public will best be served by the appointment of directors pursuant to this section.

Upon receipt of the report, the board of supervisors shall promptly give notice by publication in at least two issues of a newspaper published in the county in which the board of supervisors has its office of the time and place at which a hearing will be held to determine whether or not a board of directors for the irrigation district should be appointed as provided in this section. The date of such hearing shall be not less than 10 days nor more than 30 days from the first publication of the notice. At such hearing, if it appears to the satisfaction of the board of supervisors that not less than 90 per cent of the land in the district is delinquent for taxes or assessments to either the State or the irrigation district or both, and that no election of directors has been held for more than four years next preceding, the board of supervisors may appoint for the district a board of directors to consist of three members who need not be residents or land owners in the district, but each of whom shall be a resident land owner of a county supervisorsial district in which all or a portion of the land in the irrigation district is situated. The directors so appointed shall take office as soon as they shall have qualified in accordance with the provisions of this act, and shall hold office for a period of four years and thereafter until their successors are elected or appointed and qualified.

Upon its organization as a board, the board so appointed shall fill by appointment the offices of treasurer, collector and assessor, and none of the persons so appointed need be residents or land owners within the district.

Not more than 60 nor less than 30 days before the first Wednesday in February of any odd numbered year a majority of the electors in a district then having a board of directors appointed pursuant to this section, may petition the board of directors that an election be held, showing in such petition that there are persons who could qualify under Section 26 of this act as directors representing each division in the district, that there are more than five owners of land in the district who are residents and electors thereof, and that there are sufficient electors in the district to conduct an election. If the board of directors finds the facts alleged in the petition to be true it shall order that a general election be held, as provided in this act, at which election a director for each division and all other elective officers shall be elected. The directors elected shall at their first meeting classify themselves into two groups in the same manner and with the same effect as is provided in Section 13 of this act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2602—An act to amend Section 7602 of the Business and Professions Code, relating to the Board of Funeral Directors and Embalmers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2487—An act to amend Section 1203.4 of the Penal Code, relating to probation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 210—An act to amend Section 1297 of the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

Assembly Bill No. 681—An act to amend Section 694 of the Code of Civil Procedure, relating to sales of real and personal property under execution.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1839—An act to amend Section 200 of the Code of Civil Procedure, relating to exemption from jury duty.

Bill read second time, and ordered to third reading.

Assembly Bill No. 38—An act to add Sections 741.1, 741.3, 741.5, 741.7, 741.8 and 741.9 to the Code of Civil Procedure, all relating to compensation for taxes paid and improvements made by occupying claimants of real property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 430—An act to add Section 1029.5 to the Code of Civil Procedure, relating to costs in civil actions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2228—An act to amend Section 1143 of the Penal Code, relating to jurors' fees and mileage.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1834—An act to amend Section 1407 of the Probate Code, relating to the appointment of guardians of minors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 656—An act to amend Section 869a of the Civil Code, relating to the effect of omitting beneficiaries in instruments to trustees affecting real property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 188—An act to amend Section 5055 of the Welfare and Institutions Code, relating to mentally irresponsible persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 588—An act to amend Sections 581 and 582, and to amend and renumber Sections 581a, 581b and 583 of, and to add Sections 581a, 581e and 581f to, the Code of Civil Procedure, relating to the dismissal and rendition of judgment in civil actions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1905—An act to amend Sections 1995 and 1997 of the Code of Civil Procedure, and to repeal Sections 2620, 2621, 2622, 2623 and 2624 of, and to add Sections 2620, 2621, 2621.5, 2622 and 2623 to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2338—An act to amend Section 374b of the Penal Code, relating to disposal of garbage and refuse upon public and

private highways and roads, and providing penalties for the violation thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 625—An act to amend Section 1946 of the Civil Code, relating to hiring of real property.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, after "law", insert "unless one of the parties gives notice to the other of his intention to terminate the same, at least as long before the expiration thereof as the term of the hiring itself, not exceeding one month".

Amendment No. 2

On page 1, line 15, of the printed bill, as amended, after "thereof", insert "at any time".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 205—An act to add Section 7c to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal court attaches.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, strike out "Section 7 hereof", and insert "law".

Amendment No. 2

On page 1, line 13, of the printed bill, as amended, strike out "Section 7 hereof", and insert "law".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2382—An act to amend Section 1580 of the Probate Code, relating to guardians.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 12 and 13, and insert "(8) If such guardian is not a parent of the ward and it appears to the court to be for the best interest of the ward or his estate to replace the guardian with a parent; or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1173—An act making an appropriation for the purchase of water stock at Pacific Colony-State Narcotic Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 108—An act to add Section 969.5 to the Streets and Highways Code, relating to improvement and repair of privately owned roads.

Bill read second time, and ordered to third reading.

Assembly Bill No. 854—An act to amend Section 531 of the Vehicle Code, and to add Section 531.5 thereto, relating to following other vehicles too closely, and to vehicles being operated in caravan.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1272—An act to amend Section 128 of, and to add Sections 124.1 and 128.5 to, the Vehicle Code, relating to the powers and duties of the Department of Motor Vehicles, the director thereof and the Chief of the California Highway Patrol.

Bill read second time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Sections 124.1 and 128.5", and insert "Section 124.1".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 37 to 40, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1276—An act to amend Section 374 of the Vehicle Code, relating to exemptions from registration fees on vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1277—An act to amend Section 375 of the Vehicle Code, relating to fees to be paid by manufacturers, transporters and dealers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1278—An act to amend Sections 382 and 384 of the Vehicle Code, relating to the registration of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1482—An act to amend Sections 269, 304, 506 and 736 of the Vehicle Code, relating to drivers of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1483—An act to add Section 269.1 to and to amend Section 307 of the Vehicle Code, relating to drivers' licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1759—An act to amend Section 175 of the Vehicle Code, relating to the registration of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1984—An act to add Section 104.9 to the Streets and Highways Code, relating to deeds and other evidences of title in connection with rights of way and other property necessary for highway purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2064—An act to add Section 410.4 to the Vehicle Code, relating to the financial responsibility of employee-operators of motor vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2074—An act to amend Section 130 of the Vehicle Code, relating to records of the Department of Motor Vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2326—An act to amend Section 134 of the Vehicle Code, relating to the distribution of publications by the Department of Motor Vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 822—An act to add Chapter 9 (consisting of Sections 240, 241, 242, 243, 243.5, 244, 245, 245.5, 246, 246.5, 247 and 248) to Division 3 of the Vehicle Code, and to repeal Sections 235 and 235.5 thereof, relating to the wrecking and dismantling of vehicles, including the business of automobile wreckers.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 4, line 18, of the printed bill, as amended, after the period, insert "Said record shall be open to inspection during business hours by any peace officer or investigator of the Department of Motor Vehicles."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1274—An act to amend Sections 158, 162, 178, 179, 183 and 226 of, and to add Section 195.5 to, the Vehicle Code, relating to the registration of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2, line 36, of the printed bill, strike out "or criminal."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1287—An act to amend Sections 554, 616 and 675 of the Vehicle Code, relating to equipment on vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2 of the printed bill, after line 10, insert

"Sec. 3. The provisions of Section 675 of the Vehicle Code relating to fire trucks, fire engines and other fire apparatus, in so far as they pertain to fire trucks, fire engines and other fire apparatus in use or in operation on the effective date of this act, shall not become operative until January 1, 1944."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1485—An act to amend Section 410 of the Vehicle Code, with reference to satisfaction of judgments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, following "(8100)", insert "not including costs or loss of use."

Amendment No. 2

On page 2 of the printed bill, as amended, at the beginning of line 14, strike out "10", and insert "five".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 344—An act to add Section 623 to the Streets and Highways Code, relating to State highway routes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to provide for the improvement and reconstruction of a road in the County of Mendocino, and making an appropriation therefor."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 6, inclusive, and insert

"SECTION 1. Out of any unexpended money heretofore appropriated to the Emergency Fund specified in Item 212 of the Budget Act of 1939 by Chapter 1 of the Fourth Extraordinary Session of the Fifty-third Legislature the sum of forty thousand dollars (\$40,000) or so much thereof as may be necessary, is hereby appropriated to the State Department of Public Works for expenditure during the Ninety-third and Ninety-fourth Fiscal Years for the improvement and reconstruction of that certain county road from Route 56 at Westport to Route 1 at Leggett Valley.

SEC. 2. Not more than 50 per cent of the money hereby appropriated shall be available for expenditure during any one fiscal year, and none of the money hereby appropriated shall be expended during any one fiscal year unless and until money equal to the amount expendable from this appropriation during that fiscal year shall have been made available by the County of Mendocino, for expenditure by the State

for said work, to the end that any sums expended from this appropriation shall be matched by like amounts from the county.

Sec. 3. This act shall be known as the Burns-Biggar Act."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 2128—An act to amend Sections 39, 382 and 623 and to add a new Section 168 to the Vehicle Code.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and to add a new", and strike out line 2 of said title, and insert "of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic."

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 11, inclusive, and insert

"39. Special Mobile Equipment. "Special mobile equipment" means a vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over the highway. It includes road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, motor patrol graders, road rollers, air compressors, caterpillar tractors, portable concrete pavers and mixers, lighting plants, welders, pumps, power shovels and draglines, earthmoving scrapers and carryalls, self propelled earthmoving equipment and machinery, and other similar types of equipment. This enumeration shall not operate to exclude other vehicles which are within the purview of the term "special mobile equipment."

"Special mobile equipment" does not include any of the following:

(a) An implement of husbandry.

(b) A vehicle originally designed for the transportation of persons or property to which machinery has been attached, unless the combination of such machinery and vehicle is clearly designed and intended for purposes other than the transportation of persons or property over the highway and the vehicle is used only for the incidental or occasional movement of the machinery from one work location to another.

(c) Truck mounted transit mixers, cranes, shovels and dump trucks."

Amendment No. 3

On page 1, line 24, of the printed bill, strike out "one dollar (\$1)", and insert "three dollars (\$3)".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 2524—An act to amend Sections 799, 800 and 801 of the Penal Code, relating to time of commencing criminal actions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 799, 800 and 801", and insert "Section 800".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 11, inclusive.

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "Sec. 2", and insert "SECTION 1"

Amendment No. 4

On page 1, line 19, of the printed bill, after "mission.", insert "An indictment for the acceptance of a bribe by a public official or a public employee, a felony, must be found, and the information filed or case certified to the superior court, within five years after its commission."

Amendment No. 5

On page 1 of the printed bill, strike out lines 20 to 26, inclusive.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Transportation.

Assembly Bill No. 1066—An act to amend School Code Sections 5.652 and 5.653, relating to permanent employees of school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1501—An act to add Sections 3994, 3995 and 3996 to the Elections Code, relating to nominations and filing of nomination papers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2161—An act relating to the Immigration Inspector of the Division of Immigration and Housing.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2088—An act to add Section 2380.5 to the Business and Professions Code, relating to the advertising of medical business.

Bill read second time, and ordered to third reading.

Assembly Bill No. 654—An act to amend Sections 154 and 157 and to repeal Section 155 of the Welfare and Institutions Code, relating to the institutions subject to the jurisdiction of the Department of Institutions and appointment of superintendents of those institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 749—An act to amend Section 5502 of the Welfare and Institutions Code, relating to the dismissal of criminal proceedings and the affidavit for commitment of a sexual psychopath.

Bill read second time, and ordered to third reading.

Assembly Bill No. 750—An act to add Section 5502.5 to the Welfare and Institutions Code, relating to the parole and discharge of sexual psychopath.

Bill read second time, and ordered to third reading.

Assembly Bill No. 757—An act to amend Section 6660 of the Welfare and Institutions Code, relating to guardianship and administration of the inmates' estates.

Bill read second time, and ordered to third reading.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Shelley moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 560 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 537—An act to amend Sections 1300.12, 1300.14, 1300.17, 1300.20, 1300.23 and 1300.28 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Motion to Amend

Senators Phillips and Jespersen moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, immediately following the second comma, insert "1300.16,".

Amendment No. 2

On page 4 of the printed bill, between lines 5 and 6, insert

"SEC. 24. Section 1300.16 of the Agricultural Code is hereby amended to read as follows:

1300.16. (a) (1) No marketing order or amendments thereto, directly affecting handlers, issued pursuant to this [act] chapter, shall become effective unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by the handlers engaged in the [operation] marketing activity or activities [covered] regulated by [the] such marketing order who handle not less than sixty-five per cent (65%) of the volume of the agricultural commodity [covered] regulated thereby which is processed or distributed within the area defined in such marketing order or amendment thereto, [and by] or that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five per cent (65%) of the number of [such] handlers engaged in the [operation covered] marketing activity or activities regulated by such marketing order [.] ; provided, however, that any marketing order or amendment thereto applicable to processors engaged in the processing of apples into cider or to processors engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by such handlers engaged in the marketing activity or activities regulated by such marketing order who process not less than sixty-five per cent (65%) of the volume of the agricultural commodity regulated thereby which is processed within the area defined in such marketing order or amendment thereto and by sixty-five per cent (65%) of the number of such handlers engaged in the marketing activity or activities regulated by such marketing order.

(2) No marketing order or amendment[s] thereto, directly affecting producers or producer marketing, issued pursuant to this [act] chapter, shall [become] be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by [at least] not less than sixty-five per cent (65%) of the producers who are engaged, within the area specified in such marketing order or amendment thereto, in the production for market, or engaged in such producer marketing of not less than fifty-one per cent (51%) of the agricultural commodity specified therein in commercial quantities[, and who produce for market in commercial quantities at least sixty-five per cent (65%) of the volume of such commodity produced within the area specified in such order.] , or that such marketing order or amendment thereto has been assented to in writing by producers who produce not less than sixty-five per cent (65%) of the volume of such agricultural commodity and by fifty-one per cent (51%) of the total number of producers so engaged.

[(3) Provided, that, subject to the provisions of this act, the director may issue a marketing order and said marketing order shall become effective if he finds such marketing order has been assented to in writing by not less than seventy-five per cent (75%) of the producers who are engaged, within the area specified in such order, in the production for market in commercial quantities of the agricultural commodity specified therein or by producers who produce for market in commercial quantities not less than seventy-five per cent (75%) of the volume of such commodity produced within the area specified in such marketing order, and if he finds that such marketing order has been assented to in writing by not less than seventy-five per cent (75%) of the handlers of such commodity engaged in the

handling operation or operations regulated by such marketing order or by handlers who handle not less than seventy-five per cent (75%) of the volume of such commodity which is handled within the area defined in such marketing order, except that the provisions of this paragraph (3) shall not apply to processors engaged in the operation of canning of fresh fruits and vegetables and canning or packing of dried fruits.]

[(4)] (3) In finding whether such marketing order or amendment thereto is assented to in writing pursuant to the provisions of this [act] chapter, the director shall consider the approval of any nonprofit agricultural cooperative marketing association, which is authorized by its members so to assent, as the approval of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

(b) Subject to the provisions, restrictions and limitations imposed herein, the director may issue marketing orders regulating producer marketing, the processing, distributing or handling in any manner of agricultural commodities by any and all persons engaged in such producer marketing, processing, distributing or handling of such agricultural commodities within this State.

(c) The director shall suspend [, amend] or terminate any marketing order, [or any provision of any marketing order,] whenever he finds, after a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, that such [provision or order] marketing order is contrary to or does not tend to effectuate the declared purposes or provisions of this [act] chapter within the standards and subject to the limitations and restrictions herein imposed; provided, that such suspension or termination shall not [be] become effective until the expiration of the [current] marketing season then current. If the director finds that the termination of any marketing order is requested in writing by more than [fifty per cent (50%) to forty per cent (40%)] of the producers, who are engaged within the State of California in the production for market of the agricultural commodity specified in such marketing order, and who produce for [market more than fifty per cent (50%) forty per cent (40%)] of the volume of such agricultural commodity produced within the State of California for market, and finds that the termination of such marketing order is requested in writing by handlers [engaged in the operation covered by such marketing order] who handle more than [fifty per cent (50%) forty per cent (40%)] of the volume of agricultural commodity covered thereby [which is produced or marketed within the area defined in such order] and by more than [fifty per cent (50%) forty per cent (40%)] of the number of [such] handlers [engaged in the processing or distributing] of the agricultural commodity covered thereby [which is processed or distributed within the area defined in such order], the director shall, if he finds such marketing order [then obstructs] is contrary to or does not tend to carry out the declared policy of this [act] chapter, terminate or suspend for a specified period, such marketing order [or provision thereof]; provided, that such termination shall be effective only if announced on or before such date (prior to the end of the [current] marketing period then current) as may be specified in such marketing order.

(d) The director may amend any marketing order if such amendment or amendments have been considered at a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, and after appropriate findings have been made by the director pursuant to Section 1300.14 of this chapter, and provided that no amendment shall be made effective unless the director finds that such amendments have been assented to in writing in accordance with the provisions of this section.

[(d)] (e) Upon [the] issuance of any [marketing] order making effective a marketing order, or any suspension, amendment or termination thereof, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe. No marketing order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such marketing order, suspension, amendment or termination, whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice."

Amendment No. 3

On page 4, line 21, of the printed bill, strike out "three per cent (3%)", and insert "two and one-half per cent (2½%)".

Amendment No. 4

On page 4, line 25, of the printed bill, strike out "three per cent (3%)", and insert "two and one-half per cent (2½%)".

Amendment No. 5

On page 5, line 21, of the printed bill, strike out "five", and insert "four".

Amendment No. 6

On page 5, line 22, of the printed bill, strike out "(5%)", and insert "(4%)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Foley moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1693 was passed.

The roll was called, and Assembly Bill No. 1693 reconsidered by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Duclap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Above bill ordered to unfinished business file.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 995—An act to repeal Section 16½ and to amend Section 54 of the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Critchenden, Cunningham, DeLap, Duclap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—35.

NOES—Senator Ward—1.

Motion to Reconsider

Senator Ward moved to reconsider the vote whereby Assembly Bill No. 995 was passed.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 995 was passed, was continued until the next legislative day.

Senate Bill No. 1013—An act to add Section 14226.5 to, and to amend Section 14227 of, the Health and Safety Code, relating to fire protection districts in unincorporated areas and the inclusion of contiguous territory.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Duclap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 762—An act to add Chapter 1c to Division 5 of the Agricultural Code, relating to grades, standards, inspection, and certification of dried fruits.

Bill read third time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

On page 2 of the printed bill, strike out all of lines 18 and 19, and insert

"(a) When they show calloused growth cracks on any part but the end, aggregating more than three-eighths inch in length or calloused or uncalloused maturity end cracks exceeding one-half inch in length or cracks open to the pit."

Amendment No. 2

On page 3, line 31, of the printed bill, strike out the period, and insert "or of other characteristic color."

Amendment No. 3

On page 3, line 35, of the printed bill, after "with", insert "excessive".

Amendment No. 4

On page 4 of the printed bill, strike out lines 12 to 15, inclusive, and insert "foreign material, but not more than one fourth of this amount or 1 per cent may be affected by decay."

(i) Not more than 8 per cent of the prunes by weight shall show serious insect injury or damage by other means not mentioned above."

Amendment No. 5

On page 4, line 19, of the printed bill, strike out "8 per cent.", and insert "10 per cent by weight."

Amendment No. 6

On page 4, line 26, of the printed bill, strike out "may or may", and insert "does".

Amendment No. 7

On page 4, line 27, of the printed bill, strike out "affect", and insert "affects".

Amendment No. 8

On page 4, line 35, of the printed bill, after "fibrous," insert "fermented,".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1339—An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to declare the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 784—An act to add Sections 2.170-1 and 4.720-1 to the School Code, relating to the public school system and elementary school districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—38.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1316—An act to amend Sections 1012, 1018, 1019, 1023, 1025, 1028, 1030, 1034, 1035, 1042 and 1043 of, and to add Section 1046 to, the Military and Veterans Code, relating to veterans, including the administration of estates of incompetent and deceased veterans and the conduct of the Veterans' Home and the powers and duties of the officers thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 16—A resolution proposing to the people of California to amend the State Constitution by adding to Article IV thereof, Section 38, directing the Legislature to create the office of State Manager and providing for his appointment.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Biggar, Crittenden, Judah, Kuchel, Mixter, Myhand, Parkman, Powers, Quinn, Seawell, Swing, Tickle, Wagy, and Ward—14.

NOES—Senators Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Keating, Luckey, Mayo, McCormack, Metzger, Phillips, Rich, Shelley, Slater, and Swan—22.

Senate Bill No. 484—An act to repeal Section 5.1 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, both relating to exemption from retail sales taxes; to defer final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate May 26, 1941, strike out "5.2", and insert "5.3".

Amendment No. 2

On page 2, line 10, of the printed bill, as amended in the Senate May 26, 1941, strike out "5.2", and insert "5.3".

Amendment No. 3

On page 2, line 12, of the printed bill, as amended in the Senate May 26, 1941, strike out "5.2", and insert "5.3".

Amendment No. 4

On page 3, line 13, of the printed bill, as amended in the Senate May 26, 1941, strike out "5", and insert "6".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 340

Senator Swan moved that Assembly Bill No. 340 be re-referred to Committee on Education.

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Assembly Bill No. 2575—An act to add Section 80 to Article 1 of Chapter 2 of Title 1 of Part 2, Section 90 to Article 2 of Chapter 2 of Title 1 of Part 2, and Section 110 to Chapter 3 of Title 1 of Part 2 of, and to repeal Sections 78 and 117 of, the Political Code, providing for the division of this State into districts for the election of legislative representatives, including districts for the election of State Senators, Assemblymen and Representatives in Congress.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 4 of the printed bill, as amended, strike out lines 8 to 22, inclusive, and insert

"13. All that portion of the County of Alameda described as follows:

All that portion of the County of Alameda lying southerly and easterly of a line described as follows:

Commencing at the point of intersection of the westerly boundary line of the County of Alameda with the line separating Eden Township from Alameda Township; thence easterly and northerly along the southerly and easterly boundary lines of Alameda Township to the line separating Eden Township from Brooklyn Township; thence in a general easterly direction along the southerly boundary line of Brooklyn Township to the southwesterly boundary line of the City of San Leandro; thence southeasterly, northeasterly, northwesterly and southwesterly along the southwesterly, southeasterly, northeasterly and northwesterly boundary lines of the City of San Leandro to the center line of East Fourteenth Street; thence northwesterly along the center line of East Fourteenth Street to the center line of Ninety-eighth Avenue; thence southwesterly along the center line of Ninety-eighth Avenue to the center line of the right-of-way of the Central Pacific Railway; thence northwesterly along the center line of the right-of-way of the Central Pacific Railway to the center line of High Street; thence northeasterly along the center line of High Street to the center line of East Fourteenth Street; thence southeasterly along the center line of East Fourteenth Street to the center line of Sixty-ninth Avenue; thence northeasterly along the center line of Sixty-ninth Avenue to the center line of Flora Street; thence northwesterly along the center line of Flora Street to the center line of Church Street; thence northeasterly and northerly along the center line of Church Street to the center line of Foothill Boulevard; thence easterly and southeasterly along the center line of Foothill Boulevard to the center line of Ninety-eighth Avenue; thence northeasterly along the center line of Ninety-eighth Avenue to the center line of Golf Links Road; thence in a general easterly direction following along the center line of Golf Links Road to the center line of Grass Valley Road; thence northeasterly along the center line of Grass Valley Road to an intersection with the line separating Brooklyn Township from Eden Township; thence northerly along the westerly boundary line of Eden Township to an intersection with the northerly boundary line of the County of Alameda; shall constitute the Thirteenth Assembly District.

14. All that portion of the County of Alameda described as follows:

Commencing at the point of intersection of the westerly boundary line of the County of Alameda with the line separating Eden Township from Alameda Township; thence easterly and northerly along the southerly and easterly boundary lines of Alameda Township to the line separating Eden Township from Brooklyn Township; thence in a general easterly direction along the southerly boundary line of Brooklyn Township to the southwesterly boundary line of the City of San Leandro; thence southeasterly, northeasterly, northwesterly and southwesterly along the southwesterly, southeasterly, northeasterly and northwesterly boundary lines of the City of San Leandro to the center line of East Fourteenth Street; thence northwesterly along the center line of East Fourteenth Street to the center line of Ninety-eighth Avenue; thence southwesterly along the center line of Ninety-eighth Avenue to the center line of the right-of-way of the Central Pacific Railway; thence northwesterly along the center line of the right-of-way of the Central Pacific Railway to the center line of High Street; thence southwesterly along the center line of High Street to the southwesterly boundary line of the City of Oakland; thence northwesterly along the southwesterly boundary line of the City of Oakland to an intersection with the direct extension southwesterly of the center line of Thirteenth Avenue; thence northeasterly along said direct extension and along the center line of Thirteenth Avenue to the center line of Hopkins Street; thence northwesterly along the center line of Hopkins Street to the center line of Excelsior Avenue; thence continuing northwesterly along the center line of Excelsior Avenue to the center line of Lake Shore Avenue; thence southwesterly along the center line of Lake Shore Avenue to an intersection with the line separating Oakland Township from Brooklyn Township; thence northwesterly and southwesterly along the line separating Oakland Township from Brooklyn Township to the northerly boundary line of the City of Alameda; thence westerly along the northerly boundary line of the City of Alameda to an intersection with the westerly boundary line of the County of Alameda; and thence southeasterly along the westerly boundary line of the County of Alameda to the point of commencement, shall constitute the Fourteenth Assembly District.

15. All that portion of the County of Alameda described as follows:

Commencing at the point of intersection of the northeasterly boundary line of the County of Alameda with the direct extension easterly of the center line of Park Boulevard; thence westerly along said direct extension easterly of the center line of Park Boulevard, and continuing in a general southwesterly direction along the center line of Park Boulevard, following along the curvature thereof to the center line of Sausal Creek; thence westerly and southwesterly along the center line of Sausal Creek to the center line of Park Boulevard; thence southwesterly along the center line of Park Boulevard to an intersection with the direct extension southeasterly of the northeasterly boundary line of the City of Piedmont; thence northwesterly along said direct extension to the most easterly corner of the City of Piedmont; thence southwesterly along the southeasterly boundary line of the City of Piedmont to the most southerly corner thereof; thence southeasterly along the direct extension southeasterly of the southwesterly boundary line of the City of Piedmont to the center line of Park Boulevard; thence southwesterly along the center line of Park Boulevard to the center line of Thirteenth Avenue; thence continuing southwesterly along the center line of Thirteenth Avenue and along its direct extension southwesterly to the southwesterly boundary line of the City of Oakland; thence southeasterly along the southwesterly boundary line of the City of Oakland to the center line of High Street; thence northeasterly along the center line of High Street to the center line of East Fourteenth Street; thence southeasterly along the center line of East Fourteenth Street to the center line of Sixty-ninth Avenue; thence northeasterly along the center line of Sixty-ninth Avenue to the center line of Flora Street; thence northwesterly along the center line of Flora Street to the center line of Church Street; thence northeasterly and northerly along the center line of Church Street to the center line of Foothill Boulevard; thence easterly and southeasterly along the center line of Foothill Boulevard to the center line of Ninety-eighth Avenue; thence northwesterly along the center line of Ninety-eighth Avenue to the center line of Golf Links Road; thence in a general easterly direction, following along the center line of Golf Links Road to the center line of Grass Valley Road; thence northeasterly along the center line of Grass Valley Road to an intersection with the line separating Brooklyn Township from Eden Township; thence northerly along the westerly boundary line of Eden Township to an intersection with the northerly boundary line of the County of Alameda; and thence northwesterly along the northerly boundary line of the County of Alameda to the point of commencement, shall constitute the Fifteenth Assembly District."

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 42—Relative to National defense highways.

Resolution read.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 22 and 23, of the printed measure, strike out "and the California Highway Commission,".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1080—An act to amend Sections 6 and 54 of the Alcoholic Beverage Control Act, relating to restrictions on wholesalers' licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McCormack, Mixer, Myland, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—31.

NOES—Senator Foley—1.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.40 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate sustained the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Crittenden, DeLap, Fletcher, Gordon, Judah, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixter, Parkman, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Ward—21.

NOES—Senators Brown, Carter, Collier, Cunningham, Ducl, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, McBride, Myhand, Phillips, Quinn, Shelley, Slater, and Swan—18.

Motion to Reconsider

Senator Crittenden moved to reconsider the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, was postponed until the next legislative day.

REPORTS OF STANDING COMMITTEES**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 1335

Senate Bill No. 1336

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Senate Bill No. 1335—Committee membership 11; committee vote: Ayes 6; noes 4; absent 1.

Senate Bill No. 1336—Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

PHILLIPS, Chairman

Above reported bills re-referred to Committee on Finance.

MOTION TO SUSPEND SENATE STANDING RULE

Senator Quinn moved that Senate Standing Rule No. 12, Item 6, be temporarily suspended in order that Senate Bills Nos. 1335 and 1336 might be placed on file.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, McBride, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—15.

NOES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Ducl, Fletcher, Gordon, Judah, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Tickle, Wagy, and Ward—23.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 628

Senator Garrison moved that Senate Bill No. 628 be withdrawn from Committee on Water Resources for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 628—An act to amend Section 4 of an act entitled "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and to enable such irrigation districts to construct levees and to protect the lands within such districts from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to assessments in irrigation districts having an area of more than 500,000 acres.

Bill read second time.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4 of an act entitled "An act to pro-"; and strike out lines 2 to 10, inclusive, and insert "61 of the California irrigation district act, relating to indebtedness of irrigation districts."

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "4", and insert "61".

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 18, inclusive, and insert "SEC. 61. The board of directors or other officers of the district shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this act, the board of directors may, before the levying of the first assessment, incur indebtedness in such sum or sums as shall amount to two thousand dollars (\$2,000), or, if the district shall contain more than 4,000 acres, to one-half as many dollars as there are acres of land in the district, and may cause warrants of the district to be issued therefor, bearing interest at not more than 7 per centum per annum, said rate to be fixed by the board of directors. Each such warrant shall be made payable on a date not later than the first day of July next after the first assessment in the district shall be levied, and if not paid when presented on the due date or thereafter shall be registered and the amount due thereon shall draw interest as provided in Section 61a of this act. Nothing contained in this section shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights or other property necessary in the judgment of the board for any of the uses or purposes of the district, and by such lease or contract to bind the district for the payment of the consideration specified in such lease or contract as may be provided therein, but if the largest payment to be made under any one such lease or contract in any year exceeds an amount equal to one-fourth of 1 per cent of the total valuation of the land in the district according to the assessment book thereof last equalized before the making of such lease or contract, such lease or contract shall not be valid unless approved by the California Districts Securities Commission, or unless an assessment sufficient to meet all the principal payments to become due under such lease or contract shall have been or shall be authorized for that purpose in accordance with Section 59 of this act. If any such contract shall provide for any future payment or payments, the board may cause warrants to be issued for such payment or payments, which warrants shall be made payable at the time or times provided in said contract for such payment or payments. If a special assessment shall have been voted as provided in Section 59 of this act, the board may cause warrants, in an amount or amounts equal to the amount of said assessment, to be issued for the purpose or purposes thereof, which warrants shall be made payable at such time or times as the board may estimate that provision for their payment may be made from the proceeds of said assessment. In case any district shall have outstanding any warrants registered as provided in Section 61a of this act, such warrants or any thereof and the accrued interest thereon may be refunded by the issuance of warrants payable at stated times to be fixed by the board, and such warrants may be exchanged for such registered warrants or may be sold for not less than the par value thereof to provide funds for the payment of such registered warrants or any thereof and the accrued interest thereon. The board may also issue warrants payable at a future time or times in consideration of money loaned to the district for the purchase of any of its outstanding bonds or the refinancing or retiring of any outstanding contract; provided,

that the annual interest payable on the warrants so issued shall be less than the annual interest on the bonds purchased *or contract refinanced or retired* with the proceeds of said warrants. Any warrant made payable as aforesaid at a future date shall draw interest at a rate to be fixed by the board, not to exceed 6 per cent per annum, payable annually or semiannually as the board may prescribe, and the board may cause coupons, payable to bearer and in such form and to be signed as the board may prescribe, to be attached to such warrant to evidence such interest. No warrants made payable more than five years from the date thereof shall be valid unless the issuance of such warrants shall have been authorized by a majority of the electors voting at a special election called within the district by the board for the purpose of determining whether such warrants shall be authorized. Notice of any such election shall be given and such election shall be held and the result thereof determined as provided in Section 30d of this act. In case any district shall issue warrants payable at specified future dates as herein provided and such district shall own any land or other property which it is authorized by law to lease or sell, the board may, in the contract providing for the issuance of such warrants, agree that the proceeds of the leasing or sale of such land or other property, not required by law to be used for other purposes, may be allocated to the payment of such warrants or warrants, and in such case the income or proceeds of said land or other property so allocated shall not be diverted to any other purpose until such warrant or warrants shall have been paid in full."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Water Resources.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the balance of the legislative day:

Senator Seawell, on motion of Senator Powers.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 706—An act to amend Sections 10434 and 10435 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 161—An act to amend Section 21 of the Agricultural Code, relating to the salary of the Director of Agriculture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, and Ward—27.

NOES—Senators Collier, Judah, Mayo, Rich, and Tickle—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1924—An act to add Section 643.5 to the Agricultural Code, relating to dairies, and the exemption of dairies with six cows or less producing milk for manufacturing purposes only from certain requirements concerning equipment and facilities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Waggy, and Ward—34.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1925—An act to amend Section 496 of the Agricultural Code, relating to dairies and dairy products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Waggy, and Ward—34.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1088—An act to add a new section to be numbered 154.35 to Chapter 1 of Division 2 of the Agricultural Code, relating to permits to operate seed cleaning equipment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—35.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 74—An act making an appropriation for the eradication of dourine, a communicable disease of horses, mules, and asses; amending Section 182 of, and adding Section 207.7 to, the Agricultural Code, relating to animals affected with dourine; and declaring the urgency thereof.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 74:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
 SACRAMENTO, May 8, 1941

*To the Honorable Members of the Senate
 Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 74

"An act making an appropriation for the eradication of dourine, a communicable disease of horses, mules, and asses; amending Section 182 of, and adding Section 207.7 to, the Agricultural Code, relating to animals affected with dourine; and declaring the urgency thereof."

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 74 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Wagy, and Ward—33.

NOES—Senators Metzger, and Tickle—2.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 74.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenting, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—Senator Metzger—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An act to amend Section 12024.5 of the Business and Professions Code, relating to the sale of meat, fish and poultry by weight.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 9, of the printed bill, after the period, insert "The provisions of this section do not apply to the retail sale of any commodity sold in the wrapper or container in which it was received by the retailer from, and on which appears the net weight of the commodity therein as marked by, the manufacturer, packer, wholesaler, or jobber."

Amendment read and adopted.

Bill ordered printed, and to third reading.

INACTIVE FILE

Assembly Bill No. 1255—An act to amend Section 559½ of the Code of Civil Procedure, relating to alias writs of attachment.

Bill read.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, after "plaintiff", and before the comma, insert "at any time before judgment".

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "bond", and insert "affidavit for attachment or of a new undertaking".

Amendments read and adopted.

Bill ordered printed, and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 800—An act to amend Sections 2, 4, 7, 8, 9.2,

9.3, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 26, 28, 30, 32, 33 and 34 of The Personal Income Tax Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 11, line 43, of the printed bill, as amended, after "year," insert "including Federal income taxes,".

Amendment No. 2

On page 11, lines 46 and 47, of the printed bill, as amended, strike out "the Government of the United States or".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2519—An act to amend sundry article and chapter headings, to repeal Section 679a of, and to add Section 2876 to, the Penal Code, and to amend Section 6603 of the Welfare and Institutions Code, relating to prisons and prisoners.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "headings, to", insert "amend Section 3062 of, and to amend and renumber Sections 3056 and 3057 of, to".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, after "Section 1.", insert "The chapter heading of Chapter 5 of Title 1 of Part 3 of the Penal Code is hereby amended to read as follows:

Chapter 5. Employment of Prisoners [and Sale of Prison Made Products]
Sec. 1.5".

Amendment No. 3

On page 2, line 18, of the printed bill, as amended, after "Sec. 7.", insert "Section 3056 of the Penal Code is hereby amended and renumbered to read as follows: [3056.] 3057. The State board of Prison Directors shall have the power and authority to provide for assisting paroled prisoners and to secure employment for the same and for that purpose it may employ necessary officers and employees, may purchase tools, and give any other assistance that, in its judgment, it deems proper for the purpose of carrying out the objects and spirit of this section.

SEC. 8. Section 3057 of the Penal Code is hereby amended and renumbered to read as follows:

[3057.] 3056. Prisoners on parole shall remain under the legal custody of the State Board of Prison Directors and shall be subject at any time to be taken back within the inclosure of the prison.

SEC. 9. Section 3062 of the Penal Code is hereby amended to read as follows:

3062. The Governor of the State shall have like power to revoke the parole of any prisoner. The written authority of the Governor shall likewise be sufficient to authorize any peace officer to retake and return said prisoner to the State prison. His written order revoking the parole shall have the same force and effect and be executed in like manner as the order of [a member] the chairman of the board.

Sec. 10."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Keating moved that Senate Bill No. 1308 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Metzger moved that Assembly Bill No. 989 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Metzger moved that Assembly Bill No. 988 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 1012 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 1011 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 2358 be taken from the inactive file, and placed on the second reading file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Garrison, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 114 was refused passage, was continued until the next legislative day.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on May 22, 1941, having respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately;

And the Conference Committee, appointed by the Speaker of the Assembly having failed to agree with a similar Senate Committee, and having so reported to the Assembly, a Second Conference Committee is hereby appointed consisting of Messrs. Pfaff, Burns, Hugh M., and Weybret to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 255

Senate Bill No. 1329

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 44—Relative to the intent of the Legislature in enacting Assembly Bill No. 2332;

Senate Bill No. 45—An act to amend Section 23 of the Agricultural Prorate Act, relating to the termination of proration programs;

Senate Bill No. 72—An act to add Sections 408 and 467 to the Revenue and Taxation Code, relating to property taxation, including inspection of information and records in the county assessor's office, and the filing of statements pertaining to specified property subject to taxation, to take effect immediately;

Senate Bill No. 74—An act to amend Section 110 of the Revenue and Taxation Code, relating to property taxation and the determination of the actual value of intangibles, to take effect immediately;

Senate Bill No. 211—An act to amend Section 1151 of the Insurance Code, relating to insurance;

Senate Bill No. 545—An act to provide for the acquisition, development, and disposal of electrical power by Palo Verde Irrigation District and granting to said district right of ways for electric light and power lines;

Senate Bill No. 639—An act to amend Section 1 of "An act to provide for the creation of a Commission on Uniform State Laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses," approved May 14, 1927, relating to the Commission on Uniform State Laws;

Senate Bill No. 880—An act to add Section 1100.1 to the Insurance Code, relating to investments and advancements of credit by insurers;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-seventh day of May, 1941, at 2 p.m.

RICH, Chairman

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1871

Assembly Bill No. 1922

Assembly Bill No. 106

Assembly Bill No. 886

Assembly Bill No. 1146

Assembly Bill No. 887

Assembly Bill No. 2115

Assembly Bill No. 888

Senate Bill No. 1159

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 165

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1639

Assembly Bill No. 1019

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2611

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; noes 1; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2336

Assembly Bill No. 2526

Assembly Bill No. 2447

Assembly Bill No. 2527

Assembly Bill No. 356

Assembly Bill No. 773

Assembly Bill No. 419

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 442

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; noes 2; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1346

Assembly Bill No. 1841

Assembly Bill No. 1355

Assembly Bill No. 1917

Assembly Bill No. 1481

Assembly Bill No. 2212

Assembly Bill No. 1514

Assembly Bill No. 2245

Assembly Bill No. 1518

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

DELAP, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1511

Assembly Bill No. 2100

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

DELAP, Chairman

Above reported bills ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 357

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1135

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Assembly Bill No. 434

Assembly Bill No. 707

Assembly Bill No. 438

Assembly Bill No. 2120

Assembly Bill No. 508

Assembly Bill No. 2458

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1415

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 396

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1824

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1765

Assembly Bill No. 1662

Assembly Bill No. 891

Assembly Bill No. 1664

Assembly Bill No. 2596

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

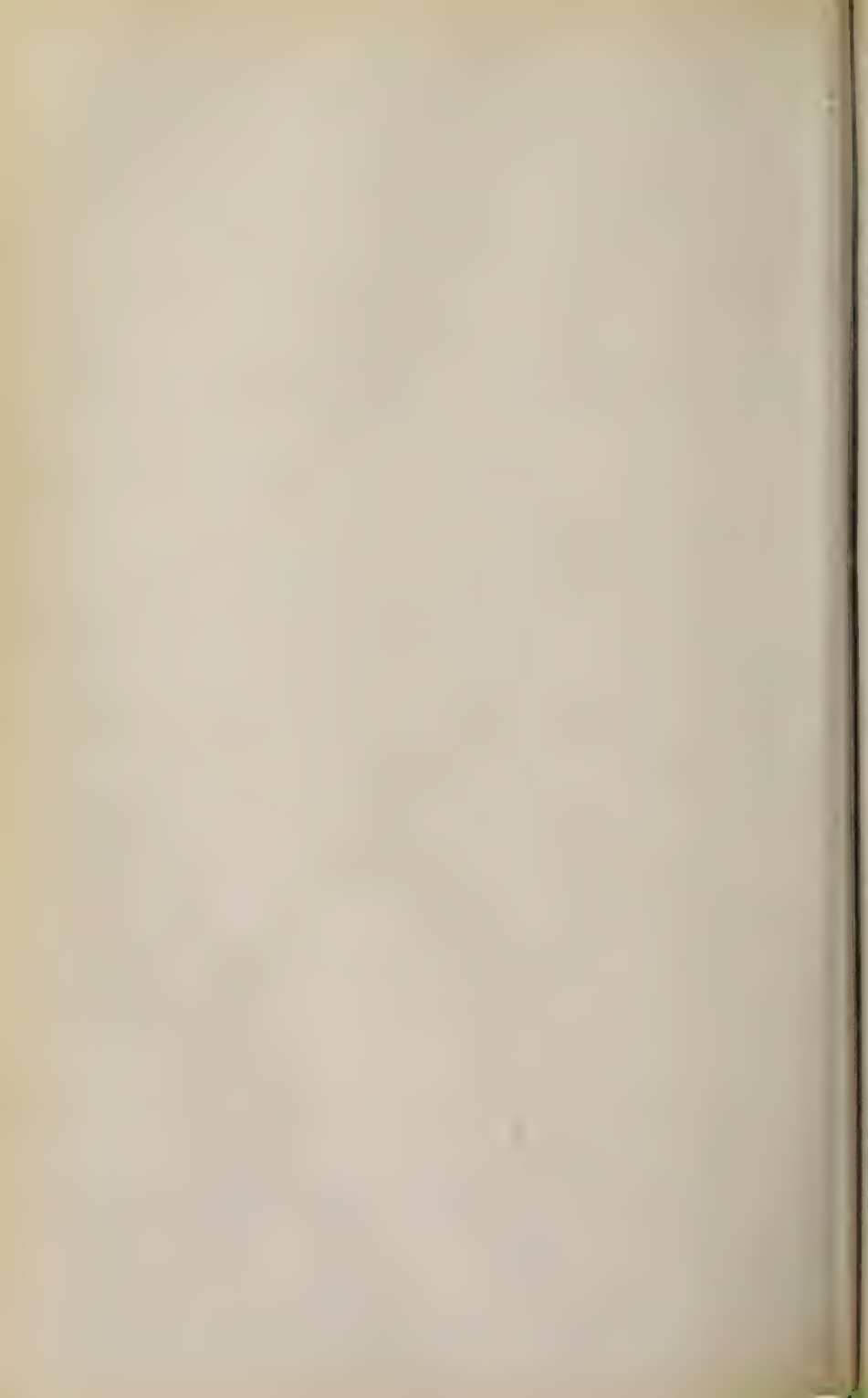
Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

ADJOURNMENT

At 6.05 p.m., on motion of Senator Mixer, the President declared the Senate adjourned until 1.30 p.m., May 28, 1941.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

SEVENTY-NINTH LEGISLATIVE DAY
ONE HUNDRED FORTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, May 28, 1941

The Senate met at 1.30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Collier, DeLap, Denel, Fletcher, Foley, Garrison, Kenny, Luckey, Mayo, Mixer, Powers, Seawell, Slater, Tickle, and Ward—16.

Call of the Senate

Senator Mixer moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to R. E. Toomey of San Francisco.

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lewis H. De Castle of Santa Rosa.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Warren B. Pinney and Henry Lockwood of Palm Springs.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Edward F. Pirazzini, manager, San Diego Fishermen's Union, of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Mecum, teacher, and the following members of the high seventh social studies class of Leland Stanford Junior High School, of Sacramento: Richard Alderman, Dolores Black, Gail Blecher, Walter Borg, Patsy Burgess, Pat Burns, Barbara Bybee, Bill Davis, Hoover Ebbert, Marilyn Evans, James Faltrick, Bill Garrett, Russel Gordon, Lola Mae Holter, Joye Loughton, Danny Machado, Betty Miller, Betty Nicolosi, Joe O'Keefe, Caesar Parada, June Pettit, Albert Powell, Diane Roll, Jack Sanford, Arthur Scarrone, Janis Schluckebier, Edward Stephens, Barbara Thielbhar, Dick Wagner, Bill Winegar, Daryl Anderson, Avennell Coleman, Bernice Goulding and Wanda McCall.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mary Harrington Drake, Mrs. Hattie Kilborn, teachers, and the following students from the Beaver Union School, Sacramento County: Noah Furtado, Jr., Lee Jun Min, Tony Menezes, Joe Novo, Jr., Daniel Viegas, John Castro, Alvin Ferreira, Mabel Carlos, Annie Castarho, Audrey Patrick, Frances Victorine, Fernanda Volpi, Leo Benitas, Walter Carlos, Bill Brinkley, Mitsuo Nakurishi, Paul Anadon, Edda Massoni, Magdalena Benitas, Helen Ferrandes, Kimiyo Tokuyoshi and Lorraine Bettencourt.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 28, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the twenty-seventh day of May, 1941, at 11 p.m., Senate Bill No. 877 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable John F. Shelley, member of the Senate.

Respectfully submitted,

CULBERT L. OLSON, Governor

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 27, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

I am returning herewith, without my signature, Senate Bill No. 877, entitled: "An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134, 1135 and 1136 to Part 3, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts."

My objections to this bill are found in the provisions of the Constitution of the United States and of the State of California, and in my oath of office to support them.

According to my understanding of those provisions and their interpretation by the Supreme Court of the United States and the Supreme Court of this State, I could not approve this bill without violating that oath.

"Hot Cargo" declared by this bill to be unlawful is defined to mean "any combination or agreement resulting in a refusal by employees to handle goods or to perform any services for their employer because of a dispute between some other employer and his employees or a labor organization or any combination or agreement resulting in a refusal by employers to handle goods or perform any services for another employer because of an agreement between such other employer and his employees or a labor organization."

"Secondary Boycott" also declared by this bill to be unlawful is defined to mean "Any combination or agreement to *cease performing any services for any employer* or to cause any loss or injury to such employer, or to his employees, *for the purpose of inducing or compelling such employer to refrain from doing business with, or handling the products of any other employer, because of a dispute between the latter and his employees or a labor organization, or any combination or agreement to cease performing or to cause any employer to cease performing any services for another employer, or to cause any loss or injury to such other employer, or to his employees, for the purpose of inducing or compelling such other employer to refrain from doing business with, or handling the products of any other employer, because of an agreement between the latter and his employees or a labor organization.*"

In other words, this bill declares it unlawful for employees by agreement among them to cease work for an employer if that refusal is because of a dispute between another employer and his employees, and declares it unlawful for employees to cease work for any employer for the purpose of inducing such employer to refrain from doing business with or handling the products of any other employer because of a dispute or an agreement between the latter and his employees, regardless of their interest in or what may be the effect of any such circumstance upon their rights and the rights of other employees to accomplish effective collective bargaining; and, as stated by the Legislative Counsel in his report, the language of the bill defining "secondary boycott" clearly includes peaceful picketing as being unlawful unless narrowly limited to a place where there is a direct employer-employee relationship.

The Supreme Court of the United States has held such laws unconstitutional in that they violate rights guaranteed by the First and Fourteenth Amendments to the Constitution of the United States; rights which are also guaranteed by Sections 9 and 10 of Article I of the Constitution of California. The Legislative Counsel's opinion says:

"The action of the United States Supreme Court in these two cases is persuasive to the effect that freedom of speech is not to be limited by a State's declaration of whether its purpose is lawful. It seems to be the court's view that peaceful picketing is identified with the constitutional guaranty of free speech and is to be judged according to the principles governing the exercise of that right. It can not be narrowly restricted by a State's declaration of what it deems to be the proper field for its exercise. It seems to us that in broadly outlawing secondary picketing, whether peaceful or not, Senate Bill No. 877 goes too far and is unconstitutional in that respect." (Citing *American Federation of Labor v. Suing* (1941), 61 Supreme Court 568; *Looney v. Miller's, Inc.* (1941), 61 Supreme Court 732.)

I am keenly and sympathetically aware of the feelings of individual employers who feel that instances in the operation of the secondary boycott or "hot cargo" pressure of organized employees of another employer unjustly affect and injure their own normal operations, because they are not directly parties to that other employer's dispute with his employees.

But the answer to this complaint is found in the following language of the Supreme Court of California, 100 Cal. Dec., p. 407:

"although the respondent argues that a person secondarily boycotted is an innocent third party caught between the upper and lower millstones of an industrial dispute in which he has no interest, this is clearly not correct. One who sells a product of a merchant or manufacturer who is engaged in a labor dispute with his employees, inescapably becomes an ally of the employer. He has a direct unity of interest with the one being struck. By providing an outlet for that product, he enables the employer to maintain the working conditions against which labor is protesting. And unless the union is allowed to follow the product to the place where it is sold and to ask the public by peaceful representations to refrain from purchasing it, the workers have no real opportunity to tell their story to those whose interest or lack of interest will, in large measure, determine the issues in dispute. (*Goldfinger v. Feinbuch*, 276 N. Y. 281, 11 N. E. (2d) 910.)"

It is inevitable, in the maintenance of the civil liberties of our democracy involved in the economic struggle in the field of industry and commerce where workers and employers exercise their collective economic power for the attainment of what they consider to be their just rights, that incidental hardship may be suffered by individuals only indirectly involved and which they are powerless to prevent. But fundamental constitutional rights and civil liberties which our country is now preparing to defend against the enemies of democracy can not be set aside in order to avoid those incidental hardships. The way must and undoubtedly will be found in adjustments which will necessarily evolve from the preservation of those rights.

Everyone, even the proponents of this bill, will agree that the rights of employees to unionize and to strike and to peacefully picket in the enforcement of their rights to bargain collectively are just and fundamental rights of our American system; yet this bill would destroy the effective, peaceful and orderly exercise of those rights.

In fact, it goes further and denies the right of employees to quit work for any of the reasons mentioned in the bill. It says continuance at work under such circumstances is compulsory. I have not found any statute or ordinance of any State or municipality which has ever gone so far in attempts to defeat or circumscribe the rights of organized workers. This bill says to a union of workers engaged in an economic struggle with their employer to better their wages or working conditions, "You can not ask other employees to assist you in your struggle." And it says to a union of other employees, "You must continue to work on materials furnished by another plant in which that struggle exists, and you may be sent to jail if you fail to continue at work on those materials, although by so doing you will aid in destroying your own union." (254 U. S. 443.)

I believe that most Americans, without looking at any law books, would say that under our American system of government and the rights guaranteed by our Constitution, if a man does not want to work, he can not be made to do so whatever his reasons; that he can use this right to quit work for any reason he sees fit, either individually or collectively; that is, he can quit his job alone, or he can walk out with other employees of a similar mind.

So analyzed, I believe the average American will agree that no matter what the purpose, or how some people may have abused their right to quit work or to strike, you can't make a free man work in private enterprise, and that therefore such a bill as this would violate our fundamental rights of liberty and freedom from involuntary servitude.

In the case of *Thornhill vs. Alabama*, 60 Supreme Court Reports 736, is the final and conclusive determination by our highest court of the unconstitutionality of a bill such as this. In that case the court held as follows (pages 744-5) :

"The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. . . .

"In the circumstances of our times the dissemination of information concerning the facts of a labor dispute must be regarded as within that area of free discussion that is guaranteed by the Constitution. *Hague v. C. I. O.*, 307 U. S. 496, 59 S. Ct. 954, 83 L. Ed. 1423; *Schneider v. State*, 308, U. S. 147, 155, 162, 163, 60 S. Ct. 146, 151, 84 L. Ed. ____ See *Senn v. Tile Layers Union*, 301 U. S. 468, 478, 57 S. Ct. 857, 862, 81 L. Ed. 1229. It is recognized now that satisfactory hours and wages and working conditions in industry and a bargaining position which makes these possible have an importance which is not less than the interests of those in the business or industry indirectly concerned. The health of the present generation and of those as yet unborn may depend on these matters, and the practices in a single factory may have economic repercussions upon a whole region and affect widespread systems of marketing. The merest glance at State and Federal legislation on the subject demonstrates the force of the argument that labor relations are not matters of mere local or private concern. Free discussion concerning the conditions in industry and the causes of labor disputes appears to us indispensable to the effective and intelligent use of the processes of popular Government to shape the destiny of modern industrial society. The issues raised by regulations, such as are challenged here, infringing upon the right of employees effectively to inform the public of the facts of a labor dispute are part of this larger problem. We concur in the observations of Mr. Justice Brandeis, speaking for the Court in *Senn's* case (301 U. S. at page 478, 57 S. Ct. at page 862, 81 L. Ed. 1229): 'Members of a union might, without special statutory authorization by a State, make known the facts of a labor dispute, for freedom of speech is guaranteed by the Federal Constitution.'

In the case of *American Federation of Labor vs. Swing*, Justice Frankfurter placed even greater emphasis upon the inviolability of the right of "peaceful picketing of peaceful persuasion" in the following language, which in my opinion is determinative that this bill is unconstitutional :

"We are asked to sustain a decree which for purposes of this case asserts as the common law of a State that there can be no 'peaceful picketing or peaceful persuasion' in relation to any dispute between an employer and a trade union unless the employer's own employees are in controversy with him.

"Such a ban of free communication is inconsistent with the guarantee of freedom of speech. That a State has ample power to regulate the local problems thrown up by modern industry and to preserve the peace is axiomatic. But not even these essential powers are unfettered by the requirements of the Bill of Rights. The scope of the Fourteenth Amendment is not confined by the notion of a particular State regarding the wise limits of an injunction in an industrial dispute, whether those limits be defined by statute or by the judicial organ of the State. A State can not exclude workmen from peacefully exercising the right of free communication by drawing the circle of economic

competition between employers and workers so small as to contain only an employer and those directly employed by him. The interdependence of economic interest of all engaged in the same industry has become a commonplace. *American Foundries v. Tri City Council*, 257 U. S. 184, 209. The right of free communication can not therefore be mutilated by denying it to workers, in a dispute with an employer, even though they are not in his employ. Communication by such employees of the facts of a dispute, deemed by them to be relevant to their interests, can no more be barred because of concern for the economic interests against which they are seeking to enlist public opinion than could the utterance protected in *Thornhill's* case. "Members of a union may, without special statutory authorization by a State, make known the facts of a labor dispute, for freedom of speech is guaranteed by the Federal Constitution." *Senn v. Tile Layers Union*, 301 U. S. 468, 478."

Since the United States Supreme Court handed down these and like decisions, State courts of last resort in several States have reversed their former decisions in conflict therewith.

In the case of *E. L. Kerna Co. vs. Landgraf et al.*, decided by the New Jersey Court of Errors and Appeals on December 12, 1940, the court held that it was lawful for the union to distribute circulars and cards among customers, and prospective customers of the employer, informing them that such employer's products were nonunion made.

The court in that case reviewed the various decisions of the United States Supreme Court on the subject, and upheld the right of a union to compete with nonunion concerns by means of informing the public that such concerns were producing goods made by nonunion workers. In that connection the court had the following to say:

"If a merchant may freely, fairly, honestly and peacefully compete with other merchants, as is the common daily practice, by means of advertisements in the press, (or) by circulars, or by his window display' or by radio, so a union may in like manner, here by circulars, compete with nonunion concerns for customers. Such competition violates no rule of common law or otherwise; nor does it trench upon any provision of either our State or Federal Constitution. Cf. *Senn v. Tile Layers &c. Union*, 301 U. S. 468, 482, 81 L. Ed. 1229, 1238. (For the right generally to distribute circulars see, *Lovell v. Griffin*, 303 U. S. 444, 52 L. Ed. 949; *Schneider v. New Jersey*, 308 U. S. 147 (5 LRR Man. 659); *McLean v. Mackay*, 124 N. J. L. 91, 10 A. 2d 733). If injury results from the stated competition it is *damnum abaque injuria*.

"(Free Speech and Press)

"Additionally, we are of the opinion, and so hold, that, under the circumstances exhibited in the instant case, the restraint imposed constitutes an infringement of the union's right of freedom of speech and freedom of press both under our State and Federal Constitutions, notwithstanding the fact that there was no strike nor dispute between complainant and its employees. For an analogy in principle compare, *Thornhill v. Alabama*, supra; *Cassion v. Shasta County, California*, Adv. Opinions, U. S. Sup. Ct. Vol. 84, No. 13, p. 668 (6 LRR 318)."

The Kentucky Court of Appeals in the recent case of *Blanford et al. v. Press Publishing Company*, decided February 28, 1941, held secondary boycott as lawful and as an exercise of constitutional right of freedom of speech and of the press. It reviewed the recent decisions of the Supreme Court on the subject and held in effect that the U. S. Supreme Court being the final interpreter of the Federal Constitution the State court must follow its decisions. In this connection it held:

"Since the Supreme Court is the final interpreter of the Federal Constitution, no distinction may hereafter be drawn by a state court between the acts which may be committed by employees in furtherance of their interests and those which may be committed by nonemployee members of a labor union in the furtherance of its interests. Hence, members of any labor union, so long as they refrain from acts of violence, may not be enjoined from picketing the premises of any person against whom the union has a grievance, or from conducting a boycott against his business, notwithstanding the consequences to him, his accord with his own employees, or his inability to grant the demands made upon him by the union.

"Since the appellants are members of bona fide labor unions, and, in attempting to compel the unionization of appellee's printing establishment, did not resort to acts of violence, it is wholly immaterial that by advertisements and personal interviews in which the facts were stated and consequences intimated, they induced many of appellee's patrons to withhold their patronage. Appellants were exercising rights guaranteed to them by the Constitution and construed by the Supreme Court and lesser courts are powerless to afford appellee any relief."

The last expression of the Supreme Court of California on the subject is the case of *McKay v. Retail Automobile Salesmen's Union*, 100 Cal. Dec. 347. The Supreme Court in that case reviewed nearly all of the previous decisions of that court, pointing out that workmen may associate together and exert various forms of economic pressure upon employers. It held (at page 352) as lawful the right to strike, to boycott, primarily and secondarily, and to picket, using the following language and references:

"Concerning the means used, it must be taken as settled in this State, that workmen may associate together and exert various forms of economic pressure upon employers, provided they act peaceably and honestly. The conventional means of exerting this economic pressure which have been held lawful are the strike (*Pierce v. Stablenen's Union*, (1909) 156 Cal. 70; *Parkinson v. Building Trades Council*, (1908) 154 Cal. 581; *So. Calif. Iron & Steel Co. v. Amalgamated Assn.*, (1921) 186 Cal. 604; *Lisse v. Local Union*, (1935) 2 Cal. (2d) 312); the boycott, both primary and secondary (*Parkinson v. Building Trades Council*, supra; *Pierce v. Stablenen's Union*, supra; *So. Calif. Iron & Steel Co. v. Amalgamated Assn.*, supra); and the picket (*Lisse v. Local Union*, supra; *In re Lyons*, 27 Cal. App. 182)."

The right to picket was held by the court in that case as one guaranteed by the Constitution as an incident of freedom of speech. In that connection the court said further (page 352):

"It is true that the early cases in the state intimated that picketing in any form was illegal (*Rosenberg v. Retail Worker's Assn.*, 39 Cal. App. 47 (1918); *Pierce v. Stablenen's Union*, supra), and that *Moore v. Cook's Union*, 39 Cal. App. 538, held that peaceful picketing was per se unlawful. However, those conclusions were expressly renounced by this court in *Lisse v. Local Union*, supra. Indeed, the modern trend of decision clearly indicates that the right to picket peacefully and truthfully is one of organized labor's lawful means of advertising its grievances to the public, and as such is guaranteed by the Constitution as an incident of freedom of speech. (*Carlson v. California*, 84 L. Ed. 668 (1940); *Thornhill v. Alabama*, 84 L. Ed. 659 (1940); *In re Lyons*, supra (1938); *People v. Harris*, 91 Pac. (2d) 989 (Cal. 1939); 48 Yale L. J. 308, 312 (1938).) But the law clearly requires that concerted action by union workers be peaceful. Acts of violence or 'acts amounting to physical intimidation' will be enjoined. (*Goldberg etc. Co. v. Stablenen's Union*, 149 Cal. 429 (1906); *So. Calif. Iron & Steel Co. v. Amalgamated Assn.*, supra; *Lisse v. Local Union*, supra.)"

In the case of *In re Lyons*, 27 Cal. App. (2d) 293, the first expression was made by our appellate court that the right to picket was a constitutional right that could be exercised not only by employees but by anyone else. In that case the right of citizens to picket the market because it would not close on Sundays was upheld. The court upheld this universal right of picketing in the following language:

"We can not see how the right to peacefully picket, under the guaranty of free speech, could be confined to cases in which there exists a dispute between an employer and organized labor over hours or conditions of employment of nonunion men and not extended to a dispute between a business man and any citizen or group of citizens who may differ with him on a question of business policy. The guaranty of the right of free speech is general and extends to every class or group of citizens."

The right of boycott and picketing, being a Constitutional right, can not be enjoined by any legislative enactment.

It should be pointed out that this attempt to restrict this fundamental constitutional right is only limited to the activities of workers and labor organizations, or persons who would assist them. As such, it is class legislation. The bill makes it unlawful for an employee to refuse to handle goods because of a dispute between another employer and his employees, or a labor organization. That same employee would have the right to refuse to handle goods because it was produced by slave labor, child labor, or under any other circumstance which that person thought in the light of his reasoning and his conscience was wrong, and as such, to be discouraged.

The bill makes it unlawful for a person to bring economic pressure on an employer in an effort to induce such employer to refrain from doing business with, or handling the products of any other employer because of a dispute between the latter and his employees, but would permit any group of citizens to exercise the same economic coercion on that employer because he sells Japanese goods.

The proponents of the bill seem oblivious to the fact that there is a unity of interest among all workers. This fact was recognized by Justice Taft years ago in the case of *American Foundries vs. Tri-City Central Trades Council*, 257 U. S. Supreme Court Reports (at p. 209), in the following language:

"Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have

long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body, in order, by this inconvenience, to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has, in many years, not been denied by any court. The strike became a lawful economic struggle or competition between employer and employees as to the share or division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because, in the competition between employers, they are bound to be affected by the standard of wages of their trade in the neighborhood. Therefore, they may use all lawful propaganda to enlarge their membership, and especially among those whose labor at lower wages will injure their whole guild."

They overlooked the fact that the standard of wages and working conditions prevailing in one plant, or locality, may be seriously jeopardized by the payment of lower wages by another employer, and especially is this true if it is in the same industry. Workers receiving fair wages from employers who want to maintain the American standards of living are duty bound to protect themselves and that employer from the unfair competition from other chiseling and cut-throat competitors, by means of boycott and picketing.

To hold otherwise, and to compel a worker, or an employer from exercising his fundamental right to purchase, or work on any material which they feel would seriously jeopardize the employer's business, and the standards of wages and working conditions established in his business, would be to compel such employer and his employees to destroy themselves.

However, the proponents of this bill do seem to realize the force of the foregoing objections as evidenced by its provision, inserted by way of amendment, that it is to remain in effect only during the defense emergency.

If constitutional guarantees are to be set aside for the safety of the Nation in war or in any of the conditions of National emergency, it is not for the Legislature of any one State to do so. That is the function of the Congress of the United States, in the exercise of its power to provide for the common defense, or of the President under powers delegated to him by Congress. Nor should any temporary suspension of constitutional rights be confined to workers in private industries, whether they be National defense industries or all other industries to which this bill would apply. No such action was taken even by the National Government in the first World War. It was not considered expedient to do so. President Wilson, in 1917, said:

"The highest and best form of efficiency is the spontaneous cooperation of free people."

The leaders, legislative and executive, of this Nation in 1917, when it was engaged in the first World War, agreed that the rights of labor should be preserved and protected, not only because of the dictates of human decency, but because high efficiency in industrial production can be secured in no other way.

Exigencies for National safety in time of war may require the conscription of both capital and labor, but it is not for the Legislature of any one State to do so as to either, but that is not the motive behind this bill. It is, in its essence, the same measure as Proposition No. 1, placed by certain employing interests on the 1938 ballot of California's general election in November of that year, and which the people overwhelmingly defeated.

As to the needs for any constitutional legislation to protect defense industries and maintain peaceful industrial relations in our State, we now have ample laws against violence or disorderly conduct, laws for the protection of the rights of persons and property. They should be thoroughly and unrelentingly enforced, whether against members of labor unions or other groups.

I signed Senate Bill No. 180, known as the "Anti-Sabotage Bill" which provides that whoever intentionally and maliciously destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States for defense or for war, shall be guilty of a felony. That bill provided, and it is now the law, that portions of public highways could be closed to public use if the property abutting thereon is used in the manufacture of products to be used in National defense, if the Highway Commissioner decided that the public safety, the safety of the property so required; and I believe that these provisions will go a long way toward preventing any picketing designed to impede the National defense. One must also remember that picketing in any case to be lawful must be

peaceful, and that if the picketing is carried on with force or violence or in any way in an unlawful manner, it is the duty of the law enforcement officers and the courts under the present law to prevent such picketing from going beyond the lawful limits. Too often the public mind is given the picture of lawful picketing as embracing the right to obstruct highways, to waylay workers, to barricade entrances to plants and like forcible and unlawful measures, but the fact of the matter is that such acts are at present unlawful and may be restrained and prevented under the present law.

Peaceful industrial relations are desired by all loyal and right thinking citizens. But this can not be accomplished by class legislation, such as this bill, which would deprive organized groups of workers of their fundamental economic and constitutional rights.

If this bill were to go on our statute books, operations under it would, in my humble judgment, foment unprecedented industrial strife in our State, interrupting beyond any previous experience the normal course of industry and commerce. I fear that injunctions issued under it would be disrespected by organized workers affected as unconstitutional and discriminating, and dislocations in industrial relations would be greatly increased.

It would delay the complete realization of the fundamental rights of employees and the responsibilities which go with these rights. Our need is for better understanding between employers and employees of their rights and responsibilities, and closer cooperation for the betterment of both and for service to the public; mediation and conciliation services, instead of laws like this bill, which would only agitate and arouse bitterness and antagonism between labor and management.

I am thoroughly aware of the urgency which faces California labor, industry and agriculture in fulfilling their commitments and their patriotic duties in the National Defense Program.

Lockouts and strikes, particularly in the defense industries, seriously conflict with the National purpose to rapidly and adequately turn out defense armaments. The security of the Nation can not and should not be jeopardized by the exercise of these economic weapons, and the citizens of California can not be expected, at this juncture in the Nation's affairs, to look with favor upon stoppages in defense preparedness work over disputes between labor and management.

The President has called for National unity. He has asked labor and management in defense industries to accept the recommendations of the National Board of Conciliation in the settlement of their differences and to keep all work going. It is my conviction that California management and labor will respond patriotically to that duty, and I shall continue my efforts to make that response complete throughout the State.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 27, 1941

To the Senate and Assembly of the State of California

GREETINGS: In my Budget Message to you on January 24, 1941, I pointed out that the capital outlays recommended in the Budget for the next biennium included only those "must" items requiring immediate attention; calling your attention, however, to the fact that the State Government is badly in need of additional buildings and that there are many capital outlays which should be undertaken at the proper time as a part of a long term building program to be formulated after a careful survey of the housing needs of the State Government and its institutions.

Such a survey has been made and a program formulated covering the needs for capital construction, improvements, and equipment at the State hospitals, homes, correctional schools, prisons, State colleges, State schools, veterans' homes, California National Guard, University of California, and State office buildings, and extending the construction over a period of 10 years, which I herewith present to you.

This building program, with the exception of that for the University of California, has been prepared by the Department of Public Works and the Director of Finance, after consultations with representatives of each of the several agencies listed in the program. The proposed outlays for the University of California were prepared by the university under the direction of the Board of Regents. The entire program has my approval. This 10 Year Building Program makes provision for additional capacity for the contemplated normal increase in institutional population during each biennium, and also to relieve substantially all of the overcrowding now existing in the various State institutions. Similarly, provisions for increased enrollment in our State colleges has also been provided for in the program.

The items for each agency are listed in the order of their relative importance as to first requirements.

Included in this building program are provisions for State office buildings in several cities throughout the State, for which there is pressing need and which

consideration of economy requires. The State is now paying \$967,700 annually for rented office space in privately-owned buildings. While in some places where space is rented it would not be economical for the State to construct permanent buildings because of the temporary nature of the services rendered or because the space required is nominal, efficiency and economy would be served by the construction of the buildings proposed in this plan for State offices in many of the larger localities where State offices are permanently maintained.

In Sacramento the State is now paying \$417,800 annually for rented office space in privately-owned buildings. The Department of Employment and the Department of Social Welfare are both in need of additional space not now available in State-owned buildings. In this building program provision is made for the purchase of a site and construction of a Social Security Building to house both the Department of Employment and the Department of Social Welfare. The cost of this building will be reimbursed to the State by the Federal Government over a period of 45 years through payment of rent. Upon construction of a Social Security Building, the old Public Works Building at Eleventh and P Streets in Sacramento will be available for some of the other State agencies now occupying rented space in privately-owned buildings.

In Los Angeles the State is paying \$238,200 annually for rented office space. This building program provides for the construction of an additional office building there.

In the second biennial period of this proposed 10-Year Building Program, an additional office building is provided for San Francisco, where the State is now paying \$236,200 annually for rented space in privately-owned buildings.

In the third biennial period a new office building is provided for Oakland, and a new office building for Fresno. In Oakland the State is expending \$47,000 annually for rented office space and in Fresno \$32,000 annually.

In the fourth biennial period an additional office building is provided for Sacramento to further eliminate the need for rented space in privately-owned buildings.

In the fifth biennial period an office building is provided for San Diego, where the present annual rental for State office space in privately-owned buildings is \$27,000 annually, and an office building is provided for San Jose, where the annual rental paid is \$19,700.

In my Budget Message to you I stated "Whether we should enter upon a construction program at this time in competition with the Federal Government's Program of Defense Construction is a question meriting your immediate and serious study." It is evident now that economic activities within our State will reach new levels during the coming two years. After that time the problem of unemployment will again become as burdensome and as acute in all of its manifestations as ever before, if not more so.

I am convinced that the State, except for those items of construction which are mandatory, should not undertake construction at this time in competition with the Federal Government's National Defense Construction Program, nor until the Federal Government has substantially completed its construction activities. A similar recommendation has been made by the Federal Director of the Bureau of Budget. The Director of the Bureau of Budget of the United States Government recently requested all public agencies to delay their construction activities until after the National emergency has passed.

Therefore, in submitting this State Building Construction Program for your consideration, I respectfully recommend that if it shall meet with your approval, it be adopted by appropriate legislation and that the amount required for the first biennial period of this program be appropriated with this provision: That this appropriation shall not be available for expenditure until July 1, 1943, unless a State Building Commission, composed of the Governor, the Director of Public Works, the State Controller, the State Director of Education, the Director of the Department of Employment, the Director of Finance, and the President of the University of California, determines and certifies to the Secretary of State that unemployment exists in the building and construction trades, and that the State should undertake immediately that portion of the construction program provided for by this appropriation which will assist in relieving such unemployment conditions, and that upon this certification the Department of Public Works shall proceed with the construction.

There are bills available in the Legislature making blank appropriations to all State agencies, which can be used to carry out the above recommendations.

To make the plan effective, it is essential that an appropriation be made for the support of the Division of Architecture in the amount of 3.95 per cent of whatever sum, except that for the University of California, is appropriated for construction. This appropriation for the Division of Architecture will be used during the next two-year period in making the necessary survey and preparing building plans and specifications so that sufficiently prior to July 1, 1943, unless the State Building Commission so designated makes money available sooner, the Division of Archi-

ecture may call for bids in time for all construction projects to begin immediately after that date.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 8
Senate Bill No. 10
Senate Bill No. 122
Senate Bill No. 171
Senate Bill No. 212
Senate Bill No. 231
Senate Bill No. 411
Senate Bill No. 453
Senate Bill No. 454
Senate Bill No. 457

Senate Bill No. 459
Senate Bill No. 460
Senate Bill No. 469
Senate Bill No. 521
Senate Bill No. 690
Senate Bill No. 845
Senate Bill No. 1157
Senate Bill No. 1249
Senate Bill No. 1253
Senate Bill No. 109

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 1

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 58
Senate Bill No. 140
Senate Bill No. 169
Senate Bill No. 174
Senate Bill No. 283
Senate Constitutional Amendment No. 6

Senate Bill No. 408
Senate Bill No. 779
Senate Bill No. 982
Senate Bill No. 1071

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 476
Assembly Bill No. 1271
Assembly Bill No. 1717
Assembly Bill No. 2036
Assembly Bill No. 2112

Assembly Bill No. 2273
Assembly Bill No. 2629
Assembly Bill No. 2631
Assembly Bill No. 2640

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 28

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 476—An act to add Section 170.1 of the Fish and Game Code, relating to fish and game refuges and preserves.

Referred to Committee on Fish and Game.

Assembly Bill No. 1271—An act to amend Sections 468, 511 and 758 of, and to add Sections 468.2, 511.1, 511.2, 511.3 and 511.4 to, the Vehicle Code, relating to the regulation of speeds on public streets and highways.

Referred to Committee on Transportation.

Assembly Bill No. 1717—An act to amend Sections 736.1 and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Referred to Committee on Agriculture.

Assembly Bill No. 2036—An act to amend Sections 2101, 2103, 2104, 2105, 2106, 2110, 2150, 2153, 2156, 2201, 2205, 2206, 2250, 2251, 2253, 2304, 2350, 2353, 2400, 2401, 3871, 3878, 3879 and 3880 of, to add Section 3873 to, and to repeal Sections 2109, 2151, 2154, 2202, 2257, 2302, 2303, 3873, 3874, 3875, 3876 and 3877 of, the Elections Code, relating to Presidential primaries.

Referred to Committee on Elections.

Assembly Bill No. 2112—An act to add Section 65.1 to the State Civil Service Act, relating to the establishment of new classes of positions in the State civil service.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2273—An act to amend Section 6359 of the Revenue and Taxation Code, Section 5 of the Retail Sales Tax Act of 1933, and Section 4 of the Use Tax Act of 1935, relating to the exemption of food products.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 2629—An act to add Section 770.1 to the Vehicle Code, relating to the disposition of fines and forfeitures by cities of the first and one-half class.

Referred to Committee on Transportation.

Assembly Bill No. 2631—An act to add Part 1.5, comprising Sections 5700 to 5784, inclusive, to Division 8 of the Harbors and Navigation Code, relating to the formation of harbor improvement districts in more than one county, providing for the issuance of bonds and the levying of taxes therefor, and for the management, maintenance and control thereof.

Referred to Committee on Local Government.

Assembly Bill No. 2640—An act to amend Section 737qq of the Political Code, relating to salaries of superior court judges in Santa Clara County.

Referred to Committee on Local Government.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the first paragraph of Section 22 of Article XX of the Constitution of the State, relating to the legal rate of interest on loans.

Referred to Committee on Financial Institutions.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 42

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 484

Senate Bill No. 537

Senate Bill No. 762

And reports the same correctly re-engrossed.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1159—An act to amend Section 2931a of the Civil Code, relating to making the State of California a party to certain actions pertaining to real property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1308—An act to promote the use of milk and milk products, to provide for the raising and expenditure of money therefor, and for the establishment of a State agency to carry out the purposes of this act.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1342—An act to amend Section 374½ of the Penal Code, relating to the sale and use of drugs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2164—An act to add Section 15035 and Sections 17821 to 17829, inclusive, to the Health and Safety Code, relating to definition of "Building unfit for human habitation" and providing for demolition, closing or repair thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended, after "wind", insert "and by reason of such condition are dangerous to human life or detrimental to health".

Amendment No. 2

On page 1, line 16, of the printed bill, as amended, after "lean", insert "and by reason of such condition are dangerous to human life or detrimental to health".

Amendment No. 3

On page 2, line 2, of the printed bill, as amended, after the word "building", insert "and any mortgagee or beneficiary under any deed of trust, of record."

Amendment No. 4

On page 2, line 9, of the printed bill, as amended, after the period, insert "If such building is encumbered by a mortgage or deed of trust, of record, and the owner of such building shall not have complied with the order of the enforcement agency on or before the expiration of 30 days after the mailing and posting of the notice, the mortgagee or beneficiary under such deed of trust, may within 15 days after the expiration of said 30-day period, comply with the requirements of the order of the enforcement agency, in which event the costs to such mortgagee or beneficiary shall be added to and become a part of the lien secured by said mortgage or deed of trust and shall be payable at the same time and in the same manner as may be prescribed in said mortgage or deed of trust for the payment of any taxes advanced or paid by said mortgagee or beneficiary for and on behalf of said owner."

Amendment No. 5

On page 2, line 11, of the printed bill, as amended, strike out "30", and insert "45".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1541—An act to amend Section 15151, 15253 and 15255 of the Health and Safety Code, relating to the application and enforcement of the State Housing Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 15451, 15253 and 15255 of the", strike out lines 2 and 3 of said title, and insert "Section 19150 of the Health and Safety Code, relating to the protection of buildings against earthquakes".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 27, inclusive; on page 2, strike out lines 1 to 17, inclusive, and insert

"SECTION 1. Section 19150 of the Health and Safety Code is hereby amended to read as follows:

19150. Every building [subject to this chapter] *of any character, except a building to which this chapter does not apply, constructed in any part of this State* shall be designed and constructed to resist and withstand horizontal forces from any direction of not less than either of the following, whichever is the greater:

(a) Two per cent of the total vertical design load.

(b) Twenty pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building more than 60 feet in height, and 15 pounds per square foot of wind pressure on the vertical projection of the exposed surface of every portion of the building 60 feet or less in height."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Health and Safety.

Assembly Bill No. 442—An act to amend Section 170 of, to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Bill read second time, and ordered to third reading

Assembly Bill No. 2336—An act to amend Sections 653.1, 653.3, 653.5, 653.8, 653.9, 653.14 and 653.15 of the Civil Code, relating to cooperative corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2447—An act to amend Section 653.16 of the Civil Code, relating to cooperative corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 356—An act to amend Section 1032a of the Code of Civil Procedure, relating to the cost of depositions as costs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 419—An act to add Section 1432.1 to the Penal Code, relating to the procedure in a justice's court when a complaint is filed against the justice of said court.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2526—An act to amend Section 117b of the Code of Civil of Procedure, relating to small claims courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2527—An act to amend Section 117c of the Code of Civil Procedure, relating to small claims courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 773—An act to amend Section 1554 of the Probate Code, relating to accounts of guardians of insane persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2611—An act to add Section 844 to the Political Code, relating to qualifications for public office, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "office", insert "and employment, declaring the urgency hereof".

Amendment No. 2

On page 1, line 14, of the printed bill, after "him", insert "during the war between the Allied Powers and Germany-Austria, 1914-1918, inclusive".

Amendment No. 3

On page 1, lines 16 and 17, of the printed bill, strike out "during the war with Germany-Austria as in this code defined", and insert "in that war".

Amendment No. 4

On page 1, lines 18 and 19, of the printed bill, strike out "or employment".

Amendment No. 5

On page 1, line 20, of the printed bill, strike out "or employs".

Amendment No. 6

On page 1 of the printed bill, between lines 21 and 22, insert

"Every person who exercises the duties of any employment in violation of this section, and every person who knowingly employs a person ineligible by reason of this section, is guilty of a misdemeanor."

Amendment No. 7

On page 2, line 4, of the printed bill, after "taken", insert "or hereafter takes".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1639—An act to amend Section 4300b and to repeal Section 4300d of the Political Code, relating to fees for official services.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended May 9, 1941, strike out "Sum than five dollars (\$5) per"; and strike out all of line 17, and insert "Sums than the following shall be allowed:

(a) Five dollars (\$5) when necessarily employed for any twelve (12) hour period or any part thereof;

(b) Seven dollars and fifty cents (\$7.50) when necessarily employed for a twenty-four (24) hour period, or any part thereof in excess of twelve (12) hours, except that a fee of five dollars (\$5) may be allowed a keeper when necessarily employed for each twelve (12) hour period, or any part thereof, as a custodian on the premises of a business establishment which is carrying on its business during such twelve (12) hour period, or any part thereof."

Amendment No. 2

On page 2, line 38, of the printed bill, as amended, after "arrest," insert "except under the provisions of Title 5, Part 3, of the Code of Civil Procedure relating to civil contempts of court,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1019—An act to add a new section to the Probate Code to be numbered 1020.1 and to amend Section 1201a of the Probate Code and to repeal Section 530 and 530.1 of the Probate Code, all relating to assignments and transfers of an interest in the estate of a decedent by heirs, devisees and legatees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

Strike out lines 1 and 2 of the title of the printed bill, as amended, and insert "bered 1020.1 and to repeal Sections 530, 530.1 and 1201a of the".

Amendment No. 2

On page 2, line 4, of the printed bill, as amended, strike out lines 4 to 27, inclusive.

Amendment No. 3

On page 2 of the printed bill, strike out line 28, and insert "SEC. 2. Sections 530, 530.1 and 1201a of the Probate Code".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 165—An act to amend Section 159 of the Code of Civil Procedure, relating to justices of the peace.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended, after "the county", insert "and township".

Amendment No. 2

On page 1, line 8, of the printed bill, as amended, strike out "In"; and strike out lines 9 to 11, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1871—An act to amend Section 1081 of the Probate Code, relating to determination of heirship.

Bill read second time, and ordered to third reading.

Assembly Bill No. 106—An act to amend Section 81 of the Code of Civil Procedure, relating to the classification of judicial townships and the jurisdiction of justices' courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1146—An act to amend Section 1 of an act entitled "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1941, providing a procedure for the disposition of exhibits filed with the court in criminal cases.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2115—An act to add Section 326.5 to the Political Code and to repeal Section 13 of the Business and Professions Code, relating to the construction of statutes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1922—An act to amend Section 953a of the Code of Civil Procedure, relating to appeals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 886—An act to add Section 982-a to the Code of Civil Procedure, relating to appeals from justices' courts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 887—An act to amend Section 655 of the Code of Civil Procedure, by including therein justices' courts in counties containing a population of not less than 500,000 and not more than 600,000.

Bill read second time, and ordered to third reading.

Assembly Bill No. 888—An act to add Section 404 to the Code of Civil Procedure, relating to the rules of procedure and practice in civil actions in the justices' courts of counties containing a population of not less than 500,000 and not more than 600,000.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1346—An act to amend Section 12.10 of, and to add Section 8.12 to, the Building and Loan Association Act, relating to building and loan associations, investments, and certificates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1355—An act to amend Section 5 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1481—An act to amend Section 9.18 of the Building and Loan Association Act, relating to building and loan associations and the making of loans by such associations, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1514—An act to amend Section 1176 of the Insurance Code, relating to insurance and investments by insurers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1518—An act to amend Section 986 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1841—An act to amend Section 1043 of the Insurance Code, relating to mutualization, reinsurance and rehabilitation of persons in the possession of the Insurance Commissioner.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1917—An act to amend Section 11840 of the Insurance Code, relating to periods for which State Compensation Insurance Fund may write workmen's compensation insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2212—An act to amend Section 555 of the Insurance Code, relating to proof by a third party under a policy of insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2245—An act to add Section 10369 to the Insurance Code, relating to approval of policy forms.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1765—An act to add a new section to the State Civil Service Act, to be numbered 57.1, relating to the officers and employees of the Railroad Commission of the State of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 891—An act relating to certain tidelands and submerged lands conveyed to the City of Coronado by "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923, ratifying and approving the description of such lands and declaring the legislative interpretation of said act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2596—An act to add Section 696 to the Political Code and to repeal an act entitled "An act appropriating money to create a Revolving Fund for the Department of Finance for State Purchases and repealing an act entitled 'An act appropriating money to create a Revolving Fund for the State Purchasing Department,' approved May 15, 1917," approved May 22, 1919, relating to the Revolving Fund for State Purchases and the purposes for which it may be expended, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1662—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1664—An act to amend Section 664 of the Political Code, empowering the State Board of Control to prescribe by rule and regulation limitations upon amounts to be expended by officers, agents and employees of the State while traveling on official business of the State.

Bill read second time, and ordered to third reading.

Assembly Bill No. 396—An act to amend Section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "six thousand dollars (\$6,000)", and insert "forty-eight hundred dollars (\$4,800)."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1824—An act to add Section 661.9 to the Political Code, relating to the repayment of money borrowed from the Emergency Fund.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In the title of the printed bill, strike out lines 2 and 3, and insert "the Emergency Fund, including the repayment of money borrowed therefrom and the submission of reports regarding transactions therein."

Amendment No. 2

On page 1 of the printed bill, after line 11, insert
"Not later than 10 days from and after the convening of each regular session of the Legislature, the Director of Finance shall file with the Legislature a report on all loans made from the Emergency Fund since midnight of the first day of January of the year in which the last preceding regular session of the Legislature convened, and until midnight of the first day of January of the year in which the regular session of the Legislature at which the report is filed convenes. The report shall show in detail as to each loan the name of the agency to whom it was made, the amount of the loan, the purpose of the loan, and whether it has been repaid in whole or in part."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1415—An act to amend Section 30 of the State Civil Service Act, relating to the compensation of the members of the State Personnel Board.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of lines 7 to 15 inclusive, and insert

"Sec. 30. Each member of the board shall receive the sum of three thousand six hundred dollars (\$3,600) annually, payable monthly in the same manner as the salaries of other State officers are paid, as compensation for such time as may be required of him to perform his duties under the provisions of this act. The members of the board shall receive their actual and necessary traveling expenses incurred in the course of such duties."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

Assembly Bill No. 434—An act to amend Section 1593 of the Labor Code, relating to employment agency licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 438—An act to repeal Section 1588.5 of the Labor Code, relating to labor contractor's license fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 508—An act to amend Section 1589 of the Labor Code, relating to surety bonds of employment agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 707—An act to amend Section 7113 of the Labor Code, relating to safety of employment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2120—An act to add Section 63 to the Labor Code, relating to refunds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2458—An act to add Section 1817 to Article 8, Chapter 1, Part 7 of the Labor Code, relating to working laws on public work.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1135—An act to amend Section 554 of the Labor Code, relating to days of rest.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1, line 21, of the printed bill, as amended, after "when", insert "the employee desires or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1511—An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance analysts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 3, line 28, of the printed bill, as amended, after "the", insert "life and/or disability".

Amendment No. 2

On page 4 of the printed bill, as amended, after line 36, insert "Sec. 4. The sections added to the Insurance Code by this act shall not be effective after September 30, 1945."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2100—An act to add Section 13.16e to the Building and Loan Association Act, relating to building and loan associations, including the disposition of records and of unpaid or unclaimed dividends of liquidated building and loan associations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 5 of the title of the printed bill, as amended, after "associations", insert "and the dissolution of such associations".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 4 and insert "and of records. In making its order approving the commissioner's final statement of the liquidation of an association the court shall determine the amounts of the liquidating dividends to which claimants and investors are entitled but which then remain unpaid or unclaimed in the hands of the commissioner. The order of the court shall direct the commissioner to deposit such amounts with the State Treasurer, and shall provide that such amounts shall escheat to the State five years after such deposit is made, to be received, invested, accounted for and paid out in the same manner and by the same officers as is provided in the case of escheated estates of deceased persons. Provided, however, that until the termination of said five year period, the persons entitled thereto shall have the right to claim such amounts in the manner provided in Section 1272a of the Code of Civil Procedure.

The order of the court approving the final statement shall provide for the destruction or other disposition of the books and records of the associations or pertaining to the liquidation of the association, and the court may declare the association dissolved as a corporation."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 5 to 23, inclusive; and on page 2, strike out lines 1 to 14, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 357—An act to amend Section 202 of the Welfare and Institutions Code, relating to contracts for care of indigents; emergency services authorized; nonemergency services authorized; hospitals with which agreements may be made.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1012—An act to amend Sections 6735, 6752, 6757, 6775, 6787 and 6799 of the Business and Professions Code, relating to persons practicing civil engineering.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1011—An act to amend Sections 8705, 8726, 8727, 8728, 8729, 8730, 8742, 8746, 8748, 8762, 8764, 8765, 8769, 8772, 8781 and 8792 of the Business and Professions Code, relating to the regulation of persons engaged in land surveying.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2358—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 989—An act to amend Section 453 of the Fish and Game Code, relating to possession of fish and game after the season closes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 988—An act to repeal Section 459 and to amend Section 460 of the Fish and Game Code, relating to importation of fish and game.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1255—An act to amend Section 559½ of the Code of Civil Procedure, relating to alias writs of attachment.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1045—An act to amend Sections 4, 5 and 9 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1045?

Amendment No. 1

On page 2 of the printed bill, strike out lines 31 to 44, inclusive, and insert "The department shall make inspections at State expense of all dams in the State completed prior to August 14, 1929. The department shall require owners to perform at their expense such work or tests as necessary to disclose information sufficient to enable the department to determine whether to issue certificates of approval or to issue orders directing further work at the owner's expense necessary to safeguard life and property.

If, upon inspection, or, upon completion to the satisfaction of the department of all work that may be ordered, the department finds that the dam is safe to the full extent for which use is or will be made, a certificate of approval shall be issued."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1045 by the following vote:

AYES—Senators Biggar, Breed, Collier, DeLap, Deuel, Fletcher, Foley, Judah, Keating, Kenny, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Shelley, Slater, Swing, Tickle, and Ward—22.

NOES—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 1:55 p.m., on motion of Senator Mixer, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—39.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Tickle moved that the Senate, at this time, reconsider the vote whereby Assembly amendments to Senate Bill No. 30 were concurred in.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Tickle moved a call of the Senate.

Motion carried. Time, 2 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
MOTION TO SET SPECIAL ORDER**

Senator Rich moved that consideration of the Governor's veto to Senate Bill No. 877 be made a special order of business for Thursday, May 29, 1941, at 11 a.m.

Motion carried.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, was continued until the next legislative day.

Postponement of Reconsideration

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 995 was passed, was continued until the next legislative day.

Motion to Refer Bill to Inactive File

Senator Phillips moved that Senate Bill No. 1052 be placed on the inactive file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 537—An act to amend Sections 1300.12, 1300.14, 1300.17, 1300.20, 1300.23 and 1300.28 of the Agricultural Code, relating to the marketing of agricultural products, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Tickle, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 82

Senator Rich moved that Senate Bill No. 82 be re-referred to Committee on Governmental Efficiency.

Roll Call Demanded

Senators Kenny, Quinn and Foley demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Fletcher, Gordon, Judah, Keating, Luckey, McCormack, Mixer, Myhand, Powers, Quinn, Rich, Swing, Tickle, Wagy, and Ward—20.

NOES—Senators Carter, Cunningham, Foley, Garrison, Jespersen, Kenny, Mayo, McBride, Parkman, Seawell, Shelley, and Slater—12.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 715—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 15, 16 and 17, and insert "factorily at least two years of college work or have reached the age of 25 years, and in".

Amendment No. 2

On page 2, line 28, of the printed bill, as amended, strike out the hyphen, and insert "tration,".

Amendment No. 3

On page 2, line 47, of the printed bill, as amended, after the comma, insert "and the Supreme Court of the State of California,".

Amendments read.

Previous Question

Senator Breed moved the previous question.

Motion carried.

The question being on the adoption of Senator Seawell's amendments to Senate Bill No. 715.

Roll Call Demanded

Senators Seawell, DeLap and McBride demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Biggar, Carter, Collier, Dillinger, Garrison, Gordon, Mayo, McBride, Powers, Seawell, Shelley, and Wagy—12.

NOES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Slater, Swing, Tickle, and Ward—25.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 2.58 p.m., on motion of Senator Tickle, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly amendments to Senate Bill No. 30 were reconsidered by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Jespersen, Judah, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Swing, Tickle, Wagy, and Ward—22.

NOES—Senators Breed, Carter, Crittenden, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, McBride, Quinn, Seawell, Shelley, and Slater—15.

Motion to Refer Bill to Inactive File

Senator Tickle moved that Senate Bill No. 30 be placed on the inactive file.

Motion carried.

FURTHER CONSIDERATION OF SENATE BILL NO. 715

Senate Bill No. 715—An act to amend Section 6060 and to repeal Section 6061 of the Business and Professions Code, relating to admissions to the practice of law.

Bill read third time.

Previous Question

Senator Breed moved the previous question.

The question being on the passage of Senate Bill No. 715.

Motion carried.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuebel, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Slater, Swang, Tickle, and Ward—24.

NOES—Senators Biggar, Brown, Carter, Collier, Garrison, Luckey, Mayo, McBride, Powers, Seawell, Shelley, and Wagy—12.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, Assembly Bill No. 2575 was taken up.

Assembly Bill No. 2575—An act to add Section 80 to Article 1 of Chapter 2 of Title 1 of Part 2, Section 90 to Article 2 of Chapter 2 of Title 1 of Part 2, and Section 110 to Chapter 3 of Title 1 of Part 2 of, and to repeal Sections 78 and 117 of, the Political Code, providing for the division of this State into districts for the election of legislative representatives, including districts for the election of State Senators, Assemblymen and Representatives in Congress.

Bill read third time.

Motion to Amend

Senator Wagy moved the adoption of the following amendment:

Amendment No. 1

On page 9 of the printed bill, as amended, strike out lines 3 to 51, inclusive; strike out all of pages 10 and 11; and on page 12, strike out lines 1 to 42, inclusive, and insert "19. All that portion of the City and County of San Francisco described as follows:

Beginning at the point of intersection of the center line of Leavenworth Street and the shore line of the Bay of San Francisco; thence along the center lines of the following streets to wit:

Leavenworth Street to Columbus Avenue; Columbus Avenue to Mason Street; Mason Street to Filbert Street; Filbert Street to Van Ness Avenue; Van Ness Avenue to Pine Street; Pine Street to Divisadero Street; Divisadero Street to Ellis Street; Ellis Street to Van Ness Avenue; Van Ness Avenue to Market Street; Market Street to The Embarcadero; The Embarcadero to the southerly line of Pier No. 1 extended; the southerly line of Pier No. 1 to the shore line of the Bay of San Francisco, along said shore line to Leavenworth Street and the point of beginning and including the odd-numbered Piers 1 to 45 adjacent thereto, shall constitute the Nineteenth Assembly District.

20. All that portion of the City and County of San Francisco described as follows:

Beginning at the point of intersection of the southerly line of Pier No. 1 and the shore line of the Bay of San Francisco; thence to the center line of The Embarcadero; thence along the center lines of the following streets, to wit:

The Embarcadero to Market Street; Market Street to Eleventh Street; Eleventh Street to Harrison Street; Harrison Street to Seventeenth Street; Seventeenth Street to Dolores Street; Dolores Street to Army Street; Army Street to Bay Shore Boulevard; Bay Shore Boulevard to the boundary line separating the City and County of San Francisco from the County of San Mateo, easterly along the said boundary line to the shore line of the Bay of San Francisco; along said shore

line to the southerly line of Pier No. 1 and the point of beginning, together with all piers adjacent thereto and all islands in the Bay of San Francisco lying east of a line running due north from the southeast end of Pier No. 1 which are within the boundaries of the City and County of San Francisco, shall constitute the Twentieth Assembly District.

21. All that portion of the City and County of San Francisco described as follows:

Beginning at the intersection of the center line of Army Street and Bay Shore Boulevard, thence along the center lines of the following streets, to wit:

Bay Shore Boulevard to the boundary line separating the City and County of San Francisco from the County of San Mateo; thence westerly along said boundary line to Junipero Serra Boulevard; Junipero Serra Boulevard to Holloway Avenue; Holloway Avenue to Miramar Avenue; Miramar Avenue to Monterey Boulevard; Monterey Boulevard to Yerba Buena Avenue; Yerba Buena Avenue to Casitas Avenue; Casitas Avenue to Landsdale Avenue; Landsdale Avenue to Juanita Way; Juanita Way to Del Sur Avenue; Del Sur Avenue to Chaves Avenue; Chaves Avenue to Evelyn Way; Evelyn Way to Teresita Boulevard; Teresita Boulevard to Portola Drive; Portola Drive to Army Street; Army Street to Castro Street; Castro Street to Twenty-fourth Street; Twenty-fourth Street to Dolores Street; Dolores Street to Army Street; Army Street to Bay Shore Boulevard and the point of beginning, shall constitute the Twenty-first Assembly District.

22. All that portion of the City and County of San Francisco described as follows:

Beginning at the point of intersection of the center lines of Masonic Avenue and Fulton Street; thence along the center lines of the following streets:

Masonic Avenue to Upper Terrace; Upper Terrace to Seventeenth Street; Seventeenth Street to Clayton Street; Clayton Street to Twin Peaks Boulevard; Twin Peaks Boulevard and the easterly drives thereof to Portola Drive; Portola Drive to Teresita Boulevard; Teresita Boulevard to Evelyn Way; Evelyn Way to Chaves Avenue; Chaves Avenue to Del Sur Avenue; Del Sur Avenue to Juanita Way; Juanita Way to Landsdale Avenue; Landsdale Avenue to Casitas Avenue; Casitas Avenue to Yerba Buena Avenue; Yerba Buena Avenue to Monterey Boulevard; Monterey Boulevard to Miramar Avenue; Miramar Avenue to Holloway Avenue; Holloway Avenue to Junipero Serra Boulevard; Junipero Serra Boulevard to the boundary line which separates the City and County of San Francisco from the County of San Mateo; westerly along said boundary line to the shore line of the Pacific Ocean; northerly along said shore line of the Pacific Ocean to the center line of Fulton Street; Fulton Street to Masonic Avenue and the point of beginning, shall constitute the Twenty-second Assembly District.

23. All that portion of the City and County of San Francisco described as follows:

Beginning at the point of intersection of the center line of Ellis Street and Van Ness Avenue; thence along the center lines of the following streets, to wit:

Van Ness Avenue to Market Street; Market Street to Eleventh Street; Eleventh Street to Harrison Street; Harrison Street to Seventeenth Street; Seventeenth Street to Dolores Street; Dolores Street to Twenty-fourth Street; Twenty-fourth Street to Castro Street; Castro Street to Army Street; Army Street to Portola Drive; Portola Drive to Twin Peaks Boulevard; Twin Peaks Boulevard and the easterly drives thereof to Clayton Street; Clayton Street to Seventeenth Street; Seventeenth Street to Upper Terrace; Upper Terrace to Masonic Avenue; Masonic Avenue to Fell Street; Fell Street to Divisadero Street; Divisadero Street to Ellis Street; Ellis Street to Van Ness Avenue and the point of beginning, shall constitute the Twenty-third Assembly District.

24. All that portion of the City and County of San Francisco described as follows:

Beginning at the point of intersection of the center line of Fulton Street and the shore line of the Pacific Ocean; thence along the center lines of the following streets, to wit:

Fulton Street to Masonic Avenue; Masonic Avenue to Fell Street; Fell Street to Divisadero Street; Divisadero Street to Pine Street; Pine Street to Presidio Avenue; Presidio Avenue to California Street; California Street to Arguello Boulevard; Arguello Boulevard to the southern boundary line of the Presidio Reservation; along said boundary line to the center line of Lobos Creek; Lobos Creek to the shore line of the Pacific Ocean; along said shore line to the center line of Fulton Street and the point of beginning, shall constitute the Twenty-fourth Assembly District.

25. All that portion of the City and County of San Francisco described as follows:

Beginning at the point of intersection of the center line of Leavenworth Street and the shore line of the Bay of San Francisco, thence along the center lines of the following streets, to wit:

Leavenworth Street to Columbus Avenue; Columbus Avenue to Mason Street; Mason Street to Filbert Street; Filbert Street to Van Ness Avenue; Van Ness Avenue to Pine Street; Pine Street to Presidio Avenue; Presidio Avenue to California Street; California Street to Arguello Boulevard; Arguello Boulevard to the southerly boundary line of the Presidio Reservation; along said boundary line to the center line of Lobos Creek; Lobos Creek to the shore line of the Pacific Ocean and along said shore line to the shore line of the Bay of San Francisco and to the center line of Leavenworth Street and the point of beginning, including the

wharves and piers adjacent thereto; also including Aletraz Island and the islands of the Pacific known as the Farallon Islands, shall constitute the Twenty-fifth Assembly District.

26. The County of San Mateo shall constitute the Twenty-sixth Assembly District.

27. All that portion of the County of Santa Clara embraced within the following precincts, as constituted at the general election of 1930, to wit: Agnew, Alviso, Barron, Bay View, Berryessa, Burbank, Calderon, Cupertino, Elicena, Farwell, Fremont Nos. 1 and 2, Fruitvale, Jefferson Nos. 1 and 2, Linda Vista Nos. 1 and 2, Los Altos Nos. 1 to 3, inclusive, Midway, Milpitas Nos. 1 and 2, Miramonte, Mount Hamilton Nos. 1 and 2, Mountain View Nos. 1 to 5, inclusive, Orchard, Pala, Palo Alto Nos. 1 to 23, inclusive, Purissima, Red Mountain, San Jose Nos. 1 to 33, inclusive, and Nos. 91 to 107, inclusive, Santa Clara Nos. 1 to 9, inclusive, San Tomas, Saratoga Nos. 1 and 2, Seale, Stanford Nos. 1 and 2 and Sunnyvale Nos. 1 to 4, inclusive, shall constitute the Twenty-seventh Assembly District.

28. All that portion of the County of Santa Clara not included in the Twenty-seventh Assembly District, as fixed and defined by this section, shall constitute the Twenty-eighth Assembly District.

29. The County of Stanislaus shall constitute the Twenty-ninth Assembly District.

30. The counties of Merced and Madera shall constitute the Thirtieth Assembly District.

31. The counties of San Benito and Santa Cruz shall constitute the Thirty-first Assembly District.

32. The counties of Monterey and San Luis Obispo shall constitute the Thirty-second Assembly District.

33. All that portion of the County of Fresno bounded as follows: Commencing at the point of intersection of the center line of Ashlan Avenue and the center of the main line track of the Southern Pacific Railroad running between the cities of San Francisco, Merced and Fresno; thence along the center line of the following named streets, to wit: Easterly on Ashlan Avenue to Winery Avenue; southerly on Winery Avenue to McKinley Avenue; westerly on McKinley Avenue to Chestnut Avenue; southerly on Chestnut Avenue to Church Avenue; westerly on Church Avenue to Hughes Avenue; northerly on Hughes Avenue to the center of the main line track of the Southern Pacific Railroad named above; northwesterly along the center line of said track to the point of beginning, shall constitute the Thirty-third Assembly District.

34. All that portion of the County of Fresno not included in the Thirty-third Assembly District shall constitute the Thirty-fourth Assembly District.

35. The counties of Kings and Tulare shall constitute the Thirty-fifth Assembly District.

36. The County of Santa Barbara shall constitute the Thirty-sixth Assembly District.

37. The County of Ventura shall constitute the Thirty-seventh Assembly District.

38. All that portion of the County of Kern included within the boundaries of Judicial Township Number 2, Judicial Township Number 4, Judicial Township Number 5, Judicial Township Number 7, Judicial Township Number 9, Judicial Township Number 12, Judicial Township Number 13, Judicial Township Number 14, Judicial Township Number 15, Judicial Township Number 16, and Judicial Township Number 17, as such judicial townships existed on January 1, 1941, shall constitute the Thirty-eighth Assembly District.

39. All that portion of the County of Kern not included in the Thirty-eighth Assembly District as fixed and defined by this section shall constitute the Thirty-ninth Assembly District."

Amendment read.

Roll Call Demanded

Senators Wagy, Shelley and Jespersen demanded a roll call.

The roll was called, and the amendment refused adoption by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Gordon, Kenny, Kuebel, McBride, Mixter, Myhand, and Wagy—11.

NOES—Senators Breed, Carter, Collier, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—26.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 48, line 27, of the printed bill, as amended, strike out "San Joaquin."

Amendment No. 2

On page 48, line 39, of the printed bill, as amended, strike out "and the County of Contra Costa".

Amendment No. 3

On page 48 of the printed bill, as amended, between lines 43 and 44, insert "8. The Counties of San Joaquin, Stanislaus and Contra Costa shall constitute the Eighth Congressional District."

Amendment No. 4

On page 48, line 44, of the printed bill, as amended, strike out "8.", and insert "9."

Amendment No. 5

On page 48, line 45, of the printed bill, as amended, strike out "Eighth", and insert "Ninth".

Amendment No. 6

On page 48, line 46, of the printed bill, as amended, strike out "9. The counties of Stanislaus," and insert "10. The counties of".

Amendment No. 7

On page 48, line 47, of the printed bill, as amended, strike out "Ninth", and insert "Tenth".

Amendment No. 8

On page 48, line 48, of the printed bill, as amended, strike out "10.", and insert "11."

Amendment No. 9

On page 48, line 49, of the printed bill, as amended, strike out "Tenth", and insert "Eleventh".

Amendment No. 10

On page 48, line 50, of the printed bill, as amended, strike out "11.", and insert "12."

Amendment No. 11

On page 48, line 51, of the printed bill, as amended, strike out "Eleventh", and insert "Twelfth".

Amendment No. 12

On page 49, line 1, of the printed bill, as amended, strike out "12.", and insert "13."

Amendment No. 13

On page 49, line 3, of the printed bill, as amended, strike out "Twelfth", and insert "Thirteenth".

Amendment No. 14

On page 49, line 4, of the printed bill, as amended, strike out "13.", and insert "14."

Amendment No. 15

On page 49, line 6, of the printed bill, as amended, strike out "Thirteenth", and insert "Fourteenth".

Amendment No. 16

On page 49, line 7, of the printed bill, as amended, strike out "14.", and insert "15."

Amendment No. 17

On page 49, line 9, of the printed bill, as amended, strike out "Fourteenth", and insert "Fifteenth".

Amendment No. 18

On page 49, line 11, of the printed bill, as amended, strike out "15.", and insert "16."

Amendment No. 19

On page 49, line 13, of the printed bill, as amended, strike out "Fifteenth", and insert "Sixteenth".

Amendment No. 20

On page 49, line 15, of the printed bill, as amended, strike out "16.", and insert "17."

Amendment No. 21

On page 49, line 17, of the printed bill, as amended, strike out "Sixteenth", and insert "Seventeenth".

Amendment No. 22

On page 49, line 18, of the printed bill, as amended, strike out "17.", and insert "18."

Amendment No. 23

On page 49, line 20, of the printed bill, as amended, strike out "Seventeenth", and insert "Eighteenth".

Amendment No. 24

On page 49, line 22, of the printed bill, as amended, strike out "18.", and insert "19."

Amendment No. 25

On page 49, line 24, of the printed bill, as amended, strike out "Eighteenth", and insert "Nineteenth".

Amendment No. 26

On page 49, line 26, of the printed bill, as amended, strike out "19.", and insert "20."

Amendment No. 27

On page 49, line 28, of the printed bill, as amended, strike out "Nineteenth", and insert "Twentieth".

Amendment No. 28

On page 49, line 29, of the printed bill, as amended, strike out "20.", and insert "21."

Amendment No. 29

On page 49, line 31, of the printed bill, as amended, strike out "Twentieth", and insert "Twenty-first".

Amendment No. 30

On page 49, line 33, of the printed bill, as amended, strike out "21.", and insert "22."

Amendment No. 31

On page 49, line 34, of the printed bill, as amended, strike out "County"; and strike out line 35, and insert "Counties of San Bernardino, Orange and Riverside shall constitute the Twenty-second Congress-".

Amendment No. 32

On page 49 of the printed bill, as amended, strike out lines 37 to 40, inclusive, and insert
 "23. The Counties of San Diego and Imperial shall constitute the Twenty-third Congressional District."

Amendments read.

Roll Call Demanded

Senators Crittenden, Garrison and Jespersen demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Crittenden, DeLap, Gordon, Judah, Keating, Mayo, McBride, Metzger, Mixer, Powers, Quinn, Seawell, Slater, and Swan—14.

NOES—Senators Biggar, Breed, Brown, Carter, Cunningham, Donel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Kenny, Kuchel, Luckey, McCormack, Myhand, Parkman, Phillips, Rich, Shelley, Swing, Tickle, and Wagye—23.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

On page 48, line 27, of the printed bill, as amended, strike out "San Joaquin".

Amendment No. 2

On page 48, line 46, of the printed bill, as amended, strike out "Fresno", and insert "San Joaquin".

Amendment No. 3

On page 48, line 48, of the printed bill, as amended, strike out "Kern", and insert "Fresno".

Amendment No. 4

On page 49, line 34, of the printed bill, as amended, strike out "County", and insert "Counties".

Amendment No. 5

On page 49, line 35, of the printed bill, as amended, after "Bernardino", insert "and Kern".

Amendments read.

Roll Call Demanded

Senators Crittenden, Swing and Swan demanded a roll call.

The roll was called, and the amendments refused adoption by the following vote:

AYES—Senators Crittenden, DeLap, Gordon, Keating, Mayo, Metzger, Myhand, Powers, Seawell, and Swan—10.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Kenny, Kuchel, Luckey, McBride, Mixer, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swing, Tickle, Wagy, and Ward—27.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—35.

NOES—Senators Mayo, Swan, and Wagy—3.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senators Swan, Slater, Mayo, Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Swing, Tickle, Wagy and Ward:

Senate Resolution No. 120

Congratulating Senator Deuel upon 44 years of editorship of the Chico Record.

WHEREAS, The Honorable Charles H. Deuel, a Member of this Legislature during 18 consecutive years, has been editor of the Chico Record for a period of 44 years; and

WHEREAS, Senator Deuel has recently disposed of his interests in the paper and contemplates retirement from active management; and

WHEREAS, Such retirement would be a great loss to journalism in the State of California; now, therefore, be it

Resolved, by the Senate of the State of California, That the members of this Body hereby express their wish that their beloved colleague, the "Sage of Chico," may not hastily lay aside his trenchant pen but may continue his worthy endeavors as a writer that all may be enlightened and refreshed by his traditional humor and his mature judgment; and be it further

Resolved, That the members of this Body hereby congratulate their colleague upon his successful career and the place he has carved for himself in the annals of journalism in this State, and express the hope that he may enjoy many more years of health and prosperity; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have a copy of this resolution suitably engrossed and to present the same to Senator Charles H. Deuel.

During consideration of the above resolution, Senators Swan, Slater, Mayo, Myhand, Cunningham and Phillips addressed the Senate.

Senator Rich, President pro tempore of the Senate, contributed the following gem of literature:

There is an old man from Butte,
Indeed he's a funny old coot,
He acts like a mule—
His name, it is Deuel;
But he's a credit to the County of Butte.

Resolution read, and unanimously adopted by a rising vote.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1129—An act to establish a Legislative Audit Bureau and an Audit Committee of the Legislature, and in connection therewith to amend Section 11860 of the Insurance Code, and to repeal Sections 658 and 660 of the Political Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McCormack, Metzger, Mixer, Myhand, Phillips, Quinn, Rich, Seawell, Slater, Tickle, Waggy, and Ward—28.

NOES—Senators Carter, Garrison, and Swan—3.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Senate Bill No. 195—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect as therein provided.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 51, of the printed bill, strike out "competitively".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Garrison moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 114 was refused passage.

Previous Question

Senator Powers moved the previous question.

Motion carried.

The question being on the motion to reconsider Senate Bill No. 114.

The roll was called, and Senate Bill No. 114 refused reconsideration by the following vote:

AYES—Senators Carter, Collier, Cunningham, Dillinger, Foley, Garrison, Jespersen, Kenny, Metzger, Phillips, Seawell, Shelley, Slater, and Swan—14.

NOES—Senators Biggar, Breed, Brown, Crittenden, DeLap, Deuel, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Tickle, Waggy, and Ward—22.

APPOINTMENT OF SECOND COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Tickle, DeLap and Phillips as a second Senate Committee on Conference concerning Assembly Bill No. 1800 to meet a like committee of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 413

Assembly Bill No. 686

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 495

Assembly Bill No. 70

Assembly Bill No. 1571

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 895

Assembly Bill No. 1112

Assembly Bill No. 2054

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 27, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 805

Senate Bill No. 981

Assembly Bill No. 458

Assembly Bill No. 497

Assembly Bill No. 894

Assembly Bill No. 902

Assembly Bill No. 1113

Assembly Bill No. 1025

Assembly Bill No. 1032

Assembly Bill No. 1799

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 232

Senate Bill No. 415

Senate Bill No. 1293

Assembly Bill No. 2625

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 62

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

MINTER, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Senate Bill No. 401

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Senate Bill No. 640

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 468

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 470

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1120

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 26, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2431

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; absent 5.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 825

Has had the same under consideration, and reports the same back with the recommendation: Do pass and to inactive file.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2090

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1159

Senate Bill No. 1308

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 25—An act to amend Sections 4153 and 4308 of the Political Code, relating to the duties of the district attorney and the district attorney's special fund;**Senate Concurrent Resolution No. 43**—Relative to obtaining a report on the acquisition of the Mount Tamalpais Ridgecrest Boulevard by the State, and the inclusion thereof in the State Highway System;**Senate Bill No. 81**—An act to add Section 3935.5 to the Elections Code, relating to the order of names on primary election ballots;**Senate Bill No. 152**—An act to amend Section 2007 of, and to add Section 2007.5 to, the Welfare and Institutions Code, relating to aid to the aged;**Senate Bill No. 366**—An act to amend Section 43001 of the Political Code, relating to municipal court fees and costs;**Senate Bill No. 742**—An act to add Article 21 to Chapter 3 of Title 1 of Part 3 of the Political Code, relating to the making, filing, compilation, codification, and publication of the rules and regulations of State officers, boards, authorities, agencies, and commissions and creating a Codification Board;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-eighth day of May, 1941, at 5 p.m.

RICH, Chairman

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1340

Senator Fletcher moved that Senate Bill No. 1340 be withdrawn from Committee on Public Utilities for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1340—An act declaring unlawful the transmission by telegraph or telephone companies of unverified "form" messages, and providing penalties therefor.

Bill read second time.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, strike out all of line 1 after "the"; and all of line 2, and insert "filing with a telegraph company of unauthorized "form" messages, and".

Amendment No. 2

On page 1 of the printed bill, strike out all of line 1 after the period; and strike out all of lines 2 to 6, inclusive, and insert

"Any person who files with a telegraph company a "form" message purporting to be signed by names furnished in a list or lists, for transmission to a public official to influence his vote or official action without specific authority to use in such message or messages the signer's name, is guilty of a".

Amendment No. 3

On page 1 of the printed bill, strike out all of line 8, and "company" in line 9, and insert "of such a message without such authority the person filing the same for transmission".

Amendment No. 4

On page 1 of the printed bill, after line 13, insert

"SEC. 2. Nothing contained herein shall be construed to be inconsistent with or to affect in any way the provisions of Section 474 of the Penal Code."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2299—An act to add Section 3131 to the Business and Professions Code, relating to offenses against the chapter on optometry.

Bill read third time.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 3107 and".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, after "SECTION 1.", insert "Section 3107 is hereby added to the Business and Professions Code, to read as follows:

3107. The treating or fitting of glasses to the human eye, unless upon the written statement of a physician and surgeon in possession of a valid and unrevoked certificate that the person fitted is in need of glasses, constitutes unprofessional conduct.

SEC. 2."

Amendments read and adopted.

Bill ordered printed, and to third reading.

INACTIVE FILE

Assembly Bill No. 1117—An act to amend Sections 62 and 62.6 of the Fish and Game Code, relating to Fish and Game Districts 1 and 13.

Bill read.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "62.6", insert ", and to repeal Section 141".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "1 and 1½".

Amendment No. 3

On page 1, line 14, of the printed bill, as amended, strike out ", not included in District 1K".

Amendment No. 4

On page 2 of the printed bill, as amended, after line 10, insert "SEC. 3. Section 141 of the Fish and Game Code is hereby repealed."

Amendments read and adopted.

Bill ordered printed, and to second reading.

ADJOURNMENT

At 6 p.m., on motion of Senator Mixter, the President declared the Senate adjourned until 11 a.m., May 29, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTIETH LEGISLATIVE DAY

ONE HUNDRED FORTY-FOURTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, May 29, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Delap, Denei, Fletcher, Foley, Gordon, Kuchel, Mayo, Mixer, Parkman, Phillips, Powers, Rich, Seawell, and Swing--20.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 11.05 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Kenny, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senators Fletcher and Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. C. H. Jonas of Berkeley.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 78
Senate Bill No. 94
Senate Bill No. 319
Senate Bill No. 345
Senate Bill No. 346
Senate Bill No. 412
Senate Bill No. 414
Senate Bill No. 424
Senate Bill No. 527
Senate Bill No. 554
Senate Bill No. 603
Senate Bill No. 666
Senate Bill No. 691
Senate Bill No. 728

Senate Bill No. 733
Senate Bill No. 734
Senate Bill No. 755
Senate Bill No. 783
Senate Bill No. 788
Senate Bill No. 803
Senate Bill No. 807
Senate Bill No. 857
Senate Bill No. 1035
Senate Bill No. 1038
Senate Bill No. 1212
Senate Bill No. 1307
Senate Bill No. 1313
Senate Bill No. 1331

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 59
Senate Bill No. 406
Senate Bill No. 464
Senate Bill No. 480
Senate Bill No. 530
Senate Bill No. 558
Senate Bill No. 652
Senate Bill No. 653
Senate Bill No. 682
Senate Bill No. 745

Senate Bill No. 792
Senate Bill No. 820
Senate Bill No. 855
Senate Bill No. 1003
Senate Bill No. 1068
Senate Bill No. 1076
Senate Bill No. 1144
Senate Bill No. 1183
Senate Bill No. 1330

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 82

And appointed Messrs. Frederick N. Houser, Dills and Welch as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 864
Assembly Bill No. 2312
Assembly Bill No. 2590

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 864—An act to amend Section 4453 of the Labor Code of the State of California, relating to workmen's compensation and insurance.

Referred to Committee on Labor.

Assembly Bill No. 2312—An act to amend Section 3440.5 of the Civil Code, relating to fraudulent transfers.

Referred to Committee on Judiciary.

Assembly Bill No. 2590—An act to amend Section 19532 of the Business and Professions Code, relating to horse racing and horse racing meetings.

Referred to Committee on Governmental Efficiency.

Assembly Joint Resolution No. 55—Memorializing Congress to enact legislation on Social Security and Old Age Pensions.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 195

And reports the same correctly re-engrossed.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 805—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 981—An act to amend Section 11 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs," approved June 3, 1921, relating to the enforcement of this act and the payment of fees, salaries, costs, and expenses therefor from live stock indemnity funds, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 413—An act to amend Section 783 of the Fish and Game Code, relating to lobster size limit.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "783", and insert "781 and 786.5".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "lobster size limit", and insert "lobsters".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "783", and insert "781".

Amendment No. 4

On page 1 of the printed bill, strike out lines 3 to 5, inclusive, and insert "781. As used in this article, "spiny lobster" refers to *any species* of the Genus *Panulirus* [, species interruptus]."

Amendment No. 5

On page 1 of the printed bill, after line 5, insert

"SEC. 2. Section 786.5 of the Fish and Game Code is hereby amended to read as follows:

786.5. It is unlawful to sell, expose for sale, offer to sell, barter, trade, or have in possession any spiny lobster [of the species *Panulirus interruptus*] which has been cooked or otherwise prepared for human consumption outside of the State of California. This section shall not apply to any canned lobster or other shellfish prepared under the supervision of the Department of Agriculture or the corresponding department of any other State or nation."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 232—An act to amend School Code Section 4.102a, relating to, and making an appropriation for, vocational rehabilitation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 415—An act to amend Section 109 of the State Employees' Retirement Act, relating to a retirement system for employees and officers of the State of California, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1293—An act making an appropriation to the Department of Finance for State participation in the Los Banos May Day Festival and Live Stock Show, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 62—An act to repeal Article 2, comprising Sections 4051 to 4060, inclusive, of Chapter 1 of Division 4 of the Public Resources Code, relating to private fire patrols of forest lands, and making an appropriation.

Amendments withdrawn on motion of Senator Collier.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 401—An act to add Sections 552.1, 1296.1 and 1299.1 to the Labor Code, relating to the sale or distribution of newspapers and other publications by minors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 552.1, 1296.1 and 1299.1", and insert "Section 555".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "the sale or distribution of newspapers"; and strike out line 3, and insert "working hours and days."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "552.1", and insert "555".

Amendment No. 4

On page 1 of the printed bill, strike out lines 3 to 20, inclusive, and on page 2, strike out lines 1 to 17, inclusive, and insert

"555. As used in this chapter, "employer" includes a "city and county" and "employee" includes an officer or employee of a "city and county." "

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 640—An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners.

Bill read second time, ordered engrossed, and to third reading

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 458—An act to amend Section 792 of the Agricultural Code, relating to avocados.

Bill read second time, and ordered to third reading.

Assembly Bill No. 497—An act to amend Section 323 of the Agricultural Code, relating to foreign cold storage meat sales license fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 894—An act to amend Sections 1299, 1299.1 and 1299.2 and to repeal Sections 1299.3, 1299.4 and 1299.5 of the Agricultural Code, relating to marketing of milk and other dairy products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 902—An act to amend Section 318 of the Agricultural Code, relating to artificial coloring of meat products and casings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1113—An act to add Section 767 to the Agricultural Code, relating to the furnishing of boxes to growers of vegetables and deciduous fruit.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1025—An act to amend the Agricultural Code by adding a new section thereto to be numbered Section 796.2, by

amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1032—An act to amend the Agricultural Code by amending Sections 795, 828, 828.5, 828.85, 829.1 thereof, by adding new sections thereto, to be numbered 795.1, 795.2, 796, 796.1, 828.83, and by repealing Sections 796 and 797 thereof; and to provide standards for oranges, grapefruit, lemons and other citrus fruits and for the enforcement thereof, to provide for mandatory standard containers for citrus fruits and the marking thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1799—An act to add Section 52.5 to the Agricultural Code, relating to county agricultural commissioners.

Bill read second time, and ordered to third reading.

Assembly Bill No. 895—An act to amend Section 305 of the Agricultural Code, relative to meat inspection.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "27,000", and insert "28,000".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1112—An act to add Sections 762.5 and 763.5 to, and to amend Sections 762, 763 and 766, of the Agricultural Code, and to amend Section 1 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to raw tomatoes, and the delivery, inspection, grading, and canning thereof and the rights and obligations of parties contracting in relation thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 4, line 46, of the printed bill, as amended, strike out "lot", and insert "load".

Amendment No. 2

On page 4, line 48, of the printed bill, as amended, strike out "not".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2054—An act to add a new section to the Agricultural Code to be numbered 643.1, relating to inspection of dairies.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 9, of the printed bill, as amended, strike out "Excluded", and insert "excluded".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 495—An act to amend Section 64 of the Fish and Game Code, relating to fish and game districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 70—An act to amend Section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1571—An act to amend Section 658 of the Fish and Game Code, relating to the taking of salmon.

Bill read second time, and ordered to third reading.

Assembly Bill No. 686—An act to add Section 1011.5 to the Fish and Game Code, relating to sharks.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 to 24, inclusive; and in line 25, strike out "was outside of this State", and insert

"1011.5. It is unlawful to transport or carry shark livers out of this State without a permit from the Fish and Game Commission. Shark livers shall not be removed from sharks at sea by fishermen. Fishermen shall bring all shark carcasses ashore and possession of shark livers without the carcass, on any fishing boat, shall be prima facie evidence that the livers were removed at sea.

The provisions of this section providing that shark livers shall not be removed at sea by fishermen and that all shark carcasses shall be brought ashore shall not apply to shark livers or other parts of sharks imported from without the State and accompanied by a bona fide bill of lading or other shipping document showing that the origin of the shipment was outside this State."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2625—An act making an appropriation for aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 468—An act to amend Section 1161 of the Civil Code, relating to the recordation of instruments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 470—An act to amend Section 112 of the Code of Civil Procedure, relating to original jurisdiction of justices' courts.
Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 33, of the printed bill, strike out "Sections 547a and 564, Subdivision 4", and insert "Section 547a".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1120—An act to add Section 219.1 to the Penal Code, relating to the unlawful wrecking of motor vehicles operated by a common carrier and prescribing the punishment therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 5 of the title of the printed bill, as amended, after "carrier", insert "and causing bodily harm,".

Amendment No. 2

In line 6 of the title of the printed bill, as amended, strike out "therefore", and insert "therefor".

Amendment No. 3

On page 1, lines 10 and 11, of the printed bill, as amended, strike out "which is capable of being hurled, thrown or projected,".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out line 12, and insert "wrecking such vehicle and doing bodily harm, and thus wrecks the same and causes bodily harm, is guilty".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out lines 13 to 15, inclusive, and insert "of a felony and punishable by imprisonment in the State prison for not less than one nor more than 14 years."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2431—An act to add Section 689.5 to the Code of Civil Procedure, relating to third party claims.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 9, of the printed bill, strike out "and after a".

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 10 and 11, and insert "and if within 10 days thereafter the levying officer is unable to locate the defendant he may return the property to the party filing the third party claim."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2090—An act to add Sections 1443, 1444, 1445, 1446 to the Probate Code, relating to the appointment of guardians of minors and incompetent persons.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 1443, 1444, 1445, 1446", and insert "Section 1443".

Amendment No. 2

On page 1, line 6, of the printed bill, strike out the comma following "case"; and all of the printed matter down to and including the period on page 3, line 6, and insert "whenever he is requested so to do by a judge of the superior court."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1117—An act to amend Sections 62 and 62.6 of the Fish and Game Code, relating to Fish and Game Districts 1 and 14.

Bill read second time, and ordered to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.20 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Trekle, Wagy, and Ward—38.

CONSIDERATION OF SPECIAL ORDER

The hour of 11.20 a.m. having arrived, consideration of the Governor's veto to Senate Bill No. 877 was taken up.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 877—An act to add Chapter 8, comprising Sections 1131, 1132, 1133, 1134, 1135 and 1136 to Part 3, Division 2 of the Labor Code, relating to hot cargo and secondary boycotts.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 877 become a law notwithstanding the objections of the Governor?

Previous Question

Senator Mayo moved the previous question.

Motion carried.

The question being: Shall Senate Bill No. 877 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 12.25 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MOTION TO RESCIND ACTION ON ASSEMBLY BILL NO. 2299**

Senator Jespersen moved that the action whereby amendments to Assembly Bill No. 2299 were adopted on May 28, 1941, be rescinded.

The roll was called, and the action rescinded by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—Senator Swan—1.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2299

Senator Metzger moved that Assembly Bill No. 2299 be re-referred to Committee on Public Health and Safety.

Substitute Motion

Senator Swan moved, as a substitute motion that the bill be stricken from the file.

Roll Call Demanded

Senators Quinn, McCormack and Seawell demanded a roll call.

The roll was called, and the substitute motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, DeLap, Fletcher, Gordon, Judah, Kuchel, Luckey, Mayo, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Swan, Tickle, Wagy, and Ward—29.

NOES—Senators Carter, Collier, Crittenden, Cunningham, Dillinger, Foley, Jespersen, McBride, McCormack, Mixer, Quinn, Seawell, Shelley, and Slater—14.

Statement by Senator Swan

I desire the record to indicate that Assemblyman Meehan at no time requested that Assembly Bill No. 2299 be stricken from the file. In his conversation with me Assemblyman Meehan expressed his willingness for the bill to be returned to committee for further consideration. Never at any time did I discuss with Assemblyman Meehan the matter of striking Assembly Bill No. 2299 from the file.

JOHN HAROLD SWAN

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 45: By Senators Slater, Quinn, McCormack, Garrison, Gordon, Swan, Judah, Seawell, Carter, Deuel and Rich—Relative to "Home Folks Day" of the 184th Regiment at Camp San Luis Obispo.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 45, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 45

Senate Concurrent Resolution No. 45—Relative to "Home Folks Day" of the 184th Regiment at Camp San Luis Obispo.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1052—An act to amend School Code Sections 2.85 and 2.112, relating to school districts.

Bill read third time.

Motion to Amend

Senator Wagy moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 9, of the printed bill, as amended, after "union", insert "or joint union".

Amendment read and adopted.

Bill ordered printed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 506—An act to amend Sections 8931, 8938, 8939, 8963, 9000 and 9100 of the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemeteries.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 506 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 58—An act to add Sections 622.5 and 622.6 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 58?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "622.5 and 622.6", and insert "674 and 675".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, strike out "622.5", and insert "674".

Amendment No. 3

On page 1, line 3, of the printed bill, as amended, strike out "622.5", and insert "674".

Amendment No. 4

On page 1, line 9, of the printed bill, as amended, strike out "692.6", and insert "675".

Amendment No. 5

On page 1, line 11, of the printed bill, as amended, strike out "622.6", and insert "675".

Amendment No. 6

On page 1, line 12, of the printed bill, as amended, strike out "622.5", and insert "674".

Also:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "three", and insert "four".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 58 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 140—An act to add Section 2326 to the Public Resources Code, relating to the records of dissolved mining districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 140?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 20 and 21.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 140 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 169—An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 169?

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "sanitary and".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 169 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle and Ward—31.

NOES—Senator Seawell—1.

Above bill ordered enrolled.

Senate Bill No. 408—An act to amend Section 4276 of the Political Code, relating to salaries and fees of offices in counties of the forty-seventh class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 408?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4276", and insert "4271".

Amendment No. 2

In the title of the printed bill, strike out lines 2 and 3, and insert "to compensation for public services in counties of the forty-second class."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "4276", and insert "4271".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 3; and in line 4, strike out "officers", and insert
"4271. In counties of the forty-second class, the following".

Amendment No. 5

On page 1, lines 5 and 6, of the printed bill, strike out "salaries and fees to wit", and insert "sums".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 408 by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—33.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 779—An act to add Chapter 8 to Part 1 of Division 3 of the School Code, which chapter shall consist of Section 3.107, relating to insurance premium deductions from salaries.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 779?

Amendment No. 1

On page 1, line 2, of the printed bill, as amended in the Senate April 15, 1941, after "added to", insert "Part 1 of Division 3 of".

Also:

Amendment No. 1

On page 1, line 18 of the printed bill, as amended in the Senate April 25, 1941, after "an" insert "admitted."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 779 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wag, and Ward—32.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 982—An act to amend Sections 1576 and 2049 of, to add Section 2059 to, and to repeal Section 2523 of the Penal Code.

relating to State prisons and the powers and duties of the State Board of Prison Directors in connection therewith.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 982?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Sections 1576", and insert "Section".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 21, inclusive; and on page 2, strike out lines 1 to 21, inclusive.

Amendment No. 3

On page 2, line 22, of the printed bill, as amended, strike out "Sec. 2. Section 2049 of said", and insert
"SECTION 1. Section 2049 of the Business and Professions".

Amendment No. 4

On page 2, line 39, of the printed bill, as amended, strike out "3", and insert "2".

Amendment No. 5

On page 2, line 42, of the printed bill, as amended, strike out "including wardens and clerks,".

Amendment No. 6

On page 3, line 1, of the printed bill, as amended, strike out "4", and insert "3".

Amendment No. 7

On page 3 of the printed bill, as amended, strike out lines 2 to 13, inclusive.

Also:

Amendment No. 1

On page 2, line 21, of the printed bill, as amended, strike out "Business and Professions", and insert "Penal".

Also:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2049", and insert "Sections 2049 and 2024".

Amendment No. 2

On page 1 of the printed bill, as amended, between lines 18 and 19, insert
"SEC. 2.5. Section 2024 of said code is hereby amended to read as follows:
2024. Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and an adjudication by the board that such prisoner was guilty thereof, which adjudication shall be final. *The board may hold the hearing itself or authorize a committee of officials of the prison, including the warden, to hold the hearing and make its recommendations to the board. At [such] any hearing such prisoner, unless outside the walls of the prison as an escape and a fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.*"

Also:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Sections", insert "2045,".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, after "SECTION 1.", insert "Section 2045 of the Penal Code is hereby amended to read as follows:

2045. At least three of the directors shall visit each of the prisons once in [each month] *every three months* and oftener if necessary, at such times as they may select.

SEC. 1.5."

Also:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "tion 2059", and insert "tions 2059 and 2060".

Amendment No. 2

On page 2 of the printed bill, as amended, between lines 6 and 7, insert

"Sec. 23. Section 2060 is hereby added to said code, to read as follows:

2060. For the purposes of Political Code Section 352, the following constitute, among other proper purposes, State business for directors on the board, wardens, clerks, officers and employees of the board for which such directors, wardens, clerks, officers and employees shall be allowed actual and necessary traveling expenses when the State travel and expense have been approved by the Governor and the Director of Finance as provided in said section:

Attending meetings of any National association or organization, having as its principal purpose the study of matters relating to penology, including prison management and paroles, or to a particular field thereof; conferring with officers or employees of the United States relative to problems relating to penology, including prison management and paroles, in California; conferring with officers or employees of other States engaged in the performance of similar duties; and obtaining information useful to the board in the conduct of its work."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 982 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 1.05 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate refused to sustain the objections of the Governor to Senate Bill No. 877 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—Senators Carter, Foley, Garrison, Shelley, and Swan—5.

RECESS

At 1.10 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 3.02 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1876

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 926

Assembly Bill No. 1456

Assembly Bill No. 1916

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 955

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bill ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Concurrent Resolution No. 2

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

WAGY, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 1838

Assembly Bill No. 1932

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

BROWN, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred: Assembly Bill No. 1935

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

BROWN, Vice Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 391

Senate Bill No. 572

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1168

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 253

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 62

Senate Bill No. 805

Senate Bill No. 232

Senate Bill No. 981

Senate Bill No. 415

Senate Bill No. 1293

Senate Bill No. 640

And reports the same correctly engrossed.

RICH, Chairman

President of the Senate Presiding

At 3.10 p.m., Hon. Ellis E. Patterson, President of the Senate, presiding.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 3.12 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, was continued until the next legislative day.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Ward, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 995 was passed, was continued until the next legislative day.

UNFINISHED BUSINESS (RESUMED)**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 6?

Amendment No. 1

On page 2 of the printed measure, as amended, strike out lines 25 and 26, and insert "lish, and maintain an adequate forest policy. General policies for the guidance of the Division of Forestry shall be determined by the board. Pursuant to such policies, the Division of Forestry shall:".

Amendment No. 2

On page 3 of the printed measure, as amended, strike out lines 11, 12 and 13.

Amendment No. 3

On page 3, line 20, of the printed measure, as amended, strike out "subject to like"; strike out lines 21 and 22, and insert "and for the support and maintenance of the Division of Forestry. On said operative date".

The roll was called, and the Senate concurred in Assembly amendments to Senate Constitutional Amendment No. 6 by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—25.

NOTES—None.

Above resolution ordered enrolled.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, May 28, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 1229—An act to amend Sections 697.5, 720, 860 and 881 of, to repeal Section 865 of, and to add Section 865 to, the Fish and Game Code, relating to the use of nets and the taking and disposal of salmon, shad, and striped bass, declaring the urgency of this act, to take effect immediately; consisting of the undersigned, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

**GORDON
BROWN**
Senate Committee on Conference

**THURMAN
CALL
DICKEY**
Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—30.

NOES—None.

REMARKS

Senator Luckey called attention to the cantaloupes which were distributed to the members of the Senate through the courtesy of the Brawley Chamber of Commerce and the International Fair States Highway Association.

RESOLUTIONS

The following resolution was offered:

By Senator Metzger:

Senate Resolution No. 121

Relative to the Senate Committee on Public Health and Safety.

Resolved by the Senate at the State at California: That the sum of two thousand dollars, (\$2000), or so much thereof as may be necessary, be paid by warrant drawn from the Contingent Fund of the Senate, for the expenses of the Senate Standing Committee on Public Health and Safety, including the expense of making a transcript of the testimony, and the expenses of witnesses, in connection with the hearing on Assembly Bill No. 2162, June 3, 1941, to be expended after certification by the chairman of the committee by warrants of the State Controller drawn upon the State Treasurer.

Resolution read, and, on motion of Senator Jespersen, ordered transmitted to the Assembly Investigating Committee on Subversive Activities.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 484—An act to repeal Section 51 of the Retail Sales Tax Act of 1933 and Section 6381 of the Revenue and Taxation Code, both relating to exemption from retail sales taxes; to deter final assessment and determination of sales and use taxes in certain instances, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 42

Senator Seawell moved that Senate Concurrent Resolution No. 42 be re-referred to Committee on Transportation.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 255—An act to amend Section 1 of an act entitled "An act making an appropriation for the support of the California Commission on Interstate Cooperation, and providing for the expenditure of the same," approved July 22, 1939, extending the period of time during which the appropriation is available, this act to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuehel, Luckey, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Wagdy, and Ward—30.

NOES—Senator Rich—1.

Bill ordered transmitted to the Assembly.

MOTION TO REFER BILL TO UNFINISHED BUSINESS FILE

Senator Swan moved that Assembly Bill No. 2015 be placed on the unfinished business file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Kuehel moved that Assembly Bill No. 33 be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1299—An act to amend Section 665 of the Fish and Game Code, relating to sale of salmon in certain districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagdy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1498—An act to amend Section 830 of, and to add Sections 830.1 and 830.2 to the Agricultural Code, relating to by-products disposal.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2612—An act providing for posting property used for certain purposes, prohibiting trespassing upon, and loitering in the immediate vicinity of, such posted property, and providing penalties for violation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Wagy, and Ward—24.

NOES—Senators Seawell, and Shelley—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1577—An act to amend Sections 2762 and 2763 of the Penal Code, relating to the employment of prisoners upon State highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1411—An act to add Section 162 to the Revenue and Taxation Code, relating to actions to quiet title against the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 925—An act to amend Section 5138 of the Revenue and Taxation Code, and to add Sections 5151, 5142 and 5143 to the Revenue and Taxation Code, relating to the refund of taxes paid under protest.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—25.

NOES—Senator Collier—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 927—An act to amend Sections 5096, 5098 and 5099 of the Revenue and Taxation Code, to repeal Section 5101 of the Revenue and Taxation Code, and to add Sections 5101, 5103, 5104, 5105, 5106 and 5107 to the Revenue and Taxation Code, relating to the refund of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillingee, Fletcher, Gordon, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Minter, Parkman, Rich, Seawell, Slater, Swing, and Wagy—21.

NOES—Senators Collier, Judah, and Swan—3.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR BALANCE OF THE DAY

The following Senators were granted leaves of absence for the balance of the legislative day:

Senator Deuel, on motion of Senator Rich.

Senator Myhand, on motion of Senator Rich.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 171—An act to add a new section to the Political Code, to be numbered 4076a, relating to procedure for audit, allowance and payment or rejection of claims in counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Powers, Quinn, Seawell, Slater, Swan, and Wagy—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1600—An act to add Section 4097.5 to the Political Code, relating to the counting of money in the county treasury.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Powers, Quinn, Seawell, Slater, Swan, and Wagy—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1034—An act to amend Section 4238 of the Political Code, relating to compensation for public services in counties of the ninth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, and Wagy—23.

NOES—None.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

Senate Resolution No. 122

Resolved, That for the balance of the Fifty-fourth Session of the Legislature speeches on the floor of the Senate be limited to 10 minutes in length for opening speeches, and five minutes for all other speeches. Extension may be granted only by unanimous consent.

Resolution read, and unanimously adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1036—An act to amend Section 737c of the Political Code, relating to salaries of the judges of the Superior Court of Kern County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Morgan, Parkinson, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—24.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2475—An act to amend Section 4276 of the Political Code, relating to compensation for public service in counties of the forty-seventh class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Morgan, Parkinson, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1240—An act to amend Section 737d of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Butte.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, Parkinson, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—22.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 951—An act to repeal Chapter 281, Statutes of 1889, entitled "An act to provide for the applications for purchase of sixteenth and thirty-sixth sections, and to regulate the application for purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same," approved March 20, 1889.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Shelley, Slater, Swan, Waggy, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 943—An act to add Section 6215 to the Public Resources Code, relating to the administration of public lands, and providing alternative methods for protecting the interests of the State in the case of lands heretofore sold with a reservation to the State of a one-sixteenth interest in the oil and gas and other minerals therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1051—An act to amend School Code Section 2,680, relating to elections for the formation of junior college districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Waggy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1053—An act to add Section 2.88 to the School Code, relating to the inclusion of territory within a school district.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1311—An act to add Section 1.182, Section 1.183 and Section 1.184 to the School Code, relating to the employment of minor children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Quinn, Rich, Seawell, Slater, Swan, and Waggy—23.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1938—An act to add Section 1.107 to the School Code, relating to the pupils of the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2587—An act to amend Sections 3 90 and 3 101 of the School Code, relating to school holidays, declaring February 12th and February 22d legal holidays, and providing for the observance thereof.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kuchel moved a call of the Senate.

Motion carried. Time, 5.20 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE MOTION TO RECONSIDER

Senator Garrison moved to reconsider the vote whereby Senate Bill No. 255 was passed.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Garrison moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 255 was passed.

The roll was called, and Senate Bill No. 255 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Above bill ordered to unfinished business file.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 5.25 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 2587 passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, McBride, McCormack, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—22.

NOES—Senators Biggar, Cunningham, Gordon, Judah, Mayo, Powers, and Wagy—7.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 907—An act to amend School Code Sections 5.822, 5.854, 5.872 and 5.876, and to add Section 5.872-1 to the School Code, all relating to the California State Teachers' Retirement System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 381—An act to add Sections 2607, 2608, 2609 and 2610 to the Welfare and Institutions Code, relating to the property of indigents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 632—An act to repeal Chapter 1, Part 1, Division 2, and Section 1008 of the Welfare and Institutions Code, relating to the California Bureau of Juvenile Research.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 634—An act to amend Section 1129 of the Welfare and Institutions Code, relating to the establishment of feeble-mindedness.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 635—An act to repeal Sections 6622 and 6623 of the Welfare and Institutions Code, relating to dental services at State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 647—An act to amend and renumber the title of Chapter 5, Part 4, of Division 6, of the Welfare and Institutions Code, relating to State Narcotic Hospital.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 649—An act to amend Section 7001 of the Welfare and Institutions Code, relating to purposes of State homes for the feeble-minded.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 733—An act to amend Section 740 of the Welfare and Institutions Code, pertaining to the order of commitment of juvenile delinquents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 734—An act to amend Section 742 of the Welfare and Institutions Code, relating to prohibited commitments of wards of the juvenile court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 735—An act to amend Section 901 of the Welfare and Institutions Code, relating to establishment of juvenile camps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 736—An act to amend Section 5075 of the Welfare and Institutions Code, pertaining to the commitment of mentally disordered persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 737—An act to amend Section 5100 of the Welfare and Institutions Code, pertaining to the order of commitment of mentally ill persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 738—An act to amend Section 5101 of the Welfare and Institutions Code, relating to the county clerk's index.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 739—An act to amend Section 5102 of the Welfare and Institutions Code, relating to the prohibition of commitment to State hospitals of certain persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 740—An act to amend Section 5103 of the Welfare and Institutions Code, relating to delivery to State hospitals of persons committed.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 741—An act to amend Section 5251 of the Welfare and Institutions Code, relating to commitment to homes for the feeble-minded.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 742—An act to amend Section 5252 of the Welfare and Institutions Code, relating to the commitment of persons to State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1765—An act to add a new section to the State Civil Service Act, to be numbered 57.1, relating to the officers and employees of the Railroad Commission of the State of California.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, strike out the period and insert “, except the phonographic reporters and transcribers of its proceedings.”

Amendment read and adopted.

Bill ordered printed, and to third reading.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Breed and Luckey as a Senate Committee on Conference concerning Assembly Bill No. 82 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Gordon, Brown and Keating as a Senate Committee on Conference concerning Senate Bill No. 975 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 1—Relative to the proposed Loma Prieta State Forest;

Senate Bill No. 8—An act to add Section 603 to the Penal Code, relating to unlawful entry;

Senate Bill No. 10—An act to amend Section 186 of and to add Section 180.5 to the Vehicle Code, relating to transfers of title or interest in motor vehicles, including the validity of a transfer of a security interest in a vehicle pursuant to a trust receipt transaction;

Senate Bill No. 109—An act to amend Section 7 of The Personal Income Tax Act, relating to taxes on individuals, estates and trusts;

Senate Bill No. 122—An act to add Section 4383 to the Public Resources Code, relating to State Forests that may be established in Santa Cruz County, and Santa Clara County including areas suitable for timber production, outdoor recreation, water protection, and fish and game production;

Senate Bill No. 171—An act to amend Section 2.461 of, to repeal Sections 2.462, 2.463, 2.464 and 2.465 of, and to add a new section to be numbered 2.462 to, the School Code, all relating to annexation of elementary school districts on petition from a high school board;

Senate Bill No. 212—An act to amend Sections 1640 and 1671 of, and to add Section 1671.2 to, the Insurance Code, relating to insurance and insurance agents, brokers, and solicitors;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 231—An act to amend School Code Section 3.516, relating to employees of the State Board of Education;

Senate Bill No. 411—An act to amend the heading of Article 4 of Chapter 1 of Part 2 of Division 4 and Sections 581 and 588 and to add Section 589.1 of the Fish and Game Code, relating to kelp and other aquatic plants;

Senate Bill No. 453—An act to add Section 1554.1 to the Probate Code, relating to waiver of notice by the Attorney General;

Senate Bill No. 454—An act to add Section 1406.5 to the Probate Code, relating to nomination of guardians;

Senate Bill No. 457—An act to amend Sections 771, 1531 and 1534 of the Probate Code, relating to sales of securities;

Senate Bill No. 459—An act to add Section 586.5 to the Probate Code, relating to distribution of assets held by depositaries;

Senate Bill No. 460—An act to add Section 469 to the Probate Code, relating to compensation to attorneys for extraordinary services rendered to special administrators;

Senate Bill No. 469—An act to amend Section 1157 of the Fish and Game Code, relating to closing of areas to hunting;

And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 521—An act to amend Section 798.6 of the Fish and Game Code, relating to abalone bag limits in District 2;

Senate Bill No. 690—An act to amend Sections 4, 5 and 6 of the California Districts Securities Commission Act, relating to the procedure for certifying district bonds as legal investments, for use as security for the performance of any act, and the effect thereof;

Senate Bill No. 845—An act to amend Section 2313 of the Public Resources Code, relating to mining claims, tunnel locations and mill sites, and the recording of notice of location, markings of boundaries, and performance of discovery work;

Senate Bill No. 1045—An act to amend Sections 4, 5 and 9 of an act entitled "An act providing for the supervision of dams by the Department of Public Works through the State Engineer for the purpose of safeguarding life and property, defining powers and duties concerning the supervision of dams, providing for the enforcement of said supervision and providing penalties for violation thereof and making an appropriation therefor," approved June 10, 1929, as amended, relating to maintenance and operation of dams;

Senate Bill No. 1157—An act to add Section 1203.2a to the Penal Code, relating to prisoners in the State prisons;

Senate Bill No. 1249—An act to amend Sections 16001 and 16102 of the Business and Professions Code, relating to licensing by cities and counties;

Senate Bill No. 1253—An act to amend Section 10551 of the Health and Safety Code, relating to evidentiary effect of copies of birth, marriage or death records; And reports that the same have been correctly enrolled, and presented to the Governor on the twenty-ninth day of May, 1941, at 4 p.m.

RICH, Chairman

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 93

Assembly Bill No. 2096

Assembly Bill No. 546

Assembly Bill No. 2634

Assembly Bill No. 1050

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Assembly Bill No. 2036

Assembly Bill No. 2494

Assembly Bill No. 2637

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Joint Resolution No. 51

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 565

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Assembly Bill No. 1244 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Assembly Bill No. 2150 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 1381 be taken from the inactive file, and placed on the second reading file.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was offered:

Senate Joint Resolution No. 26: By Senators Luckey and Fletcher—Relative to National Defense Highways.

Without reference to committee.

SCHEDULE OF COMMITTEE MEETINGS FOR JUNE

Senator Rich moved the adoption of the following schedule of committee meetings for June:

Schedule of Committee Meetings for June

9 a.m.	10.30 a.m.	8 p.m.
	Monday, June 2d	
Labor	Transportation	Judiciary
	Tuesday, June 3d	
Public Health and Safety Financial Institutions	Governmental Efficiency	Agriculture
	Wednesday, June 4th	
Finance	Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
	Thursday, June 5th	
Education	Local Government Elections	Governmental Efficiency Business and Professions
	Friday, June 6th	
Military and Veterans Affairs	Water Resources	
	Monday, June 9th	
Labor	Transportation	Judiciary
	Tuesday, June 10th	
Public Health and Safety Financial Institutions	Governmental Efficiency	Agriculture
	Wednesday, June 11th	
Finance	Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
	Thursday, June 12th	
Education Natural Resources	Local Government	Governmental Efficiency Business and Professions
	Friday, June 13th	
Public Utilities	Water Resources	
	Monday, June 16th	
Labor	Transportation	Judiciary
	Tuesday, June 17th	
Public Health and Safety Financial Institutions	Governmental Efficiency	Agriculture
	Wednesday, June 18th	
Finance	Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
	Thursday, June 19th	
Education	Local Government Elections	Governmental Efficiency Business and Professions
	Friday, June 20th	
Military and Veterans Affairs	Water Resources	
	Monday, June 23d	
Labor	Transportation	Judiciary
	Tuesday, June 24th	
Public Health and Safety Financial Institutions	Governmental Efficiency	Agriculture
	Wednesday, June 25th	
Finance	Judiciary Fish and Game	Revenue and Taxation Welfare and Institutions
	Thursday, June 26th	
Education Natural Resources	Local Government	Governmental Efficiency Business and Professions
	Friday, June 27th	
Public Utilities	Water Resources	
	Monday, June 30th	
Labor	Transportation	Judiciary

Motion carried.

ADJOURNMENT

At 6 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10.30 a.m., May 30, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-FIRST LEGISLATIVE DAY

ONE HUNDRED FORTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, May 30, 1941

The Senate met at 10.30 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Carter, Crittenden, Delap, Dillinger, Fletcher, Foley, Judah, Kuchel, Luckey, McBride, McCormack, Parkman, Phillips, Rich, Seawell, Slater, Swing, and Tickle—19.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 10.31 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman, and ordered printed in the Journal.

God of all Nations and of All Mankind, we bow before Thee this day mindful of our heritage of peace as a people dedicated to those high values of living that have come to us from Thy hands. We are especially mindful this day of those who fought for this Country's welfare and for this Nation's unity and solidarity. May it be our earnest resolve this Memorial Day that we will hold aloft the torch of freedom and equality—of righteousness and justice—that has been handed down to us by them, so that we may continue to enjoy Thy good favor and that our land may continue to be blessed with peace and abundance. Amen.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and

Mrs. Robert L. Daniel, Betty Lee Daniel, and Dorothy Pack, all of San Diego.

On request of Senator DeLap, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. T. H. DeLap, the Misses Christine DeLap and Jean Jack, all of Richmond.

On request of Senators Swan and Seawell, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eugene Benedetti of Roseville.

On request of Senators Shelley and Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Louise Healey of San Francisco.

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Lawrence Connell, principal; Mrs. William Clarke, member board of trustees; Miss Janice Daly, teacher; George Turner, and the following students of the Santa Ana Elementary School, Ventura County: Billy Combs, Billy Clark, Vernon Ball, Margaret Eaton, Shirley Pederson, Marilyn Taylor, Francis Taylor, Jack Cudahy, Donnie Bowen, George Turner, Patsy Turner, Elaine Kolkman, Frances Savala, Hazel Burlington, Elaine Dunshee, Lydia Dawn, and Eugene Combs.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Goldie E. Leshner and Mrs. Genevieve D. Doran, both of Sacramento.

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Robert W. Phillips of Redlands.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Laura Signorotti and Mary Correia of Modesto, and Miss Marguerite Frambach of Sacramento.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joan Marie Shelley of San Francisco.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 913
Assembly Bill No. 979
Assembly Bill No. 1889
Assembly Bill No. 2402

Assembly Bill No. 2493
Assembly Bill No. 2617
Assembly Bill No. 2623
Assembly Bill No. 2646

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 913 An act to amend Section 1270 and to repeal Section 1270.5 of the Fish and Game Code, relating to deer seasons.

Referred to Committee on Fish and Game.

Assembly Bill No. 979—An act to add Section 37B to the Reclamation Board Act, relating to flood control and the advancement to the United States of funds to be used therefor.

Referred to Committee on Water Resources.

Assembly Bill No. 1889—An act to add Section 288.1 to the Penal Code, relating to punishment for crimes against children.

Referred to Committee on Judiciary.

Assembly Bill No. 2402—An act to amend Section 4157 of and add Section 4157.5 to the Political Code, relating to the powers and duties of county sheriffs.

Referred to Committee on Local Government.

Assembly Bill No. 2493—An act to amend Section 164 of the Vehicle Code, relating to license plates for vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2617—An act to add Section 215.16 to the Agricultural Code, relating to the inspection and warranty of swine sold at sales yards.

Referred to Committee on Agriculture.

Assembly Bill No. 2623—An act to amend Sections 177 and 178 of the Vehicle Code, relating to transfers of vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 2646—An act to amend Sections 276 and 511 of the Vehicle Code, relating to operators' licenses and prima facie speed limits.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 401

Senate Bill No. 413

Senate Joint Resolution No. 26

Senate Concurrent Resolution No. 45

And reports the same correctly engrossed.

RICH, Chairman

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Senate Bill No. 1340

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:
Assembly Bill No. 1436

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:
Assembly Bill No. 1856

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

PARKMAN, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2600

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 788

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 481

Assembly Bill No. 278

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Assembly Bill No. 1065

Assembly Bill No. 2616

Assembly Bill No. 2628

Assembly Bill No. 2501

Assembly Bill No. 342

Assembly Bill No. 1246

Assembly Bill No. 916

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 1000

Assembly Bill No. 811

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 9.

FLETCHER, Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Senate Bill No. 1341

Assembly Bill No. 1378

Assembly Bill No. 1906

Assembly Bill No. 2621

Assembly Bill No. 1055

Assembly Bill No. 2601

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1936

Assembly Bill No. 1937

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 2514

Assembly Bill No. 1612

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1415

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

SWING, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill No. 253—An act to amend the title and Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts

of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 2, 4 and 5 of, and to add Section 4.5 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1168—An act to amend Section 19626 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 391—An act making an appropriation for the establishment of a pathological laboratory.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "-----", and insert "twenty-one thousand four hundred sixty-five dollars (\$21,465)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

Senate Bill No. 572—An act making an appropriation for construction, improvements, and equipment at the Napa State Hospital.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, strike out line 3, and insert "of five hundred thousand dollars (\$500,000) to be expended for construc-".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1935—An act to amend Sections 6106, 6501, 6835, 6964, 6966 and 6978 of the Public Resources Code, to add Sections 6210.2, 6210.5, 6501.2, 6505 and 6963 to said code, and to add Chapter 4.1, comprising Sections 6991 to 6995, inclusive, to Part 2 of Division 6 thereof, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510, 6963, 6965, 6967, 6968 and 6969, and Chapter 2, comprising Sections 6601 to 6715, inclusive, of Part 2 of Division 6, thereof, all relating to lands owned by the State and the administration, management, leasing and disposal thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

Strike out line 1 of the title of the printed bill, as amended, and insert

"An act to amend Sections 6106, 6306, 6501, 6503, 6504, 6827, 6835, 6872, 6904, 6966".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, after "6210.5," insert "6321.2,".

Amendment No. 3

In line 6 of the title of the printed bill, as amended, after "Sections", insert "6358, 6359, 6360, 6361, 6362, 6363, 6364,".

Amendment No. 4

On page 2 of the printed bill, as amended, between lines 5 and 6, insert

"SEC. 3.1. Section 6306 of said code is hereby amended to read as follows:

6306. All [fees] *money* collected under this chapter shall be remitted monthly to the State Treasury, and credited by the State Controller to the current appropriation for the support of the commission.

SEC. 3.2. Section 6321.2 is hereby added to said code, to read as follows:

6321.2. In addition to the fees provided in Section 6321, the commission may fix and collect reasonable charges or rentals for the use of lands upon which any of the structures authorized under Section 6321 are situated.

SEC. 3.3. Sections 6358, 6359, 6360, 6361, 6362, 6363 and 6364 of said code are hereby repealed."

Amendment No. 5

On page 2 of the printed bill, as amended, between lines 19 and 20, insert

"SEC. 5.1. Section 6503 of said code is hereby amended to read as follows:

6503. Upon receipt of an application to lease land under this chapter, the commission shall appraise the lands and fix the annual rental per acre *or other consideration therefor*.

SEC. 5.2. Section 6504 of said code is hereby amended to read as follows:

6504. Whenever any lease is delivered to an applicant by the commission, the lessee shall within 15 days thereafter, execute and return the lease to the commission, and pay the first annual rental *or other consideration*. The commission shall receive the money and give a receipt therefor. All subsequent annual payments of rental *or other consideration* shall be paid in like manner 15 days after they become due. [In case payments are not made as herein provided, the lease and all rights thereunder shall cease and terminate.]"

Amendment No. 6

On page 2, line 27, of the printed bill, as amended, strike out "General Fund", and insert "State Lands Act Fund".

Amendment No. 7

On page 2 of the printed bill, as amended, between lines 32 and 33, insert

"SEC. 8.1. Section 6827 of said code is hereby amended to read as follows:

6827. Leases for the extraction and removal of oil and gas deposits may be made by the commission to the highest qualified bidder, as provided in this chapter. Such a lease shall be for a term of 20 years, [with the option in the lease to continue the term of the lease as to all wells drilling or producing at the expiration of the original term thereof for so long as oil or gas is produced therefrom] *but such term may be thereafter extended upon such terms and conditions and for such period of time as the commission deems for the best interests of the State or as the Legislature may provide*.

In addition to the royalty provided therein, each bid and each lease shall also provide for an annual rental payment in advance of such sum as the commission shall specify, which rental shall be credited against the royalties, if any, as they accrue for that year."

Amendment No. 8

On page 2 of the printed bill, as amended, between lines 47 and 48, insert

"SEC. 9.1. Section 6872 of said code is hereby amended to read as follows:

6872. Whenever it appears to the commission that oil or gas deposits are known or believed to be contained in any such lands and may be or are being drained by means of wells upon adjacent lands [not owned by the State], the commission shall

thereupon be authorized and empowered to lease any such lands, either as a tract or in parcels of such size and shape as the commission shall determine, for the production of oil and gas therefrom."

Amendment No. 9

On page 4, line 30, of the printed bill, as amended, after the period, insert "All money received by the State under this chapter shall be deposited in the State Lands Act Fund in the State Treasury."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1838—An act to add Sections 5439.5 and 5439.7 to, and to amend Section 5450 of, the Public Resources Code, relating to county recreational districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1932—An act to repeal "An act to provide for the survey and creation of camp sites on State lands," approved May 15, 1923.

Bill read second time, and ordered to third reading.

Assembly Bill No. 926—An act to amend Sections 3520 and 3712 of, and to add Section 3695.3 to, the Revenue and Taxation Code, relating to property taxation and tax-deeded property, including the assessment of property, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1456—An act to amend Sections 323, 405, 459, 2510, 2605, 2606, 2607, 2621, 2626, 2803, 2805, 2808, 2905, 3354, 3355, 3656, 3695, 3696, 3700, 3701, 3720, 3721, 3724, 4109, 4151, 4154, 4155, and 4217 of, and to add Sections 3510, 3696.5 and 3701.5 to the Revenue and Taxation Code, relating to property taxation, including assessments, the levy of taxes, the collection of taxes, computation of taxes, tax sales, tax-deeded property, and the redemption of delinquent property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1916—An act to amend Section 51, Statutes of 1917, Chapter 586, page 831, relating to workmen's compensation and payments to State Treasury by State Compensation Insurance Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 955—An act to amend Sections 6, 8, 11, 13, 17, 18, 20 and 22 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out ", 20 and 22", and insert "and 20".

Amendment No. 2

On page 1, line 9, of the printed bill, as amended, after "transferred", insert "to this State or to the United States or".

Amendment No. 3

On page 1, line 16, of the printed bill, as amended, strike out "exclusively in trust", and insert "in trust exclusively".

Amendment No. 4

On page 1, line 17, of the printed bill, as amended, after "devoted", insert "exclusively".

Amendment No. 4A

On page 1, line 22, of the printed bill, as amended, strike out "or existing", and insert "solely for charitable, educational, public or other like work".

Amendment No. 4B

On page 1 of the printed bill, as amended, strike out line 23; and in line 24, strike out "other like work under the laws".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 32 to 51, inclusive; and on page 3, strike out lines 1 to 27, inclusive, and insert

"(3) 'Previously taxed property' means property transferred by a present decedent to any person described in Subdivision (1) of Section 4 where such property was transferred to the present decedent by a prior decedent in relation to whom the present decedent was in the class described in Subdivision (1) of Section 4 and an inheritance tax was paid to this State on the transfer from the prior decedent. In determining the net amount of previously taxed property being transferred in the present decedent's estate its value shall be taken as of the date of the prior decedent's death or as of the date of the present decedent's death, whichever is lower, and due allowance shall be made under rules prescribed by the Controller for the proportion of deductions and exemptions chargeable against such property in the prior decedent's estate and for the proportion of deductions chargeable against such property in the present decedent's estate.

"Proportionate exemption" means the amount which bears the same proportion to the exemption (other than the exemption allowed in this subdivision) allowed on all property transferred by the present decedent to the person to whom the previously taxed property is being transferred as the value of the net amount of previously taxed property bears to the value of the net amount of property transferred by the present decedent to the person to whom the previously taxed property is being transferred.

The net amount of previously taxed property, less the amount of the proportionate exemption, is exempt from the tax, except any tax levied under Subdivision (12) of Section 2."

Amendment No. 6

On page 7, line 28, of the printed bill, as amended, after "tenant", insert "or by the happening of a contingency".

Amendment No. 7

On page 7, line 31, of the printed bill, as amended, strike out "at date of death", and insert "at date of death of the decedent the transfer of whose estate is being taxed".

Amendment No. 8

On page 8, line 35, of the printed bill, as amended, strike out "in"; strike out line 36; and in line 37, strike out "allowed".

Amendment No. 9

On page 8, line 46, of the printed bill, as amended, strike out "semiannual".

Amendment No. 10

On page 9, line 25, of the printed bill, as amended, strike out "semiannual".

Amendment No. 11

On page 11, line 7, of the printed bill, as amended, strike out "of", and insert "or".

Amendment No. 12

On page 11, line 10, of the printed bill, as amended, after "(e)", insert "Any heir of the decedent or beneficiary under decedent's will.
(f)".

Amendment No. 13

On page 14, line 41, of the printed bill, as amended, after the period, insert "For the purpose of computing discount or interest on the tax, the proceeds of the execution shall be deemed paid to the proper county treasurer as of the date such proceeds are received by the officer levying the writ."

Amendment No. 14

On page 15 of the printed bill, as amended, strike out lines 43 to 52, inclusive; on page 16, strike out lines 1 to 17, inclusive; and in line 18, strike out "SEC. 10.", and insert "SEC. 8."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1876—An act to amend Sections 8 and 9 of, to repeal Section 8½ of, and to add Sections 8½ and 9½ to, the Retail Sales Tax Act of 1933, relating to the tax imposed thereby, and providing for the collection of the amount of the tax by the retailer from the purchaser.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 and 3, and insert "and to add Sections 8½ and 9½ to, the Retail Sales Tax Act of 1933, and to amend Section 6053 of, to repeal Section 6052 of, and to add Sections 6052.7 and 6055 to, the Revenue and Taxation Code, relating to the tax imposed thereby,".

Amendment No. 2

On page 2, line 1, of the printed bill, as amended, strike out "8½", and insert "8¾".

Amendment No. 3

On page 2, line 16, of the printed bill, as amended, strike out "8½", and insert "8¾".

Amendment No. 4

On page 2, line 43, of the printed bill, as amended, after "payment", insert "or facilitate the collection".

Amendment No. 5

On page 2, line 45, of the printed bill, as amended, after "for", insert "quarterly periods other than calendar quarters, depending upon the location of the principal place of business of the seller, or for".

Amendment No. 6

On page 2 of the printed bill, as amended, after line 51, insert

"The board, if it deems it necessary to insure the collection of the tax imposed by this act, may provide by rule and regulation for the collection of said tax by the affixing and canceling of revenue stamps and may prescribe the form and method of such affixing and canceling."

Amendment No. 7

On page 4 of the printed bill, as amended, after line 28, insert

"SEC. 6. Section 6052 of the Revenue and Taxation Code is hereby repealed.

SEC. 7. Section 6052.7 is hereby added to said code, to read as follows:

6052.7. The tax hereby imposed shall be collected by the retailer from the purchaser in accordance with the schedule or schedules which the board by regulation shall prescribe pursuant to this article. Except as otherwise provided, it is unlawful for a retailer to fail or refuse to add to the sales price and collect from the purchaser the amount due by the retailer on account of the sales tax.

SEC. 8. Section 6053 of said code is hereby amended to read as follows:

6053. It is unlawful for any retailer to absorb, directly or indirectly, by an adjustment of prices or any other means or device, any of the sales tax, or to refund, remit, or rebate to the purchaser, directly or indirectly, by an adjustment of prices or any other means or device, any sales tax, or to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed, [or] absorbed, refunded, remitted, or rebated by the retailer or that it will not be added to the selling price of the property sold or that if added

it or any part thereof will be refunded. Any person violating any provision of this section is guilty of a misdemeanor.

SEC. 9. Section 6055 is hereby added to said code, to read as follows:

6055. In order that fair trade practices may be encouraged and that any deleterious effect of the sales tax may be minimized, and for the purpose of enabling the retailer to collect from the purchaser the amount due by the retailer on account of the tax, the board shall by regulation prescribe a schedule or schedules of the amounts to be collected by the retailer from the purchaser in respect to any sale upon which a tax is imposed by this chapter so as to eliminate fractions of one cent (\$.01). The schedule or schedules prescribed by the board for the passing on by the retailer to the purchaser of the amount due by the retailer on account of the sales tax may include plans which require both more and less than the prescribed rate of tax on the sale price, the purpose being to enable the retailer to collect from the purchaser approximately the amount of the tax imposed on his total gross receipts. The schedule or schedules shall provide that no tax shall be collected upon retail sales amounting to ten cents (\$.10) or less. The provisions of this section are deemed necessary to prevent fraud and unfair trade practices.

SEC. 10. The provisions of this act amending the Revenue and Taxation Code shall take effect only if Part 1 of Division 2 of said code is enacted by the Legislature at its Fifty-fourth Session, and, in such event, at the same time as said Part 1 takes effect; at which time the provisions of the Retail Sales Tax Act of 1933 amended by this act are hereby repealed."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 565—An act to add Section 10601.5 to the Elections Code, relating to filing of declaration of intention to become a candidate for a judicial office.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2036—An act to amend Sections 2101, 2103, 2104, 2105, 2106, 2110, 2150, 2153, 2156, 2201, 2205, 2206, 2250, 2251, 2253, 2304, 2350, 2353, 2400, 2401, 3871, 3878, 3879, and 3880 of, to add Section 3873 to, and to repeal Sections 2109, 2151, 2154, 2202, 2257, 2302, 2303, 3873, 3874, 3875, 3876, and 3877 of, the Elections Code, relating to presidential primaries.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

Strike out lines 2 to 4, inclusive, of the title of the printed bill, as amended, and insert "2105, 2106, 2110, 2150, 2153, 2156, 2200, 2201, 2205, 2206, 2250, 2251, 2253, 2304, 2350, 2353, 2400, 2401, 2420, 3871, 3878, 3879, and 3880 of, and to amend the article heading of Article 10, Chapter 1, Division 5 of, to add Sections 2420.5, 3709.5, and 3873 to, and to".

Amendment No. 2

In line 8 of the title of the printed bill, as amended, preceding the period, insert ", including the election and appointment of presidential delegates, presidential primary ballots, and lists of candidates for delegate".

Amendment No. 3

On page 5 of the printed bill, as amended, between lines 45 and 46, insert "Sec. 12.5. Section 2200 of the Elections Code is hereby amended to read as follows:

2200. The number of candidates for delegates grouped on a nomination paper shall [not be greater than] *be equal* to the total number of delegates to be elected by the party."

Amendment No. 4

On page 9 of the printed bill, as amended, strike out lines 28 to 31, inclusive.

Amendment No. 5

On page 10 of the printed bill, as amended, strike out lines 44 to 47, inclusive.

Amendment No. 6

On page 11 of the printed bill, as amended, between lines 32 and 33, insert "SEC. 26.3. The article heading of Article 10, Chapter 1, Division 5 of the Elections Code is hereby amended to read as follows:

Article 10. Substitute and Alternate Delegates

SEC. 26.6. Section 2420 of the Elections Code is hereby amended to read as follows:

2420. The Delegates to each National party convention elected at the presidential primary shall, before leaving the State to attend the convention, meet together and select a *chairman of the group*. *At the meeting they shall also select alternates to the convention.*

SEC. 26.8. Section 2420.5 is hereby added to the Elections Code, to read as follows:

2420.5. In the event a vacancy exists in the group, the chairman shall designate a person to fill that vacancy and serve as Delegate. Such person shall be selected from the Congressional district of the Delegate whose place he has been appointed to fill. If such substitute Delegate is unable to attend the convention, then his alternate shall attend the convention in his place."

Amendment No. 7

On page 12 of the printed bill, as amended, after line 36, insert

"SEC. 33. Section 3709.5 is hereby added to the Elections Code, to read as follows:

3709.5. At the time the county clerk prepares sample ballots for each political party at the presidential primary, he shall also prepare a list of candidates for delegate for each political party. The list shall be printed upon a sheet of paper separate from the sample ballot. The names of the candidates for Delegate of any political party shall be arranged upon the list of candidates for Delegate of that party in parallel columns under their preference for president. The order of groups on the list shall be the same as the order in which the names of the persons they prefer appear upon the ballot. Each column shall be headed in heavy face 10 point, gothic type, as follows: "The following Delegates are pledged to -----."

(The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for Delegate shall be printed in eight point, roman capital type.

One copy of the list of candidates for Delegate of the party to which the voter belongs shall be mailed to each voter entitled to vote at the presidential primary at the same time and together with the sample ballot. Copies of the list of candidates for Delegate of each party shall also be submitted by the county clerk to the chairman of the county committee of that party, and the county clerk shall post a copy of each list in a conspicuous place in his office."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2494—An act to add Sections 11650, 11651, 11652 and 11653 to the Elections Code, relating to abuse of the initiative, referendum, and recall.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "11650, 11651, 11652 and 11653 to the", and insert "11638, 11639, 11650, 11651, 11652, 11653 and 11654 to Article 5 of Chapter 2 of Division 14 of, and to amend Section 11641 of the".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 1, and insert

"SECTION 1. Section 11638 is hereby added to Article 5 of Chapter 2 of Division 14 of the Elections Code, to read as follows:

11638. As used in this article, "proponent or proponents of an initiative or referendum measure" means the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he prepare a title and summary of the chief purpose and points of the proposed measure.

SEC. 1.3. Section 11639 is hereby added to the Elections Code, to read as follows:

11639. As used in this article, "proponent or proponents of a recall petition" means the person or persons who have charge or control of the circulation of, or obtaining signatures to, such petitions.

SEC. 1.7. Section 11641 of the Elections Code is hereby amended to read as follows:

11641. Any petition, or any section of a petition, filed by any person other than the proponents of an initiative or referendum measure and with an intention of defeating an expression of the public will is null and void.

[For the purposes of this section the proponents of an initiative or referendum measure shall be deemed to be those persons who submit a draft of the petition proposing the measure to the Attorney General with a request that he prepare a title, and summary of the chief purposes and points of the proposed measure.]

SEC. 1.9. Section 11650 is hereby added to the Elections".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 23 to 25, inclusive; and on page 2, strike out lines 1 to 7, inclusive.

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 26 to 35, inclusive.

Amendment No. 5

On page 3 of the printed bill, as amended, strike out lines 15 to 24, inclusive, and insert

"SEC. 5. Section 11654 is hereby added to said code, to read as follows:

11654. Any person working for the proponent or proponents of an initiative or referendum measure or recall petition who solicits signatures to qualify such measure or petition and accepts any payment therefor and who fails to surrender such measure or petition to the proponents thereof for filing is punishable by imprisonment in the State prison or in the county jail for not exceeding two years, or by a fine not exceeding five thousand dollars (\$5,000), or by both fine and imprisonment."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2637—An act to add Section 2540.5 to the Elections Code, relating to the qualification of political parties for participation in primary election.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Elections:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "statement", and insert "statements".

Amendment No. 2

On page 1, line 8, of the printed bill, as amended, after "clerks", insert "25 days".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 93—An act to amend Sections 3.761 and 3.762 of, and to add Section 6.261a to, the School Code, all relating to the teaching of civics in elementary schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 546—An act to add Section 5.143 to the School Code, relating to the issuance of teachers' credentials to blind or partially blind persons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1050—An act to add Section 6.94 to the School Code, and to amend Section 6.90a of the School Code, relating to the construction and maintenance of dormitories by school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2096—An act to add Section 6.37 to the School Code, relating to the powers and duties of governing boards of school districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2634—An act to repeal Section 2.600 of the School Code and to repeal an act entitled "An act providing for the organization of certain elementary school districts into union or joint union high school districts," approved April 30, 1929, and to add Section 2.600 to the School Code, all relating to the formation of high school districts.

Bill read second time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 9 and 10, of the printed bill, as amended, strike out "of the heads of families or".

Amendment No. 2

On page 1, line 19, of the printed bill, as amended, strike out "of the heads of families or".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1244—An act to add Article 2 to Chapter 2 of Part 2 of Division 3 of the School Code, relating to the supervision of instruction in elementary schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2150—An act to add Section 5.604 to the School Code, relating to the attendance of teachers upon institutes and educational meetings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1381—An act to amend Sections 61 and 105 of the Bank Act, relating to the investment of trust funds.

Bill read second time, and ordered to third reading.

REPORT OF SPECIAL INVESTIGATING COMMITTEE

The following report, submitted by the Special Senate Investigating Committee appointed pursuant to Senate Resolution No. 104, was ordered printed in the Journal:

May 27, 1941

To the President and Members of the State Senate of California

Your committee appointed and authorized by Senate Resolution No. 104 to investigate the question of coercion, intimidation, also supposedly fraudulent tele-

grams sent March 26th and 27th last by certain individuals and unions from San Diego to the legislators representing San Diego County; Senator Fletcher, Assemblymen Daley, Stream and Richie report as follows:

We held two public meetings, one in San Diego Friday afternoon and evening, May 16th, also one in Sacramento Wednesday afternoon, May 21st last. We subpoenaed approximately 138 members of different unions in San Diego whose names were attached to certain telegrams sent. Seventy-eight individuals, union members, testified. Twenty-eight subpoenaed were unknown at the address given on the telegrams received, and the deputy reported they could not be found in the directory, telephone or otherwise. Thirty-two were out of town on vacation, or could not be located within a 48 hour notice. All witnesses were put under oath.

The superintendent of the Western Union Telegraph Company at San Diego, Mr. Topham, and his assistant, Mr. Parker, testified that within the 24 hour period March 26th and 27th last, 5,280 telegrams were sent by them to the four legislators above mentioned, on five forms of wording at a cost of \$4,252.67, charged to and paid for by the Federated Trades & Labor Council on orders of Mr. K. G. Bitter of the council, who furnished to the Western Union Telegraph Company the five forms, marked exhibits 2, 3, 4, 5 and 6. From time to time Mr. Bitter sent lists of names and their street address to be signed to each telegram, copies of each to be sent to the four legislators; also what numbered form of telegram to use in each case. The Labor Leader, a weekly labor paper, of April 2d, stated that 6,800 telegrams were sent by union members on the 26th and 27th of March last to the San Diego County representatives protesting the passage of Senate Bill No. 877 known as the "Hot Cargo" and Secondary "Boycott" Bill. Also Senate Bill No. 975 and other bills. These telegrams were received two days after Senate Bills Nos. 877 and 975 had passed the State Senate.

On March 27th Senator Fletcher, Mrs. Daley and Mr. Stream each received telegrams from James A. Thompson, business representative, International Union of Operating Engineers Local 526, via Postal Telegraph Company, reading as follows:

"Membership of Local 526 Stationary Engineers voted unanimously at special meeting tonight to detail our membership to go into the district and work for defeat of any Senator or Assemblyman who votes for Assembly Bill No. 1545, Senate Bills Nos. 180, 877, 974, 975, 976, 560. We urgently request your vote against these vicious anti-labor bills."

Mr. James E. Chewning and his assistant, Mr. M. D. Hancock, manager and assistant manager of the Postal Telegraph Company, under oath, testified that the last mentioned telegrams were sent on orders of James A. Thompson, also the telegrams were charged to and paid for by the International Union of Operating Engineers Local 526.

Of the 78 union members who testified before your committee last Friday, three stated they had given authority to allow the placing of their names on the telegrams to each of the four State representatives from San Diego. Five stated the officials of the union said they thought they had the right to send such individual telegrams and sign their names when for the good of the union, even without their knowledge or consent in advance, irrespective of what was included in the telegrams. Sixty-eight union members stated they had no knowledge of, nor had ever given their consent to allow the use of their names in relation to the telegrams sent. Many union men, under oath and by written communication, now officially in the records, protested and resented the use of their names very forcefully. Three following communications are typical of many received: For obvious reasons we do not attach the name of the union members. (Sent to Senator Fletcher).

No. 1—"I did not send a telegram and did not pay for it. Did not even know one was sent in my name. I only belong to gang of mobsters No. 1296 BTC known as a carpenter's union because it is the only way a man can work on our defense program. Be glad to discuss this subject with you when you come home."

No. 2—"I did not send this telegram, and I am sure the views are not my own. I am for anything that will get the *rackets* out of labor unions. Defense of U. S. A. is first and *foremost*."

No. 3—"I did not send this telegram. I did not pay for it. I knew nothing of this. They spent over \$4,000 I've been told for telegrams. We pay for it. I am glad someone is looking into this."

The testimony shows that out of approximately 1,400 who sent the 6,000 or more telegrams a post card from them in reply shows that only 102 knew the telegrams were sent and approved before being sent, while over 150 completely denied ever having knowledge of or authorizing the sending of said telegrams. Messrs. Edward F. Pierce and K. G. Bitter offered to testify voluntarily, but as the testimony given showed they were possibly involved, the committee took under advisement the question of allowing these two gentlemen to testify under oath until we could consult our legal counsel as to the possibility of these gentlemen claiming immunity afterward. Mr. Fred Wood, our legal counsel, upheld our action in San Diego in refusing to allow them to testify. Our letter of Mr. Wood of May 19th, and his official opinion

as of that date, is herewith attached, and made an official record thereof. On May 22d last, with the approval of Mr. Fred Wood, we telegraphed Messrs. Pierce and Bitter, that they could, if they so desired, send immediately a statement to us in connection with the investigation, under their own signature; the intention of the committee being to include it in the record. Messrs. Pierce and Bitter refused to take advantage of this offer.

At the hearing in Sacramento May 21st, Mrs. Daley, and Messrs. Stream and Richie acknowledged having received approximately 4,000 telegrams on the twenty-seventh of March last. These telegrams were similar in form to those received by Senator Fletcher.

Conclusion

Based on the opinions of the Legislative Counsel herewith attached, your committee are of the opinion that three laws have been violated: Those directed against coercion, intimidation and forgery. We attach copy of the original transcript of testimony taken of both meetings; also copies of exhibits, and recommend that the original report and exhibits be kept with the Secretary of State Senate for safe keeping.

We are of the opinion that those in authority should check as to whether a law has been violated by the telegraph companies in the receiving and sending of these telegrams. We recommend legislation that will put teeth in the present laws which will convince all lobbyists of the futility of trying to influence Legislators by such methods. We recommend the adoption of this report; also that a copy of the testimony and exhibits be placed by the Secretary of the Senate in the hands of the Attorney General of California, the district attorney and grand jury of the County of San Diego, and recommend that they take such action as to them the evidence warrants.

Respectfully submitted,

SENATOR BIGGAR
SENATOR CARTER
SENATOR FLETCHER, Chairman

DATED: May 22, 1941

Since writing this report I have received a letter from a Union man who testified at the recent hearing, that his union officials have demanded he resign on account of his testimony at the recent hearing. This would indicate that reprisals have started.

SENATOR FLETCHER, Chairman

REMARKS

The following remarks by Senator Slater were ordered printed in the Journal:

It is particularly appropriate that we pause at this time to pay tribute to this impressive National day—Decoration Day. It is fitting we again recall the inception of this annual National observance. It remembers those who fought and those who died in the preservation of our beloved land, following the great principles of Liberty and Democracy which made us a Nation.

In loving thought we turn back the pages of memory to the first Decoration Day and its continuing message throughout the years until this day, when once more we find opportunity for counselling together to the end that we must again preserve this great land, not only from the interference from wreckers from within but to defend ourselves in every way from threatened merciless attacks from without.

As we raise the Old Flag again above the passionless graves of the heroes of the Civil War and of subsequent conflicts for the preservation of Democracy, recount the deeds of patriotism and the calling into action of our brave Soldiers and Sailors, while we bring our flowers and our prayers and our tears in common token of appreciation, may we reconsecrate our lives and our all to the perpetuation of love, liberty and the pursuit of happiness in this great land of opportunity, this last bulwark of Democracy. We accept the challenge to meet the hour. This shall be our tribute to those who were willing to make the supreme sacrifice for us.

RESOLUTIONS

The following resolution was offered:

By Senator Dillinger:

Senate Resolution No. 123

WHEREAS, This is the day set aside to honor our Soldier dead; and

WHEREAS, It is a fitting and proper time to acknowledge our deep and eternal debt of gratitude for the heritage bequeathed to us, and won by so great a sacrifice; and

WHEREAS, We do this day acknowledge our grave responsibility as citizens and especially as the makers of the law, to discharge that responsibility, with humility and earnest honesty; therefore, be it

Resolved, That we stand at attention in respect to our honored Soldier dead; also in honor of the mothers of the men who died in defense of our Country; that we voice a fervent prayer that those men may not have died in vain; that God in His infinite wisdom and goodness may give us peace, and that when we do this day adjourn we do so in honor of our Soldier dead.

Resolution read, and unanimously adopted by a rising vote.

President Pro Tempore Presiding

At 10.50 a.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 743—An act to amend Section 5258 of the Welfare and Institutions Code, relating to the order of commitment of feeble-minded persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 744—An act to amend Section 6664 of the Welfare and Institutions Code, relating to payment of expenses when person committed charged with crime.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 745—An act to amend Section 166 of the Welfare and Institutions Code, relating to the disposition of personal property unclaimed by the owner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 748—An act to amend Section 5104 of the Welfare and Institutions Code, relating to the patients' personal deposit fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 751—An act to amend Section 5701 of the Welfare and Institutions Code, providing for the license fee for private institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 752—An act to add Section 6500.5 to the Welfare and Institutions Code, relating to care and management of institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 753—An act to amend Section 6650 of the Welfare and Institutions Code, relating to liability for care, support, and maintenance of patients in State hospitals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 754—An act to amend Section 6655 of the Welfare and Institutions Code, relating to the liability to the State of the estates of persons committed to State institutions for the care, support, and maintenance of such persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 755—An act to amend Section 6656 of the Welfare and Institutions Code, relating to the deposit of funds by the guardian in the patient's deposit fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 756—An act to add Section 6656.5 to the Welfare and Institutions Code, relating to funds belonging to patients in State institutions and patients' personal deposit fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 758—An act to add Section 6660.5 to the Welfare and Institutions Code, relating to the care of patients' estates where the value of said estate does not warrant a guardianship.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 759—An act to amend Section 6661 of the Welfare and Institutions Code, relating to estates under three hundred dollars (\$300) of persons committed to State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 760—An act to amend Section 6663 of the Welfare and Institutions Code, pertaining to payment of board bills.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride,

McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 762—An act to amend Section 7011 of the Welfare and Institutions Code, relating to payments of county officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2243

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 2243—An act to amend Section 1679 of the Insurance Code, relating to insurance and insurance agents, brokers, and solicitors, declaring the urgency thereof, to take effect immediately.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Assembly Bill No. 2243, at this time, for consideration.

CONSIDERATION OF ASSEMBLY BILL NO. 2243

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Seawell:

Resolved, That Assembly Bill No. 2243 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Wagye, and Ward—30.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2243—An act to amend Section 1679 of the Insurance Code, relating to insurance and insurance agents, brokers, and solicitors, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Assembly Bill No. 2243—An act to amend Section 1679 of the Insurance Code, relating to insurance and insurance agents, brokers, and solicitors, declaring the urgency thereof, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11:28 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Deuel, on motion of Senator Rich.

Senator Kenny, on motion of Senator Rich.

Senator Myhand, on motion of Senator Rich.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 763—An act to amend Section 7052 and Section 7050 of the Welfare and Institutions Code, relating to the commitment of defective or psychopathic delinquents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 765—An act to amend Section 7066 of the Welfare and Institutions Code, relating to the parole of defective or psychopathic delinquents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 771—An act to amend Section 7508 of the Welfare and Institutions Code, relating to civil actions or claims arising out of the discharge of official duties relating to inmates of State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 648—An act to amend Section 7057 of the Welfare and Institutions Code, relating to the determination of the alleged defective or psychopathic delinquencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 650—An act to amend Section 6651 of the Welfare and Institutions Code, relating to payment for the care, support, and maintenance of persons in State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 747—An act to amend Section 3254 of the Welfare and Institutions Code, relating to the duties of the Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 907—An act relating to the payment of interest on and principal of bonds, and the holding of funds for such payment. Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 907 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Waggy, and Ward—30.

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 59—An act to amend Sections 305 and 307 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 59?

Amendment No. 1

On page 1, line 14, of the printed bill, as amended, strike out "twenty-nine", and insert "twenty-eight".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 59 by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Waggy, and Ward—27.

NOES—Senators Collier, and Seawell—2.

Above bill ordered enrolled.

Senate Bill No. 174—An act to amend Section 4280 of the Political Code, relating to the salaries and fees of officials in counties of the fifty-first class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 174?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4280", and insert "4281".

Amendment No. 2

In the title of the printed bill, strike out lines 2 and 3, and insert "to compensation for public services in counties of the fifty-second class."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "4280", and insert "4281".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 3, and insert "4281. In counties of the fifty-second class, the following".

Amendment No. 5

On page 1, lines 5 and 6, of the printed bill, strike out "salaries, to wit", and insert "sums".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 174 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 283—An act to add Section 2160.7 to the Welfare and Institutions Code, relating to the aged confined in county institutions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 283?

Amendment No. 1

On page 1, line 12, of the printed bill, as amended in the Senate April 11, 1941, strike out "pension", and insert "assistance".

Amendment No. 2

On page 1, line 13, of the printed bill, as amended in the Senate April 11, 1941, strike out the period, and insert "; or after his release from the county hospital."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 283 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 406—An act to amend Section 4247 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighteenth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 406?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4247", and insert "4250".

Amendment No. 2

In the title of the printed bill, strike out lines 2 and 3, and insert "to compensation for public services in counties of the twenty-first class."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "4247", and insert "4250".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 3; and in line 4, "named county officers", and insert

"4250. In counties of the twenty-first class the following".

Amendment No. 5

On page 1 of the printed bill, strike out lines 6, 7 and 8, and insert "the following sums:

1. The auditor,"

Amendment No. 6

On page 1 of the printed bill, strike out lines 10 and 11, and insert

"2. The district attorney,"

Amendment No. 7

On page 1 of the printed bill, strike out lines 17 and 18; and in line 19, strike out "fixed in the sum of", and insert

"3. Each supervisor,"

Amendment No. 8

On page 2 of the printed bill, strike out line 7, and insert "4."

Amendment No. 9

On page 2, line 14, of the printed bill, strike out "In counties of the eighteenth class, grand", and insert "Grand".

Amendment No. 10

On page 2, line 24, of the printed bill, strike out "counties of the eighteenth class," and insert "such counties".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 406 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 464—An act to add Chapter 12, comprising Sections 9201 to 9225, inclusive, to Part 4, Division 8 of the Health and Safety Code, relating to abandonment of cemeteries by public cemetery districts.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 464?

Amendment No. 1

On page 2, line 31, of the printed bill, after "mailed", insert "by registered letter".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 464 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 480—An act to add a new section to the Agricultural Code, to be numbered 737.6-1, relative to sales of milk for cash.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 480?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 11 to 26, inclusive, and insert

"737.6-1. No bond shall be required of any distributor who purchases fluid milk or fluid cream from a producer-distributor; provided, that the buyer at the time of obtaining possession or control of each delivery pays for the same the full agreed price of the delivery in lawful money of the United States; and provided, that said fluid milk or fluid cream is purchased in package form ready for human consumption, and not in bulk form. Any distributor before purchasing fluid milk or fluid cream on the above terms shall notify the director of his intention to make such purchases, stating from whom, and the average daily quantity of such purchases. Such distributor shall also keep a record of such purchases, showing dates of purchases, amounts of purchases, and the name or names of seller or sellers, and shall make such other and further reports to the director as he may from time to time require."

Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of lines 1 to 14, inclusive.

Also:

Amendment No. 1

On page 2, line 10, of the printed bill, as amended, following "same", strike out "the", and insert "in".

Amendment No. 2

On page 2, line 11, of the printed bill, strike out "agreed price of the delivery".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 480 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 530—An act to add Section 28.7 to Article 1 of Chapter 1 of Division 1 of the Agricultural Code, relating to bonds and licenses.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 530?

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in the Senate March 13, 1941, commencing with "Provided", strike out the balance of the line, and all of lines 8, 9 and 10, and insert

"However, in a case where the bond is canceled as a result of the retirement from business of the bonding company, and when the director is satisfied that the licensee is solvent he may continue in force, the license in question for a period of not to exceed 30 days to enable the licensee to secure a new bond."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 530 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 558—An act granting certain salt marsh, tide and submerged lands of the State of California to the City of Oakland, including the management, use and control thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 558?

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto."

Amendment No. 2

On page 1, line 1, of the printed bill, beginning with "granted", strike out to and including "in and to" in line 5, and insert "transferred to the City of Oakland, a municipal corporation, and to its successors forever, a surface easement over".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "easterly", and insert "westerly".

Amendment No. 4

On page 1 of the printed bill, after line 15, insert

"Bounded on the north by the line of ordinary low tide, as said line may have come to rest under natural conditions; on the south by the southern boundary line of said City of Oakland lying in the estuary of San Antonio; on the west by

the projection southerly of the easterly line of Washington Street, a public street of said city; and on the east by the projection southerly of the westerly line of Broadway, a public street of said city.

Bounded on the north by the line of ordinary low tide, as said line may have come to rest under natural conditions; on the south by the southern boundary line of said City of Oakland lying in the estuary of San Antonio; on the west by the projection southerly of the easterly line of Broadway, a public street of said city; and on the east by the projection southerly of the center line of Franklin Street, a public street of said city."

Amendment No. 5

On page 1 of the printed bill, strike out all of lines 16, 17 and 18, and insert "Said transfer is made for the following uses and purposes and subject to the following conditions:"

Amendment No. 6

On page 2 of the printed bill, strike out from and including "limited", in line 2, to and including "harbor", in line 8, and insert "terms not in excess of 25 years for uses specified in this paragraph."

Amendment No. 7

On page 2, line 15, of the printed bill, after "railroad," insert "or airplane or seaplane".

Amendment No. 8

On page 2, line 19, of the printed bill, strike out "mentioned in paragraph (a)", and insert "herein mentioned".

Amendment No. 9

On page 2, line 27, of the printed bill, commencing with the word "There", strike out to and including "land", in line 31, and insert

"That there is hereby reserved to the State of California the right and power to prospect for, mine, extract, and remove from said lands any minerals, oil, gas, and other hydrocarbons, and all other things of value which may be contained in the subsurface of said lands; but any such prospecting, mining, extraction, and removal shall not be conducted by the State, or those who hold under the State, in such manner as to unreasonably interfere with the administration herein transferred to the city."

Amendment No. 10

On page 2 of the printed bill, after line 41, insert

"SEC. 2. Portions of the low tide line above mentioned never having been located on the ground, the city hereby is empowered to fix the same by agreement with abutting owners or by other appropriate means."

Also:

Amendment No. 1

On page 2, line 21, of the printed bill, as amended, after "quays", insert "ships ways or other industrial uses."

Amendment No. 2

On page 2, line 35, of the printed bill, as amended, change the period to a semicolon, and insert "and may lease said lands for the purposes aforesaid, or any of them, for such period or periods not to exceed 50 years, and under such terms and conditions as may be prescribed by the governing body of the City of Oakland."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 558 by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 652—An act to add Section 334.5 to the Agricultural Code, relating to the branding of live stock.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 652?

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, after "act to", insert "amend Section 332.5 of, and to".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert "SECTION 1. Section 332.5 of the Agricultural Code is hereby amended to read as follows:

332.5. Identification brands for dairy cattle of the Holstein, Jersey, Guernsey, Ayrshire, Brown Swiss, Dutch Belted and Milking Shorthorn breeds may be placed upon *either the right loin in front of the hip and behind the ribs or upon the right hip*; provided, such brands [consist of a numeral only and] are used for purposes of identification only and not as evidence of ownership. *When placed upon the right loin any such brand may consist of any numeral or numerals, but when placed upon the right hip any such brand shall consist of at least three numerals constituting a number greater than 200.* Such brands may not be recorded.

SEC. 2. Section 334.5 is hereby added to the Agricul-".

Also:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended strike out "may consist of any numeral or", and insert "shall consist of a numeral or combination of".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 652 by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 653—An act to amend Section 336 of the Agricultural Code, relating to live stock brands.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 653?

Amendment No. 1

On page 1, line 28, of the printed bill, as amended, after "\$1.50)", insert "provided, that the owner may, at his option, pay the sum of six dollars (\$6) which payment shall entitle him to use the brand or brand and mark for a period of four years".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 653 by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 682—An act to amend Section 465.6 of the Vehicle Code, relating to signs alongside highways.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 682?

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "and Other Locations".

Amendment No. 2

On page 1 of the printed bill, strike out lines 8 to 12, inclusive, and insert "way. The boards of supervisors of the several counties may place and maintain, with respect to county highways or county roads under their respective jurisdictions, appropriate signs indicating that the territory traversed is open live stock range and warning against the danger of live stock on the highway or road."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 682 by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—25

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 745—An act to add Section 465.7 to the Vehicle Code, relating to signs.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 745?

Amendment No. 1

Strike out line 2 of the title of the printed bill, as amended, and insert "warning signs, lights and devices."

Amendment No. 2

On page 1, line 3, of the printed bill, as amended, strike out "Warning Signs and lights for highway repairs.", and insert "Warning Signs, Lights and Devices for Highway Work."

Amendment No. 3

On page 1, line 5, of the printed bill, as amended, strike out "a uniform type", and insert "uniform types".

Amendment No. 4

On page 1, line 6, of the printed bill, as amended, strike out "sign or lights", and insert "signs, lights and devices".

Amendment No. 5

On page 1, lines 7 and 8, of the printed bill, as amended, strike out "any excavation or repair".

Amendment No. 6

On page 1, line 10, of the printed bill, as amended, strike out "or lights", and insert "signs, lights and devices".

Amendment No. 7

On page 1, line 12, of the printed bill, as amended, strike out "the excavation or repair".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 745 by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McCormack, Mixer, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1003—An act to amend Sections 195 and 203 of, and to add Sections 205 and 206 to, the Streets and Highways Code, relating to the expenditure of moneys from the State Highway Fund within cities.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1003?

Amendment No. 1

On page 3 of the printed bill, as amended, strike out all of lines 18 to 27, inclusive, and insert

"206. Whenever, after the effective date of this section, any city, by incorporation, annexation or exclusion of territory, establishes the incorporated limits of such city so that the right of way of any State highway lies between portions of a city, the contiguous property on each side of the highway being within the incorporated limits thereof, then such State highway shall be deemed to be within such city for all purposes of this article."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1003 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 792—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 792?

Amendment No. 1

On page 2, line 12, of the printed bill, as amended, strike out "or for which he is in any way responsible", and insert "in print".

Amendment No. 2

On page 2, line 16, of the printed bill, as amended, strike out "for which", and insert "of"; and in the same line, strike out "is responsible".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 792 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1068—An act to add Section 135.8 to the Vehicle Code, requiring reports of damaged fences.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1068?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Senate March 25, 1941, strike out the period, and insert ", or to the local headquarters of the California Highway Patrol."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1068 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1183—An act to add Section 45.5 to the Vehicle Code, relating to definition of implement of husbandry.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1183?

Amendment No. 1

On page 1 of the printed bill, strike out lines 3 to 10, inclusive, and insert "45.5. A trailer or semitrailer used for the transportation of liquefied petroleum gas for use by the owner or lessee of agricultural property in connection with his agricultural pursuits, shall be deemed to be an implement of husbandry."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1183 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1076—An act to amend Section 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the sixth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1076?

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Section", insert "777 and".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, after "the", insert "fifth and".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out all of lines 3 to 7, inclusive, and in line 8, strike out "same", and insert

"Sec. 874. In any project for the erection, improvement and repair of public buildings and works; in all work in or about streams, bays, or waterfronts, or in or about embankments, or in other works for the protection against overflow; in all street or sewer work exclusive of maintenance and repair, and in the furnishing of any supplies or materials for any such project inclusive of projects for maintenance or repair of streets or sewers".

Amendment No. 4

On page 1, line 16, of the printed bill, as amended, after the comma following "city", insert "which publication shall be commenced not less than 10 days prior to the date set in the notice for the opening of bids,".

Amendment No. 5

On page 1, line 25, of the printed bill, as amended, after "discretion", strike out the semicolon, and insert a comma and "and if any two or more bids are the same and are the lowest bids received, the council may accept whichever one it chooses".

Amendment No. 6

On page 2 of the printed bill, as amended, after line 29, insert

"Sec. 2. Section 777 of the act cited in the title hereof is hereby amended to read as follows:

Sec. 777. In any project for the erection, improvement, and repair of [all] public buildings and works; in all street and sewer work *exclusive of maintenance or repair*, and in all work in or about streams, bays or waterfronts, or in or about embankments, or other works for protection against overflow, and in furnishing any supplies or materials for [the same] *any such project inclusive of projects for maintenance or repair of streets or sewers*, when the expenditures required for the same exceed the sum of [three hundred] *one thousand* dollars the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice [by publication in a newspaper of general circulation, printed and published in such city or town, for at least two weeks,] *which shall consist of the publication of a notice inviting bids by two or more insertions thereof, not less than five days apart, in a newspaper of general circulation, printed and published in such city, which publication shall be commenced not less than 10 days prior to the date set in the notice for the opening of bids, or if there be no newspaper of general circulation printed [or] and published therein, [by printing and posting the same in at least four public places therein for the same period] by posting copies of said notice inviting bids in at least three public places in said city, which places shall be those*

designated by ordinance as the places for posting of public notices, not less than 10 days prior to the date set in the notice for the opening of bids; such notice shall distinctly and specifically state the work contemplated to be done; provided, that the board of trustees may reject any and all bids presented and readvertise, in their discretion, and if any two or more bids are the same and are the lowest bids received, the board of trustees may accept whichever one it chooses; provided further, after rejecting bids, the board of trustees may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section, and provided further, that in case of a great public calamity such as an extraordinary fire, flood, storm, epidemic or other disaster, or in the doing of emergency work deemed necessary in the preparation for National or local defense, the board of trustees may, by resolution passed by vote of four-fifths of all its members declare and determine that public interest and necessity demands the immediate expenditure of public money to safeguard life, health or property and thereupon they may proceed to expend or enter into a contract involving the expenditure of any sum required in such emergency. (The board of trustees shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest responsible bidder, after notice as provided in this section.)

In the event that there is more than one newspaper of general circulation printed and published in such city the board of trustees shall, annually, prior to the beginning of each fiscal year, publish a notice inviting bids, and contract for the publication of all legal notices required to be published in a newspaper of general circulation printed and published in said city. Said contract shall include the printing and publishing of all such legal notices during the ensuing fiscal year. In the event there is only one newspaper of general circulation printed and published in said city, then the board of trustees shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1076 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

RECESS

At 12.25 p.m., on motion of President pro tempore Wm. P. Rich, the Senate recessed until 12.30 p.m. to hear from State Senator Coe A. McKenna of Portland, Oregon.

REASSEMBLED

At 12.30 p.m., the Senate reconvened.

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1330—An act to amend an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, by amending Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13 and 15 thereof, and by adding thereto three new sections, to be Sections 4.5,

10.5 and 11.5 thereof, relating to county peace officers' retirement system.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1330?

Amendment No. 1

On page 10, line 22, of the printed bill, as amended May 9, 1941, following the comma, insert "or within 60 days after the effective date of this section."

Also:

Amendment No. 1

On page 2, line 40, of the printed bill, as amended May 16, 1941, between "with" and "all", insert "one-half of".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1330 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1144—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1144?

Amendment No. 1

On page 1, line 18, of the printed bill, as amended, strike out "then," and strike out line 19, and insert "or having knowledge, fails to determine how the terms of imprisonment shall run in relation to each other, then, upon such failure so to determine, or upon such prior judgment or judgments being brought to the".

Amendment No. 2

On page 1, line 23, of the printed bill, as amended, strike out "shall determine how the term", and insert "shall, in the absence of the defendant and within 60 days of such notice, determine how the term of".

Amendment No. 3

On page 1, line 25, of the printed bill, as amended, strike out "unless", and strike out lines 26 and 27, and insert "Upon the failure of the court so to determine how the terms of imprisonment on the second or subsequent judgment shall run, the term of imprisonment on the second or subsequent judgment shall run concurrently."

Also:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended, after "be", insert "; provided, however, if the punishment for any of said crimes is expressly prescribed to be life imprisonment, then the terms of imprisonment on the other convictions, whether prior or subsequent, shall be merged and run concurrently with such life term".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1144 by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Swan moved that Assembly Bill No. 2015 be placed on the inactive file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to postpone reconsideration of the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, until Tuesday, June 3d.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Ward moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 995 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

RECESS

At 1.40 p.m., on motion of Senator Swing, the Senate recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Senate reconvened.

Hon. William P. Rich, President pro tempore of the Senate, presiding.

Call of the Senate

Senator Mayo moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 2.33 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 227

Senate Bill No. 393

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 45

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1004

Senate Joint Resolution No. 25

And respectfully requests your honorable body to concur in said amendments

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 151

Assembly Bill No. 159

Assembly Bill No. 488

Assembly Bill No. 571

Assembly Bill No. 999

Assembly Bill No. 1139

Assembly Bill No. 1222

Assembly Bill No. 1336

Assembly Bill No. 1861

Assembly Bill No. 2105

Assembly Bill No. 2615

Assembly Bill No. 2635

Assembly Bill No. 2643

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 12

Assembly Constitutional Amendment No. 63

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 151—An act to add Sections 556.1 and 556.2 to the Military and Veterans Code, relating to the organization of the State Guard, making an appropriation therefor, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 159—An act to amend Section 919 of the Fish and Game Code, relating to bait nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 488—An act to amend Sections 379 and 428 of the Vehicle Code, relating to the seizure and sale of vehicles by the Department of Motor Vehicles.

Referred to Committee on Transportation.

Assembly Bill No. 571—An act to amend Section 4251 of the Labor Code, relating to workmen's compensation.

Referred to Committee on Labor.

Assembly Bill No. 999—An act to add Section 473B to the Political Code, relating to approval of rules and regulations by the Attorney General.

Referred to Committee on Judiciary.

Assembly Bill No. 1139—An act to add Section 4257 to the Labor Code, relating to workmen's compensation insurance.

Referred to Committee on Labor.

Assembly Bill No. 1222—An act to add Sections 28 and 28.1 to the Unemployment Insurance Act, relating to the obligations of this State for funds received from the United States, and to provide that this act take effect immediately.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1336—An act to amend Section 92 of the Civil Code.

Referred to Committee on Judiciary.

Assembly Bill No. 1861—An act to add Section 394.1 to the Military and Veterans Code, relating to enrollment and enlistment in the Military or Naval forces of the State.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 2105—An act to add Section 39 to the Fish and Game Code, relating to the powers of the commission to determine and fix the bag limits for migratory birds.

Referred to Committee on Fish and Game.

Assembly Bill No. 2615—An act to provide for the supervision of schools teaching foreign languages, and to define and prescribe the powers and duties of the State Board of Education in respect thereto.

Referred to Committee on Education.

Assembly Bill No. 2635—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add new sections, numbered 1435, 1435.1, 1435.2, 1435.3, 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9, 1435.10, to Division 4, Chapter 2, thereof, relating to the management, control and disposition of the community real property and the homestead property of insane or incompetent persons, and to repeal Sections 172b, 172c, 172d, 1269a, 1269b and 1269c of the Civil Code.

Referred to Committee on Judiciary.

Assembly Bill No. 2643—An act to amend Section 4248 of the Political Code, relating to compensation for public services in counties of the nineteenth class.

Referred to Committee on Local Government.

Assembly Constitutional Amendment No. 63—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 3 of Article IX thereof, relating to county superintendents of schools.

Referred to Committee on Education.

Assembly Joint Resolution No. 12—Relative to discrimination in steamship service and freight rates between New York and California ports to the Panama Canal Zone.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1309

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and place on the inactive file.

Committee membership 11; committee vote: Ayes 6; absent 5.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 207

Assembly Bill No. 1191

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 29, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1315

Assembly Bill No. 1867

Assembly Bill No. 2465

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 944

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 2254

Assembly Bill No. 2589

Assembly Bill No. 1595

Assembly Bill No. 2631

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred:
Assembly Bill No. 1593

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 1; absent 3.

CUNNINGHAM, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1051

Assembly Bill No. 2624

Assembly Bill No. 1579

Assembly Bill No. 1059

Assembly Bill No. 1591

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Vice Chairman

Above reported bills ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:
Assembly Bill No. 855

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 6; absent 2.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 628

Assembly Bill No. 957

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 6; absent 2.

GARRISON, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 253

Senate Bill No. 1168

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 424—An act to amend Section 3714 of the Political Code, relating to annual financial estimates of counties;

Senate Bill No. 1212—An act to amend Sections 1, 2 and 4 of an act entitled "An act creating the California Farm Debt Adjustment Commission, defining its powers and duties and making an appropriation therefor," approved July 16, 1935, relating to farm debt adjustment, including extension of the period of existence of the California Farm Debt Adjustment Commission, membership upon and appointment to the commission, and further definition of the powers and duties of the commission, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the 30th day of May, 1941, at 1 p.m.

RICH, Chairman

MOTION TO REFER BILL TO INACTIVE FILE

Senator Phillips moved that Senate Bill No. 1051 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Slater moved that Senate Bill No. 232 be placed on the inactive file.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Crittenden moved that Senate Bill No. 415 be placed on the inactive file.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1293

Senator Mixter moved that Senate Bill No. 1293 be re-referred to Committee on Finance.

Motion carried.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Collier moved that Senate Bill No. 62 be placed on the inactive file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 2.55 p.m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS**

Senate Bill No. 195—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5 to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect as therein provided.

Bill read third time.

Recommendation of the Governor read previously.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Mayo moved a call of the Senate.

Motion carried. Time, 3 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Joint Resolution No. 26--Relative to National Defense Highways.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward--26.

NOES—None.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.10 p.m., on motion of Senator Mayo, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 195 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward--29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuehel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward--29.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 981—An act to amend Section 11 of an act entitled "An act to restrict the running of dogs at large; to protect live stock from depredations of dogs; to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor; making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs," approved June 3, 1921, relating to the enforcement of this act and the payment of fees, salaries, costs, and expenses therefor from live stock indemnity funds, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Keating, Kuchel, Luckey, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 556—An act to add Section 4015a to the Political Code, relating to justices of the peace.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1652—An act to add Section 15.1 to the California Irrigation District Act, relating to the government of irrigation districts, authorizing them to acquire and improve land for airports or aviation schools and operate and lease the same, declaring the urgency hereof, and to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1982—An act to amend Section 2 of The Personal Income Tax Act, relating to the definition of residents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Park-

man, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 819—An act to amend Section 11005 of the Revenue and Taxation Code, and Section 11 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to the expenditure by cities and counties of motor vehicle license fee money distributed to them.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Foley, Garrison, Gordon, Kenting, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—25.

NOES—Senators Fletcher, and Swan—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 527—An act to amend Section 7 of an act entitled "An act authorizing the establishing of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Gordon, Kenting, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1052—An act to amend School Code Sections 2.85 and 2.112, relating to school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Gordon, Kenting, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1679—An act to amend Section 5.722 of the School Code, relating to sabbatical leaves.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Kuchel, Luckey, Mayo, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1928—An act to add Section 12.5 to the California Unemployment Relief Act of 1935, relating to the relief camps established by the State Relief Administration, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kuchel moved a call of the Senate.

Motion carried. Time, 3.55 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 56—An act to add Section 305 to the Political Code, relating to disqualification for State compensation and employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Foley, Garrison, Gordon, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2578—An act to add Sections 8.1, 8.2 and 8.3 to the County Waterworks District Act, relating to the refunding of the indebtedness of county waterworks districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 917—An act to add a new section to Chapter 7 of Division 5 of the Business and Professions Code, to be numbered 12701.5, relating to weighmaster bond and license.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Kuchel, Luckey, Mayo, McBride, Mixter,

Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 918—An act to amend Section 12700 of the Business and Professions Code, relating to public weighmasters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 540—An act to repeal Article 5, consisting of Sections 5570 to 5578, inclusive, of Chapter 3 of Division 3, and to add a new article numbered 5, consisting of Sections 5560 to 5587, inclusive, to Chapter 3 of Division 3 of the Business and Professions Code, relating to the practice of architecture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187—An act to amend Section 16601 of the Business and Professions Code, relating to sales of the good will of a business.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—24.

NOES—Senators Breed, Keating, Kuchel, Powers, and Quinn—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2457—An act to repeal Section 3051 of, and to add Section 3051 to, the Business and Professions Code, relating to the training of persons seeking an optometry license.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37—An act to transfer to the City and County of San Francisco a surface easement over certain tidelands and submerged lands and to define the powers and responsibilities of the City and County of San Francisco over such lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 786—An act to amend Section 12024.5 of the Business and Professions Code, relating to the sale of meat, fish and poultry by weight.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1390—An act to amend Sections 59, 90, 93, 95, 125 and 172 of, and to add Sections 16.5 and 151.6 to the State Civil Service Act, relating to State civil service.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "16.5", insert ", S3.5".

Amendment No. 2

On page 2 of the printed bill, as amended, between lines 5 and 6, insert "SEC. 1.5. Section 83.5 is hereby added to the State Civil Service Act, to read as follows:

Sec. 83.5. No educational or professional qualifications whatsoever shall be required as a condition of eligibility to compete in an examination, except that if the possession of a license or certificate is by law a condition precedent to the performance of the duties of the position, such possession shall be required."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 841—An act to amend Sections 1, 5a and 11 of an act entitled "The California Air Navigation Act," relating to air navigation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1650—An act to amend Section 48.2 of the California Irrigation District Act, relating to property sold or deeded to irrigation districts for delinquent assessments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Foley, Garrison, Gordon, Jaspersen, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2602—An act to amend Section 7602 of the Business and Professions Code, relating to the Board of Funeral Directors and Embalmers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Gordon, Jaspersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—Senator Breed—1.

Motion to Reconsider

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 2602 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2602 was passed, was continued until the next legislative day.

Assembly Bill No. 210—An act to amend Section 1297 of the Penal Code, relating to bail.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Fletcher, Gordon, Jaspersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 38—An act to add Sections 741.1, 741.3, 741.5, 741.7, 741.8 and 741.9 to the Code of Civil Procedure, all relating to compensation for taxes paid and improvements made by occupying claimants of real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Fletcher, Garrison, Gordon, Jaspersen, Keating, Luckey, McBride, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Wagy, and Ward—21.

NOES—Carter, Crittenden, Kuchel, Mayo, and McCormack—5.

Motion to Reconsider

Senator Carter moved to reconsider the vote whereby Assembly Bill No. 38 was passed.

Postponement of Reconsideration

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 38 was passed, was continued until the next legislative day.

Assembly Bill No. 430—An act to add Section 1029.5 to the Code of Civil Procedure, relating to costs in civil actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2228—An act to amend Section 1143 of the Penal Code, relating to jurors' fees and mileage.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1834—An act to amend Section 1407 of the Probate Code, relating to the appointment of guardians of minors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1905—An act to amend Sections 1995 and 1997 of the Code of Civil Procedure, and to repeal Sections 2620, 2621, 2622, 2623 and 2624 of, and to add Sections 2620, 2621, 2621.5, 2622 and 2623 to, the Penal Code, relating to the manner of bringing prisoners before the courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2338—An act to amend Section 374b of the Penal Code, relating to disposal of garbage and refuse upon public and private highways and roads, and providing penalties for the violation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 625—An act to amend Section 1946 of the Civil Code, relating to hiring of real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 205—An act to add Section 7c to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualifications and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal court attaches.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2382—An act to amend Section 1580 of the Probate Code, relating to guardians.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1173—An act making an appropriation for the purchase of water stock at Pacific Colony-State Narcotic Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1173:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 20, 1941

*To the Honorable Members of the Senate**Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 1173

"An act making an appropriation for the purchase of water stock at Pacific Colony State Narcotic Hospital, declaring the urgency thereof, and providing that this act shall take effect immediately",

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 1173 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 854—An act to amend Section 531 of the Vehicle Code, and to add Section 531.5 thereto, relating to following other vehicles too closely, and to vehicles being operated in caravan.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1272—An act to amend Section 128 of, and to add Sections 124.1 and 128.5 to, the Vehicle Code, relating to the powers and duties of the Department of Motor Vehicles, the director thereof and the Chief of the California Highway Patrol.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride,

McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1276—An act to amend Section 374 of the Vehicle Code, relating to exemptions from registration fees on vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1277—An act to amend Section 375 of the Vehicle Code, relating to fees to be paid by manufacturers, transporters and dealers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1278—An act to amend Sections 382 and 384 of the Vehicle Code, relating to the registration of motor vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1482—An act to amend Sections 269, 304, 506 and 736 of the Vehicle Code, relating to drivers of motor vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1483—An act to add Section 269.1 to and to amend Section 307 of the Vehicle Code, relating to drivers' licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1759—An act to amend Section 175 of the Vehicle Code, relating to the registration of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1984—An act to add Section 104.9 to the Streets and Highways Code, relating to deeds and other evidences of title in connection with rights of way and other property necessary for high way purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2064

Senator Shelley moved that Assembly Bill No. 2064 be re-referred to Committee on Judiciary.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2074—An act to amend Section 130 of the Vehicle Code, relating to records of the Department of Motor Vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1287—An act to amend Sections 554, 616 and 675 of the Vehicle Code, relating to equipment on vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Quinn, Rich, Shelley, Slater, Swan, Swing, Wagye, and Ward—26.

NOES—Senators Gordon, Powers, and Seawell—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1485—An act to amend Section 410 of the Vehicle Code, with reference to satisfaction of judgments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagye, and Ward—26.

NOES—Senators Carter, Kuchel, and Swan—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2524—An act to amend Sections 799, 800 and 801 of the Penal Code, relating to time of commencing criminal actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagye, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 46: By Senators Foley, Carter, Kenny and Swan—Relative to the fiftieth anniversary of Leland Stanford Junior University.

Request for Unanimous Consent

Senator Foley asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 46, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 46

Senate Concurrent Resolution No. 46—Relative to the fiftieth anniversary of Leland Stanford Junior University.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagye, and Ward—28.

NOES—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1066—An act to amend School Code Sections 5.652 and 5.653, relating to permanent employees of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagv, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2088—An act to add Section 2380.5 to the Business and Professions Code, relating to the advertising of medical business.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagv, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1342—An act to amend Section 374½ of the Penal Code, relating to the sale and use of drugs.

Bill read third time.

Motion to Amend

Senator Mixer moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, after "prescriber", insert "; provided, however, that any prescription for phenobarbital or any preparation, mixture or compound of phenobarbital may be refilled".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 442—An act to amend Section 170 of, to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 15, of the printed bill, after "law", insert ", or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party".

Amendment No. 2

On page 2, line 27, of the printed bill, strike out "which", and insert "whom"

Amendment No. 3

On page 2, line 50, of the printed bill, strike out "disqualifications", and insert "disqualification".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2526—An act to amend Section 117b of the Code of Civil Procedure, relating to small claims courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2527—An act to amend Section 117c of the Code of Civil Procedure, relating to small claims courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 773—An act to amend Section 1554 of the Probate Code, relating to accounts of guardians of insane persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1639—An act to amend Section 4300b and to repeal Section 4300d of the Political Code, relating to fees for official services.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1871—An act to amend Section 1081 of the Probate Code, relating to determination of heirship.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 106—An act to amend Section 81 of the Code of Civil Procedure, relating to the classification of judicial townships and the jurisdiction of justices' courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1146—An act to amend Section 1 of an act entitled "An act providing for the disposition of exhibits filed with the court in criminal cases," approved May 24, 1941, providing a procedure for the disposition of exhibits filed with the court in criminal cases.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2115—An act to add Section 326.5 to the Political Code and to repeal Section 13 of the Business and Professions Code, relating to the construction of statutes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 886—An act to add Section 982-a to the Code of Civil Procedure, relating to appeals from justices' courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 887—An act to amend Section 655 of the Code of Civil Procedure, by including therein justices' courts in counties containing a population of not less than 500,000 and not more than 600,000.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 888—An act to add Section 404 to the Code of Civil Procedure, relating to the rules of procedure and practice in civil actions in the justices' courts of counties containing a population of not less than 500,000 and not more than 600,000.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1514—An act to amend Section 1176 of the Insurance Code, relating to insurance and investments by insurers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Fletcher, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1518—An act to amend Section 986 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Quinn moved that Assembly Bill No. 1297 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Assembly Bill No. 457 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Mayo moved that Assembly Bill No. 799 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2100—An act to add Section 13.16e to the Building and Loan Association Act, relating to building and loan associations, including the disposition of records and of unpaid or unclaimed dividends of liquidated building and loan associations.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 29, of the printed bill, as amended, strike out "associations", and insert "association".

Amendment read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 2006

Senator Mayo moved that Assembly Bill No. 2006 be withdrawn from Committee on Local Government, and referred to Committee on Natural Resources.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1135—An act to amend Section 554 of the Labor Code, relating to days of rest.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended May 28, 1941, after "employees.", insert "Nor shall the provisions of this chapter apply when the total hours of employment do not exceed 30 per week or six hours in any one day thereof."

Amendment read and adopted.

Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Senator Seawell:

Senate Resolution No. 124

Relating to a Permanent Program for Grade Separations in the City of Roseville.

WHEREAS, The City of Roseville is the terminal point of the main overland route of the Southern Pacific Railroad, and

WHEREAS, The constant movement of trains in and through the City of Roseville creates a serious traffic problem; and results in the blocking for long periods of time of State Highway Route 3, which is also known as Highway Route 99-E, and is one of the main arteries of travel into Northern California, and

WHEREAS, The increased movement of trains in recent months has tended to aggravate the condition; now, therefore, be it

Resolved by the Senate of the State of California, That the State Department of Public Works and the State Highway Commission are hereby directed to conduct a comprehensive survey of the grade crossing problem on State highways in the City of Roseville, and to formulate a Permanent Program for Grade Separations of State highways in that city; and be it further

Resolved, That the State Department of Public Works and the State Highway Commission are hereby requested to report the results of their findings and their plan for grade separations to the next regular session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is hereby respectfully requested to transmit copies of this resolution to the Director of the State Department of Public Works and to the Chairman of the California Highway Commission.

Resolution read, and unanimously adopted.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 6.45 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 1928 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Education

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Senate Bill No. 568

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 6; noes 3; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred

Assembly Bill No. 1067

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 9; absent 1.

SLATER, Chairman

Above reported bill ordered to second reading.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 410

Senate Bill No. 686

Senate Bill No. 1318

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 223

Senate Bill No. 719

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

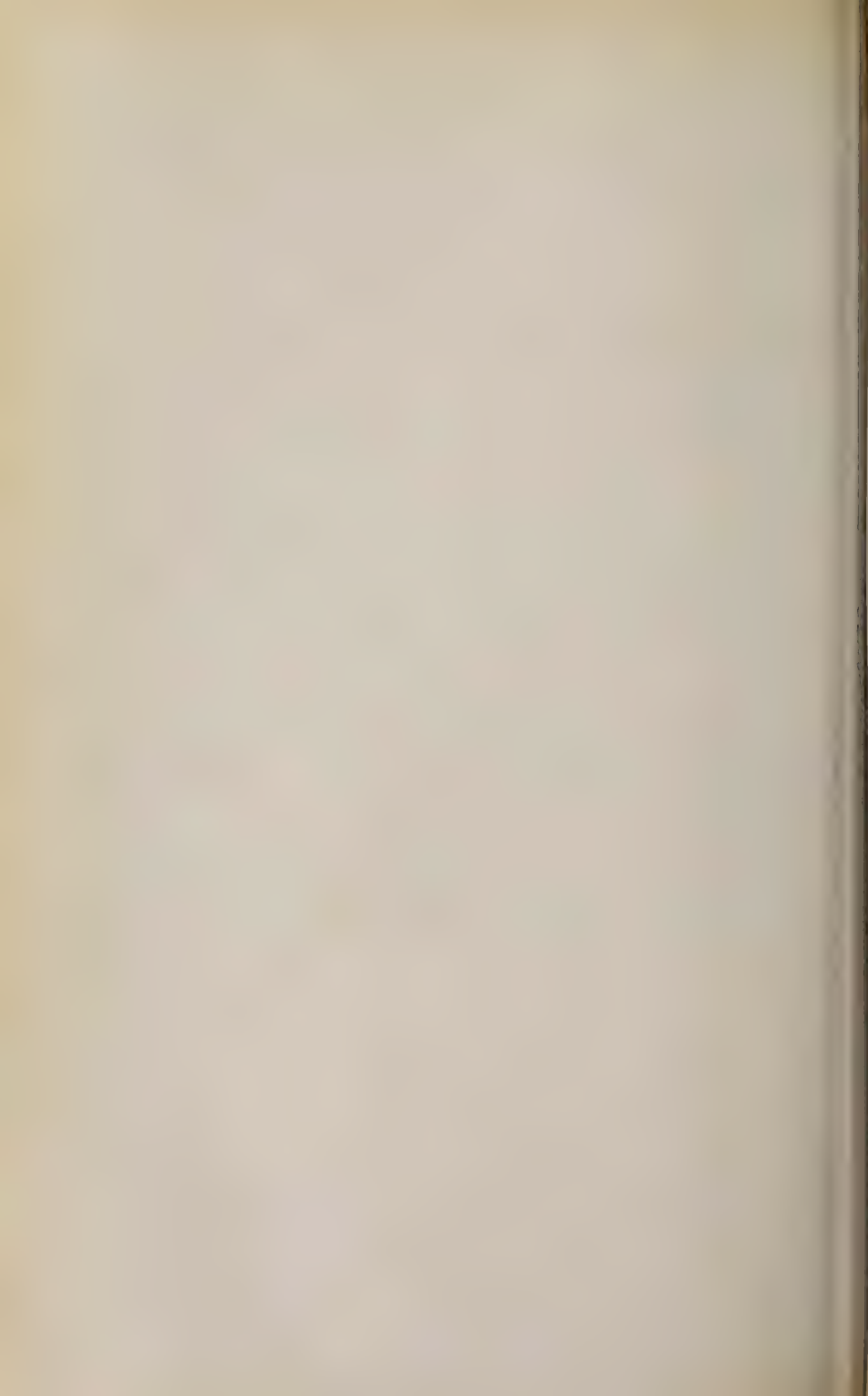
MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Slater moved that Assembly Bill No. 2197 be taken from the inactive file, and placed on the second reading file.

Motion carried.

ADJOURNMENT

At 6.50 p.m., on motion of Senator Biggar, the President pro tempore declared the Senate adjourned until 2 p.m., June 2, 1941, out of respect to the memory of our Soldier dead.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-SECOND LEGISLATIVE DAY

ONE HUNDRED FORTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, June 2, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Delinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mace, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Warr—33.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Deuel, on motion of Senator Rich.

Senator Kenny, on motion of Senator Rich.

Senator Seawell, on motion of Senator Powers.

Senator Collier, on motion of Senator Powers.

Senator Jespersen, on motion of Senator Luckey.

Senator Shelley, on motion of Senator Foley.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Roy Hansen of Santa Rosa.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Mary Mathews of San Mateo and Miss Dorothy Elipas of Sacramento.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 2, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the thirty-first day of May, 1941, at 12.30 p.m., Senate Bill No. 423 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable E. George Luckey, Member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 2, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the thirty-first day of May, 1941, at 12.30 p.m., Senate Bill No. 1016 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable E. George Luckey, Member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 2, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the thirty-first day of May, 1941, at 11.01 p.m., Senate Bill No. 838 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable James J. McBride, Member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 2, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the thirty-first day of May, 1941, at 11.01 p.m., Senate Bill No. 26 was returned without my signature and, together with a statement of my objections thereto, was delivered to Honorable James J. McBride, Member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 30, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 423 entitled: "An act to add Article 2.5 (comprising Sections 90 to 90.6, inclusive) to Chapter 1, Division 1 of the Streets and Highways Code, relating to the budgeting of State highway funds, specifying the powers and duties of the California Highway Commission and the State Highway Engineer in connection therewith, and providing for the making and distribution of reports thereof."

My objections to this bill are as follows:

This bill adds a new article to the Streets and Highways Code relating to the budgeting of State highway funds and the filing and distribution of reports in connection therewith. The bill substantially will require in the future what is now the existing practice, with two major exceptions. Under Section 90.4 of the Streets and Highways Code, as added by the bill, rigid limitations, to which I will hereafter refer, would be placed upon the authority of the Highway Commission to make changes in the budget following its adoption.

Secondly, the bill will require reports to be rendered showing a comparison of actual expenditures made with those proposed in each Biennial Budget. To this last provision I have no objection.

Section 90.4 of the Streets and Highways Code as added by the bill fails to take into account that conditions following the adoption of the Budget, in addition to

those mentioned in the section, might not only justify but require changes to be made therein.

One of the best examples of such changed conditions is now demonstrated by the tremendous increase in traffic that has recently taken place in certain areas of our State following the establishment of Military cantonments and huge defense industries. In these locations traffic has increased many fold almost over night and to such an extent that National defense activities themselves are seriously hampered by the lack of adequate highway facilities. There is nothing in Section 90.4 that would authorize any change in the Budget to meet conditions such as are above described.

It should be remembered that the Budget referred to in the bill must be presented prior to January 1st of each odd numbered year for a two-year period beginning six months later. At best such a Budget can only be an estimate. Occurrences during the past two and one-half years conclusively show that it would have been impossible to anticipate what has occurred with sufficient certainty to budget funds as rigidly as is required under this bill. Such conditions have arisen during the past two years by reason of the Defense Program, but similar highway congestion could arise from any number of causes.

Another example which might be mentioned is one which has been most forcibly called to the attention of the Highway Commission since this bill reached my desk. California highway funds are budgeted on the supposition that regular Federal aid will be available for expenditure on those portions of the Federal Aid Highway System of the State, leaving the choice of those particular projects upon which Federal funds will be expended largely to the discretion of the State authorities. It has been hoped that the Federal Government would appropriate funds to take care of the requirements for construction of Military and access roads and the so-called strategic network so that the regular program, including the use of regular Federal aid funds, could go on as contemplated. Since this bill has been delivered to me, the State Highway Engineer has been advised that the Federal officials will not approve the expenditure of appropriations for Military roads on any highway except those where the improvement is necessary for the adequate service of a Military Reservation or defense manufacturing plant and then only when such usage is a predominant reason for any improvement being made. The result may be, and there is reason to believe that it will be, that regular Federal aid funds will be limited for expenditure upon those highways which are portions of the strategic network of Military roads. Regular Federal aid must be matched almost 50 per cent with State funds and if such is the ruling of the Federal Government, it may be necessary to readjust the Highway Budget not only to permit the expenditure of Federal funds in the only places which the Federal Government will approve, but to provide State funds for matching those Federal funds to avoid losing them entirely. As I read Section 90.4, as added by this bill, a situation of this kind would find the Highway Commission helpless.

A third matter that might be mentioned is that no provision is made in the bill for adjustments by reason of additions to or changes in the Highway System that may be made by the Legislature at any session, it being remembered that there is a legislative session between the adoption of the Budget and the beginning of the biennium to which it relates. As an example, your attention is called to the inclusion within the State Highway System two years ago of the road to the Shasta Dam. Had this bill been in effect at that time, it would have been impossible, for more than two years, to expend any funds which had been budgeted prior to the 1939 Session of the Legislature to improve the highway added.

There may be other situations which would render it necessary for changes in the Highway Budget. It is because of this limitation in the bill which I believe is far too rigid that I find it necessary to return it to you.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 30, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 1016 entitled: "An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry."

My objections to this bill are as follows:

The bill amends Section 45 of the Vehicle Code which defines for the purposes of the code the term "implements of husbandry." All vehicles included within such definition are exempt from the registration fees required by the Vehicle Code and also are exempt from certain other provisions relating to size and equipment.

I am informed that the purpose of the bill was to extend the definition so that certain vehicles which are not now exempted from the registration fees would thereby be exempted. However, I am also informed, and I believe correctly so,

that many of those who are in favor of extending the exemptions are of the opinion that the bill will have the opposite effect. The least that can be said is that the bill would undoubtedly make for uncertainty.

Because of the numerous types of vehicles or implements similar to vehicles that are used in agricultural operations and in the movement of agricultural supplies and products, it is difficult to draft in a few lines a definition that will clearly and fairly designate those vehicles which are to be accorded the exemption and distinguish those which are not.

Because of the possibility that this bill might have the opposite effect than was intended by many of those who supported it and because any such exemptions as are to be made should be clearly defined, I recommend that this matter be given further study.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 31, 1941

To the Honorable Members of the Senate

Sacramento, California

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 838, entitled: "An act to amend Section 695 of the Political Code, relating to services furnished State agencies other than those supported by the General Fund."

My objections to this bill are as follows:

This bill amends Section 695 of the Political Code, relating to the reimbursement of the General Fund from special funds of a portion of the cost of maintaining the Department of Finance, the State Controller, the State Treasurer and the Attorney General.

Under the existing law the amount charged against the special funds for the support of these agencies is determined by a comparison of the total amount spent from special funds as against the total amount spent by all State agencies. The percentage that is obtained by a comparison of those two figures is then applied to the proratable expenses of the agencies above mentioned to determine the total amount of proratable expense to be charged against the special funds. Each special fund must pay its share of the proratable expense.

This bill will change the method of computing the prorated amounts by using the number of Controller's warrants issued, instead of the total amounts of expenditures from the various funds.

While under the present law it is possible that the charges made against a special fund for the services rendered by the Department of Finance, the State Controller, the State Treasurer and the Attorney General do not total exactly the amount that should be charged for such services, the method of computation set up by this bill is no more accurate than the method used under the present law. The number of warrants issued might in some instances accurately indicate the amount of work performed by the State Controller and State Treasurer, but the number of warrants issued has no direct relation to many services performed by the other agencies mentioned. It may be seen that under this bill the General Fund would be heavily charged because of the extremely large number of warrants issued for unemployment relief, whereas the services performed for the State Relief Administration by the agencies mentioned do not bear a like ratio to the number of warrants issued.

I respectfully suggest that your Honorable Body consider the feasibility of amending the present law by empowering the State Board of Control to equalize the charges as fixed by the present law, if it should appear that they are not in proper proportion to the services rendered.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 31, 1941

To the Honorable Members of the Senate

Sacramento, California

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 26, entitled: "An act to amend Section 995 of the Penal Code, relating to causes for which indictment or information must be set aside."

My objections to this bill are as follows:

In 1939, Section 995 of the Penal Code was amended to provide that an information must be set aside upon motion of a defendant by the court in which he is arraigned in case "the defendant had been committed without reasonable or probable cause."

This bill provides that an indictment shall be set aside for the same cause.

I had no objection to the 1939 Enactment since for a great many years Subdivision 7 of Section 1487 of the Penal Code has provided that a person committed on a criminal charge without reasonable or probable cause is entitled to discharge by habeas corpus. The 1939 Bill simply provided a new procedure whereby, by motion to set aside the information, the same result could be secured as by habeas corpus.

This bill, however, changes the general rule of law which has been in effect since there have been grand juries, which is that the sufficiency of the evidence upon which a prisoner was indicted can not be reviewed by habeas corpus, (29 C. J. 46; *In re Kennedy*, 144 Cal. 634; 25 Am. Jur. 172) or otherwise. (*People vs. Hatch*, 13 Cal. App. 521, 528; *Brobeck vs. Superior Court*, 152 Cal. 289.)

The courts for the most part have not stated the underlying reasons for this long standing rule of law. Our Supreme Court in the *Kennedy* case denied the reason given by a few other courts, namely, preservation of secrecy of grand jury proceedings, and stated its reason for the rule to be that any such inquiry into the sufficiency of the evidence on which the grand jury acted would turn the writ of habeas corpus into "a writ of review for the purpose of inquiring whether the grand jury committed an error reversible on appeal" and that "an entirely new field of litigation in criminal cases would be opened up and few indictments would come to trial without this preliminary contest."

The Supreme Court of Iowa gave its reason for the rule as follows: "The judge would become an appellate tribunal to reverse or affirm the decisions of grand juries and may thwart the action of that body altogether if he sees proper." (*Hight vs. U. S.*, 43 Am. Dec. 111, Morris 407.)

I am not implying that any of our courts would intentionally act to thwart the actions of grand juries. My objection is based upon the legal and practical effect of this bill. In my opinion the court, regardless of its feelings about the case, would be compelled by this law to set aside an indictment if any insufficiency in the proceedings of the grand jury were shown by the reporter's transcript. This follows, since the identical words "without reasonable or probable cause" as used in Section 1487, Subdivision (7) of the Penal Code, relating to habeas corpus, have been construed by our courts to have that effect in the cases of commitments on preliminary hearings.

It has been held that the evidence at the preliminary hearing must establish each and every essential element of the crime charged. (*In re Jang*, 25 Cal. App. (2d) 529.)

If a showing as to venue is neglected, reasonable and probable cause for the commitment is not shown. (*In re Huber*, 103 Cal. App. 315.)

It does not follow that because a defendant will be released on account of such defects in the evidence on which he was committed after a preliminary hearing before a magistrate, that the same should be true in the case of an indictment by the grand jury. There is a practical and real distinction between the two proceedings.

The district attorney is in charge of preliminary examinations, presents the evidence, and cross-examines on behalf of the people. He is able, and it is his duty to see to it that evidence showing reasonable cause for commitment is presented to the magistrate.

His position before the grand jury is entirely different. The grand jury is an independent body provided for by our Constitution, Section 1, Article VIII. Under Section 925 of the Penal Code, the grand jury may ask the district attorney's advice, but there is nothing requiring the grand jury to do so. While the district attorney may be present and examine witnesses, the courts have said that it is his duty to refrain from advising the grand jury as to the sufficiency of the evidence unless they request such advice. (*People vs. Hatch*, 13 Cal. App. 521, 528; 13 Cal. Jur. 78.)

While, as a practical matter, the district attorney should be present at all of the proceedings of the grand jury, there is nothing to prevent the grand jury from meeting when the district attorney is not in attendance. In some of the smaller counties where the district attorneys do not have large staffs of assistants, the district attorney is not always able to be present at all sessions of the grand jury. If for any reason the grand jury brings in an indictment in a case in which the transcript of the testimony taken will show that the evidence is insufficient as to venue, corpus delicti or any other essential element of the crime, this bill would require such indictment to be set aside. The district attorney, on looking over the transcript, will see that the essential element was not proved before the grand jury. If the district attorney has the proof at hand to prove that element at the trial, he is in position to proceed. If he does not have such proof and knows that it can not be secured, he has authority to request a dismissal of the indictment and the court has power to dismiss. (Penal Code, Section 1385.) An illustrative case wherein such procedure was followed is *Brobeck vs. Superior Court*, 152 Cal. 289.

It may be that a grand jury has acted in part on hearsay or incompetent evidence. Under the present law this would not be cause for setting aside the indictment. (*Poole vs. Fealy*, 33 Cal. App. 605.) Under this bill an indictment

would have to be set aside, notwithstanding that the district attorney had competent and first hand evidence to offer on the trial. If he did not have such evidence, it would be his duty to go to the court and ask that the indictment be dismissed.

California has relaxed the common law rule which originally prevailed as to secrecy of grand jury proceedings. The defendant is now furnished with a complete transcript of the proceedings before the grand jury to enable him to prepare his defense. (Penal Code, 925.) This bill provides, in effect, that this must be a legally perfect transcript proving all the essential elements of the crime charged and that otherwise the court must set the indictment aside. This will result in delay in the trial of persons accused of crime.

The grand jury is a lay body provided for by the Constitution, legally entitled but not required to ask advice of the district attorney. It is this independence of the grand jury which gives it its value. To provide that the grand jury should hear only such evidence as is presented by the district attorney and should return only such indictments as are approved by him would destroy its value as a part of our Judicial System. It would be better to abolish the grand jury and to base all prosecutions on information. Yet the only way to insure against technical imperfections in the proceedings of grand juries is to restrict their independence of action.

It would appear to me that should an indictment be set aside, after the statute of limitations had run, for some technical defect in the proceedings of the grand jury, the person charged would escape prosecution.

I think that we should assume that the district attorneys will perform their sworn duties in good faith and will not needlessly prosecute.

The grand jury has always been a part of our System of Jurisprudence. No particular abuses of the rights of individuals have been called to my attention. Such search of the authorities as time permits indicates that the present California law prohibiting going behind the indictment is the general rule in this country.

For the reasons stated above, I am returning the bill without my signature.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Houser, Frederick F., Lyon and Voigt as a Committee on Conference concerning:

Senate Bill No. 975—An act to add Chapter 7, comprising Sections 1126, 1127, 1128, 1129 and 1130, to Part 3, Division 2 of the Labor Code, relating to enforceability of collective bargaining contracts and prohibiting attempts to cause or induce violations thereof.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 56

Assembly Concurrent Resolution No. 57

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 56—Relative to Reports of the 1940 and 1941 Annual Conventions of the Military Order of the Purple Heart.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 56, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 56

Assembly Concurrent Resolution No. 56—Relative to reports of the 1940 and 1941 Annual Conventions of the Military Order of the Purple Heart.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Slater, and Wagy—21.

NOES—None.

Resolution ordered transmitted to the Assembly.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 57—Relative to the reports of the annual conventions of the Disabled American Veterans of the World War of the Department of California, and the Department Encampment of the Grand Army of the Republic.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 57, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 57

Assembly Concurrent Resolution No. 57—Relative to the reports of the annual conventions of the Disabled American Veterans of the World War of the Department of California, and the Department Encampment of the Grand Army of the Republic.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Slater, and Wagy—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered:

By Senator Fletcher:

Senate Resolution No. 125

Resolved, That the Secretary of the Senate be and he is hereby directed to forward copies of the Report of the Special Investigating Committee, appointed pursuant to Senate Resolution No. 104, to the Attorney General of the State of California, the District Attorney of San Diego County and the San Diego County Grand Jury.

Resolution read, and unanimously adopted.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 967

Senate Bill No. 1211

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MINTER, Chairman

Above reported bills ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1545

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; noes 1; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 571

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1104

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

BIGGAR, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1340—An act declaring unlawful the filing with a telegraph company of unauthorized "form" messages, and providing penalties therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17200 to 17202, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair competition.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Business and Professions:

Amendment No. 1

On page 2, line 4, of the printed bill, as amended, after "operations," insert "This section does not apply to agricultural articles, materials, products or merchandise

sold to or purchased by persons or organizations of persons engaged in agriculture, for use in agriculture."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1341—An act amending Sections 6050 and 6051 of the Harbors and Navigation Code, relating to boards of harbor commissioners.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 944—An act making an appropriation to the Department of Finance for the purpose of paying refunds of taxes, licenses, and fees.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "prior to", and insert "at"

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 628—An act to amend Section 61 of the California Irrigation District Act, relating to indebtedness of irrigation districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 568—An act to add Section 1.92 to the School Code, relating to transportation of pupils to and from elementary and secondary schools other than public schools.

Bill read second time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, before the comma, insert "under the provisions of Section 1.143".

Amendment No. 2

On page 1 of the printed bill, after line 8, insert

"The allowance of this section shall be restricted to actual transportation when furnished by the district to children attending the district school and nothing herein shall be construed to authorize or permit in lieu of transportation payments of money to parents or guardians of children attending private schools".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 410—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 686—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with

that of any adjacent State, to make an appropriation therefor, and to repeal certain acts inconsistent therewith.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1318—An act making an appropriation from the unexpended moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, for flood control works in or along the Eel River, declaring the urgency of this act, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 223—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for forest protection against the white pine blister rust.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 8, of the printed bill, strike out "one hundred", and insert "fifty".

Amendment No. 2

On page 1, line 9, of the printed bill, strike out "(\$100,000)", and insert "(\$50,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 719—An act to add Section 3.5 to an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, relating to the organization of said bureau and defining its powers and duties and making appropriation.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 2, lines 48 and 49, of the printed bill, as amended, strike out "two hundred thousand dollars (\$200,000)", and insert "one hundred thousand dollars (\$100,000)".

Amendment No. 2

On page 2, line 51, of the printed bill, as amended, strike out "section", and insert "act".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1856—An act to amend Sections 30 and 39 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Utilities:

Amendment No. 1

On page 3, line 11, of the printed bill, as amended, after "district", insert ":", provided, however, that no farm products, crop or crops which are stored within the exterior boundaries of said district shall be subject to license or taxation by said district."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Public Utilities.

Assembly Bill No. 1436—An act to amend Sections 2, 5, 7, 8, 11, 13 and 20 of and to add Sections 8.5 and 10.5 to "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 13, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 7 of the title of the printed bill, as amended, after "1933," insert "and to amend Sections 9779, 9854, 9876, 9901, 10276, 10277, 10282, and 10451 of, to repeal Sections 9706 and 9707 of, and to add Article 3.5, comprising Sections 9911 to 9913, inclusive, to Chapter 4, Part 4, Division 2 of, and to add Sections 9706, 9855, 9877.5, 9901.5, and 10050 to, the Revenue and Taxation Code,".

Amendment No. 2

On page 7 of the printed bill, as amended, strike out line 21, and insert "SEC. 10. Sections 9706 and 9707 of the Revenue and Taxation Code are hereby repealed.

SEC. 11. A new Section 9706 is hereby added to said code, to read as follows: 9706. Every license issued is valid until canceled or revoked by the board. A fee of five dollars (\$5) shall be paid to the board for the issuance of a license to any person to whom a license was previously issued and subsequently canceled.

SEC. 12. Section 9779 of said code is hereby amended to read as follows:

9779. Transfer by the department of the registered ownership of any motor vehicle licensed under this part may be effected only after a certificate of license tax clearance has been issued therefor by the board. The certificate of license tax clearance *may be issued after the payment of all amounts due under this part or after the payment of such amounts is secured to the satisfaction of the board. The certificate completely extinguishes the lien provided for in Article 3, Chapter 5, of this part in the motor vehicle described in the certificate.*

SEC. 13. Section 9854 of said code is hereby amended to read as follows:

9854. The board for good cause may extend for not to exceed [10] 20 days the time for making any return or payment required under this part.

SEC. 14. Section 9855 is hereby added to said code, to read as follows:

9855. The board, if it deems it necessary in order to insure payment of the tax imposed by this part, or to facilitate the administration of this part, may require returns and payment of the tax to be made for other than monthly periods.

SEC. 15. Section 9876 of said code is hereby amended to read as follows:

9876. If the board is not satisfied with the return [made] *filed or amount of tax paid* by any operator, it may make a deficiency determination of the tax required to be paid by the operator based upon information contained in the return or upon any information in its possession. *A deficiency determination may be made of the amount of tax due for one or for more than one month.*

SEC. 16. Section 9877.5 is hereby added to said code, to read as follows:

9877.5. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months, against penalties, and against the interest on the underpayments.

SEC. 17. Section 9901 of said code is hereby amended to read as follows:

9901. If any operator fails, neglects, or refuses to file a return within the time required, the board shall make an estimate of the amount of the taxable gross receipts of the operator for the month or months for which the operator failed to make a return. Upon the basis of this estimate the board shall compute and determine the tax payable by the operator, adding to the amount of tax so determined a penalty equal to 10 per cent thereof. *A determination may be made of the amount of tax due for one or for more than one month.*

SEC. 18. Section 9901.5 is hereby added to said code, to read as follows:

9901.5. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months, against penalties, and against the interest on the underpayments.

SEC. 19. Article 3.5, comprising Sections 9911 to 9913, inclusive, is hereby added to Chapter 4, Part 4, Division 2, of said code, to read as follows:

Article 3.5. Jeopardy Determinations

9911. If the board believes that the collection of any amount of tax imposed under this part will be jeopardized by delay, it shall thereupon make a determination of the amount of tax due, noting that fact upon the determination. The amount determined is immediately due and payable.

9912. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid within 10 days after service upon the operator of notice of the determination, the determination becomes final, unless a petition for redetermination is filed within the 10 days, and the delinquency penalty and interest provided in Article 6 of this chapter shall attach to the amount of tax specified.

9913. The operator against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 4 of this chapter. He shall, however, file the petition for redetermination with the board within 10 days after the service upon him of notice of the determination. The operator shall also within the 10-day period deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold by the board in the manner prescribed by Section 10050.

SEC. 20. Section 10050 is hereby added to Article 1 of Chapter 5, Part 4, Division 2, of said code, to read as follows:

10050. The board, whenever it deems it necessary to insure compliance with this part or any rule or regulation adopted under this part, may require any person subject to the tax imposed under this part to deposit with it such security as it may determine. The board may sell the security at public sale if it becomes necessary so to do in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by mail in the manner prescribed for service of notice of a deficiency determina-

tion. Upon any sale, any surplus above the amount due shall be returned to the person who deposited the security.

SEC. 21. Section 10276 of said code is hereby amended to read as follows:

10276. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this part of any license tax or other amounts sought to be collected by the board.

SEC. 22. Section 10277 of said code is hereby amended to read as follows:

10277. After payment of any license tax under protest duly verified and setting forth the grounds of objection to the legality of the tax, the operator paying the tax may bring an action against the [State Treasurer] board in the superior court of the County of Sacramento for the recovery of the license tax so paid.

SEC. 23. Section 10282 of said code is hereby amended to read as follows:

10282. A judgment shall not be rendered in favor of the plaintiff in any action brought against the [State Treasurer] board to recover any license tax paid when the action is brought by or in the name of an assignee of the operator paying the tax or by any person other than the person who paid the tax.

SEC. 24. Section 10451 of said code is hereby amended to read as follows:

10451. All taxes, interest, and penalties due under this part shall be paid in the form of remittances payable to the State Controller. The Controller shall transmit the payments to the State Treasury to be deposited to the credit of the Motor Vehicle Transportation Tax Fund, which fund is continued in existence. All license fees paid under this part shall be deposited by the board in the State Treasury to the credit of the same fund.

SEC. 25. This act, inasmuch as it provides for a tax levy".

Amendment No. 3

On page 7, line 27, of the printed bill, as amended, after "hereof", insert "amending the act cited in the title hereof".

Amendment No. 4

On page 7, line 28, of the printed bill, as amended, after "1941", insert "and that the provisions hereof amending the Revenue and Taxation Code shall become operative at the same time as Part 4 of Division 2 of the Revenue and Taxation Code passed by the Legislature at its Fifty-fourth Session, at which time the provisions of the act cited in the title hereof amended or added by this act are hereby repealed."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 481—An act to add Section 2175 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery under the jurisdiction of the Department of Institutions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 278—An act to add Section 7071.5 to the Business and Professions Code, relating to contractors.

Bill read second time, and ordered to third reading.

Assembly Bill No. 788—An act to amend Section 12200 of the Business and Professions Code, relating to terms of county sealers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2600—An act to amend Sections 7643, 7662, 7665, 7666, 7668 and to repeal Section 7664 of the Business and Professions Code, relating to embalmers and apprentices.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1065—An act to amend Sections 551 and 556 of the Business and Professions Code, relating to the prevention of blindness at childbirth.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2628—An act to add Section 7512.5 to the Business and Professions Code, relating to the regulation and licensing of private detectives.

Bill read second time, and ordered to third reading.

Assembly Bill No. 342—An act to add Section 12108 to the Business and Professions Code, relating to specifications and standards for weighing devices.

Bill read second time, and ordered to third reading.

Assembly Bill No. 916—An act to amend Section 12701 of the Business and Professions Code, relating to public weighmaster bonds and license fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2616—An act to add Sections 9b and 9c to the California Business Opportunity Act, relating to persons licensed as business opportunity brokers and business opportunity salesmen, entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2501—An act to amend Sections 19008, 19009, 19010, 19016, 19018, 19050, 19053, 19057, 19060, 19070, 19071, 19080, 19081, 19082, 19084, 19085, 19086, 19090, 19095, 19096, 19124, 19125, 19127, 19151, 19157, 19159, 19170, 19173, 19202, 19203, 19207 and 19208, to add Sections 19007.5, 19010.5, 19012.5, 19049, 19065, 19080.5, 19089.5, 19123.4, 19123.5, 19123.6, and to repeal Sections 19130, 19152, 19156, of the Business and Professions Code, relating to the regulation of the business of manufacturing, selling, repairing, renovating and sterilizing bedding and upholstered furniture.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1246—An act to add Section 5041.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on accountants, declaring the urgency thereof, and to take immediate effect.

Bill read second time, and ordered to third reading.

Assembly Bill No. 811—An act to add Section 114 to Chapter 1 of Division 1 of the Business and Professions Code, relating to licenses for persons who have served in the Armed Forces.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Business and Professions:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "add Section 114 to Chapter 1 of Division 1 of", and insert "amend Section 113 of, and to add Section 114 to,".

Amendment No. 2

In lines 2 and 3 of the title of the printed bill, strike out "licenses for persons who have served in the Armed Forces", and insert "the Department of Professional and Vocational Standards, the officers, employees and licensees of the department, and the boards and commissions comprising the department or subject to its jurisdiction."

Amendment No. 3

On page 1, line 1, of the printed bill, after "Section 1", insert "Section 113 of the Business and Professions Code is hereby amended to read as follows:

113. Upon recommendation of the Director [of the Department of Professional and Vocational Standards, and with the approval of the Governor and the Director of Finance], officers and employees of the department, and officers, members, and employees of the boards and commissions comprising it or subject to its jurisdiction may [leave the State upon official business, and shall be entitled to their necessary expenses in connection with such business.] *confer, in this State or elsewhere, with officers or employees at this State, its political subdivisions, other States, or the United States, or with such other persons, associations or organizations as may be of assistance to the department, board or commission in the conduct of its work. The officers, members and employees shall be entitled to their actual traveling expenses incurred in pursuance hereof, but when such expenses are incurred with respect to travel outside of the State, they shall be subject to the approval of the Governor and the Director of Finance.*

Sec. 2."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1906—An act to amend Section 2710 of the Penal Code, relating to the San Quentin Manufacturing Revolving Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1055—An act to add Section 4.2 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages in satisfaction of liens of warehousemen.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1378—An act to amend Section 27b and Section 67 of the Alcoholic Beverage Control Act, relating to sales of alcohol and alcoholic beverages for use in the trades, professions or industries and to penalties.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2621—An act to add Section 4465.5 to the Political Code, relating to notice and publication and requiring that whenever by authority or requirement of any law of this State any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required to be published in a newspaper, it must be in a newspaper of general circulation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2601—An act to amend Section 1 of an act entitled "An act to authorize the payment of certain claims recommended for payment by the State Board of Control and to ratify the payment of such claims heretofore made," approved July 1, 1939, relating to claims recommended for payment by the resolution of March 2, 1938, and not yet paid.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2514—An act to amend Section 5 of the State Contract Act, relating to bids.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1612—An act to amend Section 8 of the Alcoholic Beverage Control Act, relating to renewal of alcoholic beverage licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1415—An act to amend Section 30 of the State Civil Service Act, relating to the compensation of the members of the State Personnel Board.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1936—An act to amend Section 6501 of the Public Resources Code, to add Sections 6501.2 and 6505, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510, and Chapter 2 of Part 2 of Division 6, comprising Sections 6601 to 6715, inclusive, thereof, relating to State lands, providing for the leasing thereof and prescribing the powers and duties of the State Lands Commission in relation thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE. There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 6501", and insert "Sections 6214 and 6816".

Amendment No. 2

Strike out lines 2 to 7, inclusive, of the title of the printed bill, and insert "and to add Sections 6217, 6218 and 6219 thereto, relating to State lands, including the powers and duties of the State Lands Commission and the collection and disposition of fees, rentals, charges and other moneys in connection therewith."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "6501", and insert "6214".

Amendment No. 4

On page 1 of the printed bill, between lines 2 and 3, insert

"6214. The fees to be charged and collected by the commission for services performed by it shall include the following:

- (a) For each certificate of purchase or duplicate, three dollars (\$3).
- (b) For each patent or certified copy of record thereof, five dollars (\$5).
- (c) For certifying a contested case to superior court, ten dollars (\$10).
- (d) For copies of papers, twenty cents (\$0.20) per folio and fifty cents (\$0.50) for certifying thereto.

(e) For making copies of maps, for furnishing status of lands and for furnishing names and addresses of purchasers of State lands, per hour, one dollar (\$1), and fifty cents (\$0.50) for certifying thereto.

(f) Such other fees as are allowed by law.

All fees received by the commission under this section shall be paid into the State Treasury on the first Monday of each month and placed to the credit of the [General] State Lands Act Fund.

SEC. 2. Section 6217 is hereby added to said code, to read as follows:

6217. Notwithstanding any other provision of law all fees, rentals, charges and other moneys, other than from the sale of school lands, collected by the commission, or by the State pursuant to any lease, permit or other agreement entered into by the commission, shall be deposited in the State Lands Act Fund unless such moneys

are required by the Constitution of this State or by law to be deposited in either the School Fund or the School Land Fund.

Sec. 3. Section 6218 is hereby added to said code, to read as follows:

6218. The commission may charge and collect reasonable fees for services performed by it, not exceeding the actual cost to the State of such services. In any case where the commission, either pursuant to law or rule of the commission, requires the publication of advertisements for bids or the publication of any notice in connection with the sale or leasing of State lands the commission may, by rule, require that the cost of such publication be advanced by any applicant or bidder and be paid by the successful applicant or bidder.

Sec. 4. Section 6219 is hereby added to said code, to read as follows:

6219. In addition to the maps, plats, and records maintained by the commission of public lands owned by the State, the commission shall prepare and maintain an adequate index or record of deeds or other evidence of title to all lands owned or acquired by the State, by purchase, gift, condemnation, escheat, or otherwise, except lands, or interests therein, acquired by the Department of Public Works for highway purposes.

Sec. 5. Section 6816 of said code is hereby amended to read as follows:

6816. All moneys and remittances received by the State pursuant to this chapter, *except rents, bonuses, royalties and profits accruing from the use of State school land*, shall be deposited in the State Treasury to the credit of the State Lands Act Fund, which fund is continued in existence. *In addition thereto, such other moneys shall be deposited in such fund as may be provided by law.* The moneys in the fund are hereby appropriated as follows:

[(a) There shall first be transferred to the School Fund all rents, bonuses, royalties, and profits accruing from the use of State school land.]

(a) For the payment of rentals, as authorized by the commission and approved by the State Board of Control.

(b) The remainder of the moneys shall be used by the commission, with the approval of the Director of Finance and the consent of the Governor, to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the State as provided herein, the payment by the State of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payment of the necessary expenses of the commission [and the payment of refunds].

(c) Seventy per cent of the remaining balance shall be transferred to the General Fund on order of the commission, and 30 per cent thereof shall be transferred to the State Park Maintenance and Acquisition Fund, which fund is continued in existence, to be expended in the manner hereafter provided by law."

Amendment No. 5

On page 1 of the printed bill, strike out lines 3 to 22, inclusive; and on page 2, strike out lines 1 to 7, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1937—An act to add Section 6215 to the Public Resources Code, relating to State lands and to the powers and duties of the State Lands Commission in connection therewith, declaring the scope, purpose and intent of the Legislature in enacting the State Lands Act of 1938 and acts amendatory thereof, and validating and confirming the acts of the State Lands Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "6215", and insert "6216".

Amendment No. 2

On page 2, line 12, of the printed bill, as amended, strike out "6215", and insert "6216".

Amendment No. 3

On page 2, line 14, of the printed bill, as amended, strike out "6215", and insert "6216".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 34 to 51, inclusive, and insert

"(b) The provisions of Section 48 of the State Lands Act of 1938, added thereto by Chapter 646 of the Statutes of 1939, as codified in Section 6301 of this code, shall hereafter supersede and control over any other provisions of law, whether general or special, relating to any tidelands or submerged lands or the beds of navigable rivers, streams, lakes, bays, estuaries, inlets or straits, without regard to whether any of such lands contain or may contain oil, gas or other minerals, and any such other provisions of law in conflict therewith are repealed.

(c) Any and all acts of the State Lands Commission heretofore performed by it in pursuance of Section 48 of the State Lands Act of 1938 are hereby confirmed, ratified and validated, without regard to whether the lands affected thereby contain or might contain oil, gas or other minerals. Lands under the jurisdiction of the State Board of Harbor Commissioners at San Francisco are excluded from the jurisdiction established by this section."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1315—An act to amend Section 672 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools in detention homes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1867—An act to amend Section 2576, to repeal Sections 2577 and 2578 and to amend and renumber Section 2579 of the Welfare and Institutions Code, relating to aid and relief to indigents and providing for reimbursement to the county from responsible relatives.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2465—An act to add Section 2193 to the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time, and ordered to third reading.

Assembly Bill No. 207—An act to add Sections 2010, 2011 and 2012 to, and to amend Sections 2182 and 2183 of, the Welfare and Institutions Code, relating to aid to the aged, providing for the payment thereof, and specifying the powers and duties of certain public officers and employees in connection therewith.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Sections 2182 and", and insert "Section".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 8 to 37, inclusive.

Amendment No. 3

On page 3, line 1, of the printed bill, as amended, strike out "date when", and insert "first day of the month in which".

Amendment No. 4

On page 3 of the printed bill, as amended, strike out lines 2 to 6, inclusive, and insert "he is eligible but in no event shall the aid commence prior to the date of application. If the investigation is not completed at the end of the 90 day period, the investigation shall continue until completed and if eligibility is established, aid shall begin as of the first day of the month following the end of the 90 day period."

Amendment No. 5

On page 1, line 5, of the printed bill, as amended, before "religious", insert "political or".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1191—An act to repeal Sections 22.5 and 24.5 of, and to add Sections 22.5 and 24.5 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "account", and insert "amount".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 957—An act to amend Section 1 of an act entitled "An act to promote the utilization of the water of streams in this State and for that purpose authorizing the storage of the same underground and the damming of streams and the flowage of lands in effecting such storage for beneficial use," approved May 23, 1919, relating to storage of water underground.

Bill read second time, and ordered to third reading.

Assembly Bill No. 855—An act to amend Section 28½ of the California Irrigation District Act, relating to recall elections.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 9 to 51, inclusive, and insert "to be affixed by signers. Each petition and section of it shall have attached thereto an affidavit made by a registered voter of the district and sworn to before an officer competent to administer oaths, stating that the affiant circulated that particular petition or section of it and saw written the signatures appended thereto and that the matters required to be affixed by signers were affixed by each of them respectively; and that according to the best information and belief of the affiant, each signature is the genuine signature of the person whose name purports to be thereunto subscribed and of a registered voter of the district."

No recall petition may be signed until the secretary of the board of directors has indorsed the following on each page of the petition or section of it to be circulated:

The last day on which this recall petition or any section of it may be signed is the _____ day of _____, 19____.

Secretary of the Board of Directors of the
_____ Irrigation District

The date filled in by the secretary shall be the sixtieth day after the day on which the secretary indorses the foregoing on the petition or section of it first to be presented to him. Upon presentation of a recall petition or section of it to the secretary for indorsement he shall forthwith make the indorsements. On or before the day specified in the indorsements, the petition and all sections of it may be filed with the secretary or in his absence, left at the office of the board during office hours, and no petition or section of a petition may be filed after the last day for filing indorsed thereon."

Amendment No. 2

On page 3, line 1, of the printed bill, as amended, after "after", insert "the filing of all sections of the petition indorsed or if all sections indorsed are not filed, within 10 days after".

Amendment No. 3

On page 3, line 2, of the printed bill, as amended, strike out "signed", and insert "filed, whichever is the earlier".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1579—An act to amend the title and Sections 1a, 1b, 1c, 2, 3, 3a, 4, 5, 7, 8, 9, 12, 14, 15, 16, 17, 18 and 19 of the Municipal Improvement Act of 1913, relating to the construction of public improvements, the levy of assessments and the issuance of bonds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1591—An act to amend the act entitled "District Investigation Act of 1933," relating to sanitary and sanitation districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2624—An act to amend Section 470 of the Civil Code, relating to the use of land of a municipality by railroad corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1059—An act to amend Section 737eee of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Yolo.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1593—An act to amend the Streets and Highways Code by adding Section 2808 thereto, relating to the exemption of proceedings for the construction or acquisition of sanitary sewers and sewage disposal works from the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2254—An act to amend Section 3 of "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California, to adopt a system of group life, health and accident insurance, and health services for the benefit of officers and employees, and to deduct from the compensation thereof the premium upon such insurance," approved May 25, 1939, relating to wage or salary deductions for public officers and employees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

Strike out all of lines 1 to 8, inclusive, of the title of the printed bill; and in line 9, strike out "to" and insert "An act authorizing".

Amendment No. 2

In line 10 of the title of the printed bill, before the period, insert "in favor of credit unions".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 10, inclusive, and insert "SECTION 1. Public officers or employees are authorized and empowered to provide by wage and salary deductions for the purchase of shares in or the payment of money to any regularly chartered credit union. Auditors, treasurers or other disbursing officers of any public agency are authorized and empowered to recognize and act upon such wage or salary assignments. No provision of law prohibiting, restricting or limiting the assignment or order for wages or salary shall be deemed in any way to prohibit, restrict or limit the power herein conferred."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1595—An act to amend Sections 6, 10, 14, 15, 16 and 20, and to add Sections 24, 25 and 26 to an act entitled "District Investigation Act of 1933," relating to the investigation report and debt limitations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 7, line 19, of the printed bill, as amended in the Assembly May 8, 1941, strike out the comma; and in line 20, strike out "which may be by reference to said report".

Amendment No. 2

On page 7, line 50, of the printed bill, strike out "assessed", and insert "true".

Amendment No. 3

On page 9 of the printed bill, strike out lines 26 to 29, inclusive.

Amendment No. 4

On page 9, line 30, of the printed bill, after "Sec.", strike out "9", and insert "8".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2589—An act to amend Section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 35, of the printed bill, as amended, strike out "an agreement may be made"; and strike out lines 36 and 37, and insert

"Where a municipal court is established in a city of the second and one-fourth class the salaries of the judges, clerk, marshal and other attaches, and the cost of all supplies, books, furniture and suitable quarters except as hereinafter otherwise provided, for carrying out their duties, shall be paid by the county in which the court is situated out of the county general fund. However, if such charges upon the county for maintaining the municipal court exceed the sum of one hundred

thousand dollars (\$100,000) per annum, the city shall reimburse the county in the amount of such excess from such municipal court fines and forfeitures as by law would otherwise become the property of the city. The amount to be repaid may be deducted and retained for account of the county by the county auditor, as often as may be practicable, and at least semiannually, from the amounts payable to the city pursuant to Section 1463 of the Penal Code. The amount to be repaid may be charged at any semiannual period by agreement between the governing bodies or authorized officers of the city and the county. The city in which the court is established shall provide and maintain suitable quarters for one department of the municipal court, including heating, light and janitorial service free of cost or charge to the county."

Amendment read and adopted.

Bill ordered printed, and to third reading.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Fletcher moved that Assembly Bill No. 2589 be placed on the inactive file.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2631—An act to add Part 1.5, comprising Sections 5700 to 5784, inclusive, to Division 8 of the Harbors and Navigation Code, relating to the formation of harbor improvement districts in more than one county, providing for the issuance of bonds and the levying of taxes therefor, and for the management, maintenance and control thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 2, line 41, of the printed bill, as amended, insert "5716. If the proposed harbor improvement district is partly within a city, a copy of the petition shall be filed with the city council of such city, and the board of supervisors shall not have jurisdiction to proceed to act upon the petition until the city council of such city has approved such petition and consented thereto by resolution spread upon its minutes."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1067—An act to amend School Code Sections 5.490 and 5.491, and to repeal School Code Section 5.492, relating to the employment of lecturers in public schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 24, of the printed bill, as amended, strike out "year", and insert "term".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2197—An act to repeal Part 2 of Division 13 of the Health and Safety Code, and to add a new Part 2 to said Division 13, relating to auto courts, and auto and trailer camps.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1297—An act to add Section 145.5 to the Agricultural Code, relating to the liability for the expenses of abatement of agricultural pests.

Bill read second time, and ordered to third reading.

Assembly Bill No. 457—An act to amend Section 1063 of the Fish and Game Code, relating to grades of fish and fish products.

Bill read second time, and ordered to third reading.

Assembly Bill No. 799—An act to amend Section 1179 of the Fish and Game Code, relating to nongame birds.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1004—An act to amend Sections 6 and 9 of, and to add Section 18 to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following amendments to Senate Bill No. 1004?

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "After the first"; and strike out lines 8 to 11, inclusive, and insert "Upon payment of a fee of twenty-five dollars (\$25) to the Secretary of State, any person possessing the qualifications provided for in Section 3a hereof shall be permitted to take the examination thereon required and, subject to such conditions as may be imposed by rules and regulations established hereunder, any such person shall be permitted to take subsequent examinations without payment of an additional fee therefor."

Amendment No. 2

On page 2 of the printed bill, strike out lines 3 to 9, inclusive.

Amendment No. 3

On page 2 of the printed bill, strike out line 25, and insert "Subject to the provisions of Section 18 hereof, a".

Amendment No. 4

On page 2, line 26, of the printed bill, after "shall", insert ", on or before the thirtieth day of June of each year."

Amendment No. 5

On page 2 of the printed bill, strike out lines 33 and 34, inclusive, and insert "in conspicuous type the words 'continuation of license' and the date to and including which such license is continued."

Amendment No. 6

On page 3, line 15, of the printed bill, strike out "The provisions of this act relative to continuation"; and strike out lines 16 to 22, inclusive, and insert "Any person licensed hereunder at the time of entering the military service, as defined in the Soldiers and Sailors Civil Relief Act of 1940 enacted by the Congress of the United States, who is otherwise eligible to apply therefor may, within 30 days after the termination of such service, upon payment of the fee prescribed by Section 6 hereof, file with the Secretary of State a request for a continuation of his license

and thereupon the Secretary of State shall issue a receipt to such person which shall bear upon its face in conspicuous type the words "continuation of license" and the date to and including which such license is continued."

Amendment No. 7

On page 3, line 31, of the printed bill, strike out "The"; and strike out lines 32 and 33, and insert "Unless this act becomes effective prior to July 1, 1941, this revenue will be lost".

Amendment No. 8

On page 3, line 38, of the printed bill, strike out "May", and insert "July".

Amendment No. 9

On page 3, line 39, of the printed bill, strike out "31st", and insert "1, 1941".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1004 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, Metzger, Powers, Quinn, Rich, Swing, Waggy, and Ward—22.

NOES—None.

Above bill ordered enrolled.

Senate Joint Resolution No. 25—Relative to proposed merit system for county welfare activities.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Joint Resolution No. 25?

Amendment No. 1

On page 1, line 7, of the printed measure, strike out "unauthorized invasion of", and insert "interference with".

Amendment No. 2

On page 1, line 15, of the printed measure, strike out "invasion of", and insert "interference with".

Amendment No. 3

On page 1 of the printed measure, strike out lines 25 to 27, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Joint Resolution No. 25 by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Slater, Swing, Waggy, and Ward—24.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1112—An act to add Sections 762.5 and 763.5 to, and to amend Sections 762, 763 and 766, of the Agricultural Code, and to amend Section 1 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to raw tomatoes, and the delivery, inspection, grading, and canning thereof and the rights and obligations of parties contracting in relation thereto.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendments:

Amendment No. 1

In line 10 of the title of the printed bill, as amended, after "thereto", insert ", declaring the urgency hereof, to take effect immediately".

Amendment No. 2

On page 1, line 35, of the printed bill, as amended, strike out "This chapter", and insert "Sections 762 and 763 of this chapter."

Amendment No. 3

On page 5 of the printed bill, as amended, after line 12, insert

"SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting the necessity:

The canning season has already begun and regulation is necessary to assure the stabilization of industry. Owing to the present National emergency, the Government has called for increased amounts of canned foods, and unless this act takes effect immediately, it will be too late to affect the regulation of the industry during the current canning season."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to retain Senate Bill No. 93 on the third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Keating asked for, and was granted, unanimous consent to retain Senate Bill No. 1308 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Assembly Bill No. 1138 on third reading file until the next legislative day.

MOTION TO REFER BILL TO INACTIVE FILE

Senator Kuchel moved that Assembly Bill No. 654 be placed on the inactive file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 1329—An act to add Section 12b to the California Districts Securities Commission Act, relating to notice and hearing of certain proceedings before the California District Securities Commission and relating to the change, modification or amendment of refunding plans and of the terms and conditions of refunding bonds of irrigation districts, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Luckey moved a call of the Senate.

Motion carried. Time, 2.37 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1159—An act to amend Section 2931a of the Civil Code, relating to making the State of California a party to certain actions pertaining to real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judith, Keating, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Quinn, Rich, Slater, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2519—An act to amend sundry article and chapter headings, to repeal Section 679a of, and to add Section 2876 to, the Penal Code, and to amend Section 6603 of the Welfare and Institutions Code, relating to prisons and prisoners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kuehel, Luckey, Mayo, McCormack, Metzger, Mixter, Quinn, Rich, Slater, Swing, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1693—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Bill read third time.

Motion to Amend

Senators Brown and Foley moved the adoption of the following amendment:

Amendment No. 1

On page 3, line 24, of the printed bill, as amended, strike out "1942", and insert "1943".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1795—An act to add Sections 28.25 and 28.35 to the California Irrigation District Act, relating to the manner of selecting directors of certain irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swing, Waggy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1138—An act to amend Sections 3696, 3699, 3705 and 3706 of, and to add Section 3707 to, the Revenue and Taxation Code, relating to property taxation, including sales at public auction of tax-deeded property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swing, Waggy, and Ward—28.

NOES—None.

Motion to Reconsider

Senator Judah moved to reconsider the vote whereby Assembly Bill No. 1138 was passed.

Postponement of Reconsideration

On motion of Senator Judah, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1138 was passed, was continued until the next legislative day.

Assembly Bill No. 1342—An act to amend Section 374½ of the Penal Code, relating to the sale and use of drugs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2326—An act to amend Section 134 of the Vehicle Code, relating to the distribution of publications by the Department of Motor Vehicles.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 21, of the printed bill, as amended, strike out "shall", and insert "may".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 3.05 p.m., on motion of Senator Luckey, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No. 1329 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 255—An act to amend Section 1 of an act entitled "An act making an appropriation for the support of the California Commission on Interstate Cooperation, and providing for the expenditure of the same," approved July 22, 1939, extending the period of time during which the appropriation is available, this act to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Senate Bill No. 255:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 29, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

SENATE BILL NO. 255

"An act to amend Section 1 of an act entitled 'An act making an appropriation for the support of the California Commission on Interstate Cooperation, and providing for the expenditure of the same,' approved July 22, 1939, extending the period of time during which the appropriation is available, this act to take effect immediately"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill No. 255 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1434—An act to amend Sections 2, 5, 6, 7, 8, 9, 10, 12 and 14 of the Motor Vehicle Fuel License Tax Act, relating to the taxation of distributors of motor vehicle fuel and the administration of the tax and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1438—An act to amend Sections 5, 5.1, 10, 12, 14, 19, 20, 23, 27 and 29 of the Use Fuel Tax Act of 1937, relating to the taxation of the use of motor vehicle fuel in this State and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2336—An act to amend Sections 653.1, 653.3, 653.5, 653.8, 653.9, 653.14 and 653.15 of the Civil Code, relating to cooperative corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, McCormack, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2447—An act to amend Section 653.16 of the Civil Code, relating to cooperative corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, McCormack, Metzger, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2164—An act to add Section 15035 and Sections 17821 to 17829, inclusive, to the Health and Safety Code, relating to definition of "Building unfit for human habitation" and providing for demolition, closing or repair thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Waggy, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1839—An act to amend Section 200 of the Code of Civil Procedure, relating to exemptions from jury duty.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Fletcher, Foley, Gordon, Judah, Kuchel, Mayo, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Waggy and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 891—An act relating to certain tidelands and submerged lands conveyed to the City of Coronado by "An act conveying certain tidelands and lands lying under inland navigable waters situate in the Bay of San Diego to the City of Coronado in furtherance of navigation, commerce and fisheries and providing for the government, management and control thereof," approved April 27, 1923, ratifying and approving the description of such lands and declaring the legislative interpretation of said act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuchel, Mayo, Metzger, Mixter, Myhand, Powers, Quinn, Rich, Slater, Swing, Waggy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2596—An act to add Section 696 to the Political Code and to repeal an act entitled "An act appropriating money to create a Revolving Fund for the Department of Finance for State purchases and repealing an act entitled 'An act appropriating money to create a Revolving Fund for the State Purchasing Department,' approved May 15, 1917," approved May 22, 1919, relating to the revolving fund for State purchases and the purposes for which it may be expended, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2596:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 21, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL NO. 2596

"An act to add Section 696 to the Political Code and to repeal an act entitled 'An act appropriating money to create a Revolving Fund for the Department of Finance for State purchases and repealing an act entitled "An

act appropriating money to create a Revolving Fund for the State Purchasing Department," approved May 15, 1947, approved May 22, 1949, relating to the revolving fund for State purchases and the purposes for which it may be expended, to take effect immediately".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 2596 as an emergency measure.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1662—An act to amend Section 352 of the Political Code, relating to the traveling expenses of State officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1664—An act to amend Section 664 of the Political Code, empowering the State Board of Control to prescribe by rule and regulation limitations upon amounts to be expended by officers, agents and employees of the State while traveling on official business of the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Slater, Swing, and Wagy—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1135—An act to amend Section 554 of the Labor Code, relating to days of rest.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kuebel, Mayo, McBride, McCormack, Mixer, Myhand, Powers, Quinn, Rich, Slater, Swing, and Wagy—23.

NOES—Senators Judah, and Metzger—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2100—An act to add Section 13.16c to the Building and Loan Association Act, relating to building and loan associa-

tions, including the disposition of records and of unpaid or unclaimed dividends of liquidated building and loan associations.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator McBride moved a call of the Senate.

Motion carried. Time, 3.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 989—An act to amend Section 453 of the Fish and Game Code, relating to possession of fish and game after the season closes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—25.

NOES—Senator Kuchel—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1012—An act to amend Sections 6735, 6752, 6757, 6775, 6787 and 6799 of the Business and Professions Code, relating to persons practicing civil engineering.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1011—An act to amend Sections 8705, 8726, 8727, 8728, 8729, 8730, 8742, 8746, 8748, 8762, 8764, 8765, 8769, 8772, 8781 and 8792 of the Business and Professions Code, relating to the regulation of persons engaged in land surveying.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Foley, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 988—An act to repeal Section 459 and to amend Section 460 of the Fish and Game Code, relating to importation of fish and game.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458—An act to amend Section 792 of the Agricultural Code, relating to avocados.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 497—An act to amend Section 323 of the Agricultural Code, relating to foreign cold storage meat sales license fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 894—An act to amend Sections 1299, 1299.1 and 1299.2 and to repeal Sections 1299.3, 1299.4 and 1299.5 of the Agricultural Code, relating to marketing of milk and other dairy products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Wagy, and Ward—26.

NOES—Senator Swan—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 902—An act to amend Section 318 of the Agricultural Code, relating to artificial coloring of meat products and casings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1113--An act to add Section 767 to the Agricultural Code, relating to the furnishing of boxes to growers of vegetables and deciduous fruit.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Biggar, Breed, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Slater, Swan, Swing, Wagy, and Ward--28.

NOES--None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 895--An act to amend Section 305 of the Agricultural Code, relative to meat inspection.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES--Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward--30.

NOES--None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Ward:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 4014a of the Political Code, relating to township officers.
Respectfully submitted.

SENATOR WARD

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 2, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

RICH, Chairman
BREED
MYHAND

The roll was called, and permission granted by the following vote:

AYES--Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward--31.

NOES--None.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Parkman:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, JUNE 2, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 8931, 8938, 8939 and 9100, and to repeal Section 9053 of, and to add Section 9055 to, the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemetery districts.

Respectfully submitted.

SENATOR PARKMAN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, JUNE 2, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

RICH, Chairman
BREED
MYHAND

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Waggy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were introduced, and read the first time:

Senate Bill No. 1342: By Senator Ward—An act to amend Section 4014a of the Political Code, relating to township officers.

Referred to Committee on Local Government.

Senate Bill No. 1343: By Senator Parkman—An act to amend Sections 8931, 8938, 8939 and 9100, and to repeal Section 9053 of, and to add Section 9055 to, the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemetery districts.

Referred to Committee on Public Health and Safety.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.27 p.m., on motion of Senator McBride, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 2100 passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Phillips, Quinn, Rich, Swan, Swing, and Ward—23.

NOES—Senators Breed, Judah, Kuchel, McCormack, Mixer, Powers, Slater, and Waggy—8.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2625—An act making an appropriation for aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2625:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, May 22, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS:

ASSEMBLY BILL No. 2625

"An act making an appropriation for aviation facilities for the California National Guard, declaring the urgency of this act, to take effect immediately", in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 2625 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, Wag, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Slater, Swan, Swing, Tickle, and Wag—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1571—An act to amend Section 658 of the Fish and Game Code, relating to the taking of salmon.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 658", and insert "Sections 658 and 659".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 6, insert

"SEC. 2. Section 659 of the Fish and Game Code is hereby amended to read as follows:

659. In districts 12B, 12C, and 13, salmon may be taken with hook and line, at any time. [There is no] *The bag limit is two per day for salmon so taken.*"

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 470—An act to amend Section 112 of the Code of Civil Procedure, relating to original jurisdiction of justices' courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Kuchel, Luckey, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tuckie, Wagv, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1838—An act to add Sections 5439.5 and 5439.7 to, and to amend Section 5450 of, the Public Resources Code, relating to county recreational districts, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Wagv, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Tuckie, Wagv, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An act to amend Sections 3.761 and 3.762 of, and to add Section 6.261a to, the School Code, all relating to the teaching of civics in elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Quinn, Rich, Slater, Swan, Wagv, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 546—An act to add Section 5.143 to the School Code, relating to the issuance of teachers' credentials to blind or partially blind persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1050—An act to add Section 6.94 to the School Code, and to amend Section 6.90a of the School Code, relating to the construction and maintenance of dormitories by school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 926—An act to amend Sections 3520 and 3712 of, and to add Section 3695.3 to, the Revenue and Taxation Code, relating to property taxation and tax-deeded property, including the assessment of property, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kuchel moved a call of the Senate.

Motion carried. Time, 4.55 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2634—An act to repeal Section 2.600 of the School Code and to repeal an act entitled "An act providing for the organization of certain elementary school districts into union or joint union high school districts," approved April 30, 1929, and to add Section 2.600 to the School Code, all relating to the formation of high school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1244—An act to add Article 2 to Chapter 2 of Division 3 of the School Code, relating to the supervision of instruction in elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Keating, Kuchel, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Swing, Wagy, and Ward—26.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2150—An act to add Section 5.604 to the School Code, relating to the attendance of teachers upon institutes and educational meetings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Keating, Kuchel, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Slater, Swan, Swing, Tackle, and Ward—27.
NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 800—An act to amend Sections 2, 4, 7, 8, 9.2, 9.3, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 26, 28, 30, 32, 33 and 34 of The Personal Income Tax Act, relating to taxes upon the incomes of individuals, estates and trusts and to provide that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 11 of the printed bill, as amended, strike out line 43, and insert "year, other than taxes paid or".

Amendment No. 2

On page 11 of the printed bill, as amended, strike out line 46, and insert "within the taxable year imposed by the authority of (1) the".

Amendment No. 3

On page 11 of the printed bill, as amended, strike out line 47, and insert "Government of the United States or any foreign country, (2)".

Amendments read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 559

Senator Metzger moved that Assembly Bill No. 559 be withdrawn from Committee on Agriculture for purpose of amendment.

Motion lost.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 38 was passed, was continued until the next legislative day.

RECONSIDERATION LAPSED

Senator Shelley's motion to reconsider the vote whereby Assembly Bill No. 2602 was passed, was declared lapsed due to there having been no motion to further postpone such reconsideration.

Bill ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Fletcher:

Senate Resolution No. 126

WHEREAS, While the Senate was in recess over the weekend and one of the officers of this body, James Copland, Assistant Sergeant-at-Arms, was called to his rest; and

WHEREAS, James Copland was a faithful and conscientious officer, discharging his duties to the best of his ability and to the satisfaction of the Senate; now, therefore, be it

Resolved, That the Senate extends its sympathy to his survivors; and be it further *Resolved*, That when the Senate adjourns this day it do so in respect to his memory.

Resolution read, and unanimously adopted by a rising vote.

By Senator Tickle:

Senate Resolution No. 127

Resolved, That the following named persons be stricken from the list of Senate attaches, and their names be stricken from the pay roll of the Senate, to take effect on completion of work May 31, 1941:

Dorothy Pratt, Stenographer	Per day
James Copland, Assistant Sergeant-at-Arms	\$5 00
	5 00

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 1271	Assembly Bill No. 1594
Assembly Bill No. 1288	Assembly Bill No. 2384
Assembly Bill No. 1290	Assembly Bill No. 2493

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 311	Assembly Bill No. 1598
Assembly Bill No. 782	Assembly Bill No. 2128
Assembly Bill No. 1283	Assembly Bill No. 2342
Assembly Bill No. 1289	Assembly Bill No. 2629

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bills ordered to second reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, May 26, 1941; Tuesday, May 27, 1941; Wednesday, May 28, 1941; Thursday, May 29, 1941; Friday, May 30, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.15 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 926 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

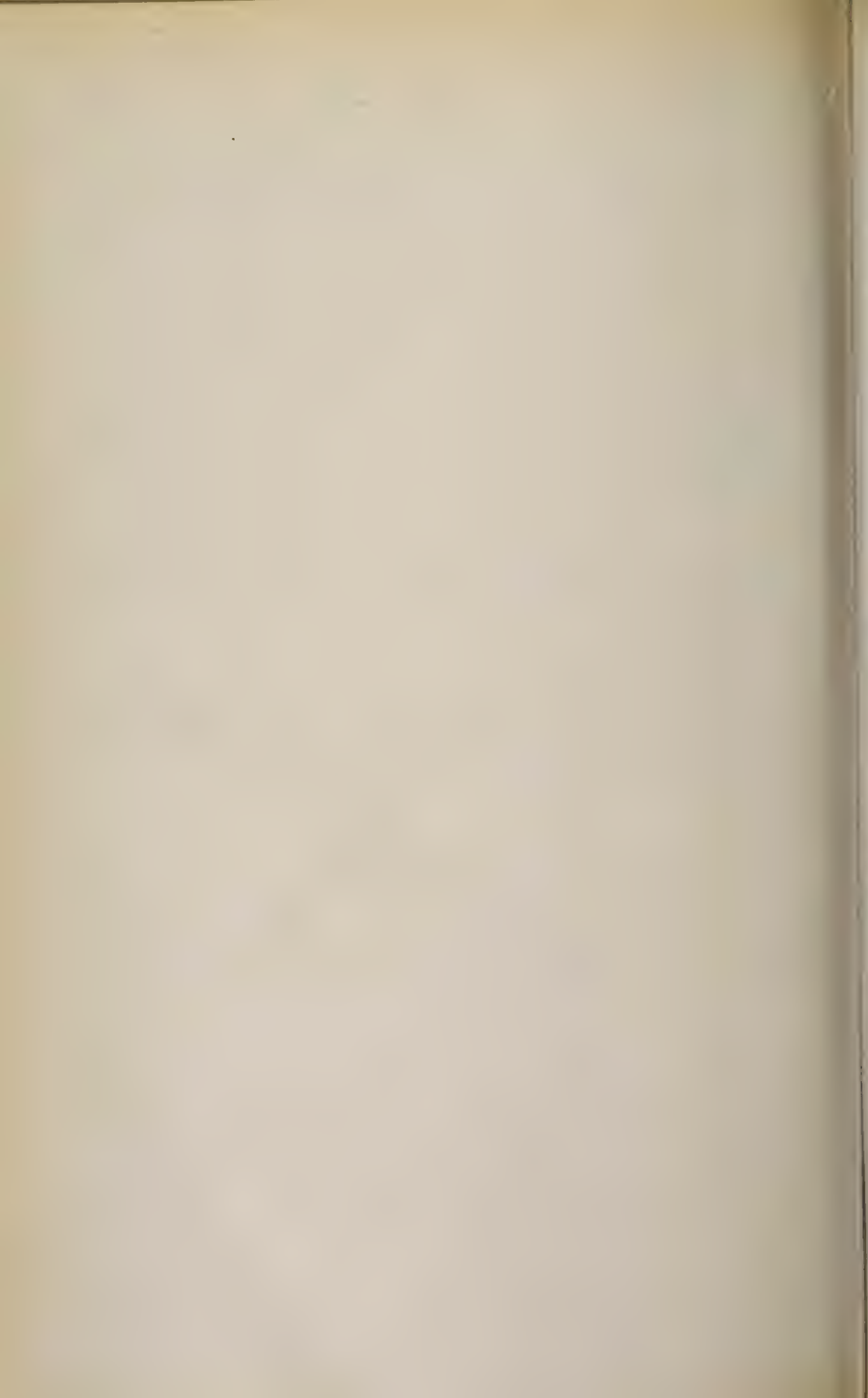
AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

ADJOURNMENT

At 5.22 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., June 3, 1941, out of respect to the memory of the late James Copland.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-THIRD LEGISLATIVE DAY
ONE HUNDRED FORTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Tuesday, June 3, 1941

The Senate met at 1.30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Kuchel, Mayo, Metzger, Myhand, Phillips, Powers, Rich, Seawell, Slater, Swing, and Tickle-19.

Call of the Senate

Senator Tickle moved a call of the Senate.

Motion carried.

The Secretary announced the absentees.

Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Sam Stone and Tony Segvich, "Honest Democrat," both of Sacramento.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. James J. Shelley of San Francisco.

On request of Senators Myhand and Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to former Lieutenant Governor George J. Hatfield of Merced County.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to H. B. Daniels, Deputy City Attorney, of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Ruth Mccum, teacher, and the following members of the L-9 Social Studies Class of the Stanford Junior High School, Sacramento: Vernon Aznoe, Myron Basso, Jacke Burke, Gladys Burks, Wesley Carter, Ray Connally, Margaret Evans, Bill Florian, Edith Galyen, Beth Gleason, Russell Grove, Eugene Horrie, Earl Howard, Claude Hudson, Richard Jones, George La Roche, Bonnie Larson, Edward Lyons, Sam Martello, Everett Martin, Alton Mathews, Rose Mauro, Rodney Miller, Alex Muirhead, Takashi Muraoka, Paul Mussachia, Steve Odell, Jack Rhoades, Vera Schoefer, Bill Stokes, Franklyn Wallace, Harry Warner, Daniel Yee, Ivan Young, and Barbara Caldwell.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Graden Frimfrock, formerly of Covelo, now of Sacramento.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Gerald Cassin and George Barsi, all of San Jose.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Supervisor B. M. Graham of Imperial County and George E. Krueger of Brawley.

COMMUNICATIONS

The following communication was received and read, and ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, June 3, 1941

Hon. Ellis E. Patterson, Lieutenant Governor, State Capitol

The board of supervisors of San Francisco yesterday unanimously adopted the following resolution:

"WHEREAS, The Legislature of the State of California has enacted a Reapportionment Bill which allots to the City and County of San Francisco eight seats in the Assembly; and

WHEREAS, Such action on the part of the Legislature is demonstrative of a democratic philosophy of government and recognizes the importance not only of San Francisco's metropolitan status, but what is paramount, evidences a desire to maintain such a balance of power as is befitting under our form of government; now, therefore, be it

Resolved, That this board of supervisors, representing the people of the city and county, takes this opportunity to express sincere and profound gratitude to the Members of the Senate and the Assembly of the State of California for their action in allotting San Francisco eight seats in the State Assembly; and be it further

Resolved, That a copy of this resolution be sent by telegram to the Lieutenant Governor and to the Speaker of the Assembly with the request that it be read to the members of the Senate and the Assembly."

BOARD OF SUPERVISORS

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 3, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: Pursuant to the provisions of Section 312 of the Political Code of California, you are hereby notified that on the second day of June, 1941, at 11.45 p.m., Senate Bill No. 889 was returned without my signature and, together with

a statement of my objections thereto, was delivered to Honorable W. P. Rich, Member of the Senate.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 3, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: I am transmitting to you herewith a copy of a message with reference to Senate Bill No. 1338, which was delivered to Senator W. P. Rich at 11:45 p.m. on June 2, 1941, at which time your Honorable Body had adjourned for the day but not for the session.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 2, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 889, entitled: "An act to repeal Sections 1060 and 1061 of, and to add Sections 1060, 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1062b to, and to amend Section 1062a of, the Code of Civil Procedure, relating to declaratory relief."

My objections to this bill are as follows:

This bill repeals Sections 1060 and 1061 of the Code of Civil Procedure, relating to declaratory relief, and adds various new sections comprising the Uniform Declaratory Judgments Act. The theory of the act is based upon the premise that protracted litigation may be avoided if the rights of parties can be declared before serious disputes and differences of opinion have arisen. In my opinion this theory is sound.

However, the proposed section of the Code of Civil Procedure 1060 as it reads in the new act provides that "Courts of record within their respective jurisdictions shall have power, etc." Section 12 of Article VI of the Constitution of California declares that municipal courts are courts of record. The present law confines declaratory relief to the superior court.

I doubt the wisdom of this change. The purpose of the act is to have the rights of the parties declared with the minimum amount of legal difficulty. This change allowing municipal courts as well as the superior court to handle matters of declaratory relief would seem to inject into a number of cases puzzling questions of jurisdiction which would have to be threshed out with resulting expense and delay in the declaratory proceedings.

For instance, in the ordinary case of an action on a contract, the jurisdiction is determined as between the municipal court and the superior court by the amount of the prayer for damages. In a declaratory relief action, however, no prayer for damages would be included, and the question would arise as to what would determine the jurisdiction as between the superior and the municipal courts.

Would it be the ultimate and total amount of the contract or would it be the amount of damages which might possibly result from the breach of the contract?

Questions of this sort should be avoided by leaving the matter in the hands of the superior court as at present. This is especially true because there is no appeal in this State from municipal courts to the district courts of appeal or to the supreme court. This limitation might cause considerable injustice and confusion, especially in view of the fact that under this bill the scope of actions for declaratory relief would be broadened to include actions to determine any question of construction or validity arising under a statute, ordinance, or franchise.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 2, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: I have this day delivered to the Secretary of State Senate Bill No. 1338. I objected to the appropriation made by such bill, and reduced the amount of such appropriation by appending to the bill, at the time of signing it, a statement of the items to which I objected and the reasons therefor.

In accordance with the provisions of Section 16 of Article IV of the Constitution, I am transmitting herewith a copy of such statement.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

I object to the appropriation of \$62,500, and hereby reduce the sum to \$10,000. With this reduction I approve the bill.

My reasons for reducing the amount of said appropriation are as follows:

There has previously been appropriated for the contingent expenses of the Senate for this session of the Legislature the sum of \$45,000, of which amount there is an unexpended balance of \$19,395.63, as of May 29th, according to the records in the office of the State Controller. The appropriation of \$62,500 made by this bill, together with the previous appropriation, total \$107,500, which sum far exceeds any amount previously appropriated for similar purposes at prior sessions of the Legislature, even exceeding the total of the appropriations covering the last regular session and the five special sessions of the Legislature, which created a large number of Special Investigating Committees.

In my statement on May 3d concerning Senate Bill No. 1292 I said:

This additional amount of \$25,000 which I have approved I know is ample to cover all necessary expenditures from the Senate Contingent Fund. It is inconceivable that the normal contingent expenses that could be incurred by the Senate during the remainder of this regular session could possibly exceed the sum of \$10,000, even though the session were to last another 60 days. If at a later date a still further appropriation to this fund should become necessary, I will willingly approve the same.

The nineteen odd thousand dollars still remaining for Senate contingent expenses, together with the \$10,000 made available by this bill, is ample to cover any expenditures that should be made by this Legislature for such purposes.

CULBERT L. OLSON, Governor of California

Dated June 2, 1941.

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 2, 1941

*To the Members of the Senate and Assembly
of the California Legislature
Sacramento, California*

GRIETINGS: I consider it my duty to again call your attention to the need for immediate revision of the Horse Racing Act increasing the State's portion of the total "take" from contributions to the pari-mutuel betting pools when they are in excess of ten million dollars (\$10,000,000). In view of the extraordinary profits of the large track licensees under the present law, and in view of the position taken by the present Racing Board and sustained by an opinion of the Attorney General that the race tracks have not heretofore complied with the statute in calculating the "breakage" retained by them on redistributions, there should be enacted at this session amendments of the provisions of the law with reference to license fees and redistributions so as to return to the State a greater portion of the total amount taken from the pools of the pari-mutuel betting, and at the same time provide for the retention by the licensees of a sufficient part thereof to meet their operating requirements and provide for a reasonable return. This may be done without increasing the total "take" from the contributions to the betting pools, with the resulting additional return to the State of a million and one-half dollars or more per annum.

Bills are pending which may be used to effect such legislation.

You have passed Senate Bill No. 386 which would permit race track licensees to continue to deduct as a part of their commissions from the gross amount of money handled in the pari-mutuel pools, in addition to eight per cent (8%) thereof, the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of ten cents (\$.10); this act to be effective only until December 25, 1941, but not subsequent thereto. If no other legislation is enacted at this session making revisions of the Race Track Act as above suggested, the State will be deprived of revenues available from this source, of one and one half million dollars or more per year, and from and after December 25, 1941, redistributions must be made with odd cents taken only on the mutual contributions instead of on each dollar wagered, which has heretofore been the illegal practice and with which the State and county fairs and the smaller tracks are vitally concerned. Senate Bill No. 386 may not be regarded as an urgency measure within the meaning of Section 1 of Article IV of the Constitution of the State of California which is invoked, even though it was passed as an urgency measure and states that "It is necessary that this act take effect immediately in order that injury may be averted while the permanent solution is being worked out."

There will be no call of a special session of the Legislature for working out a permanent solution. Therefore, a permanent solution should be worked out and legislation to that end enacted before the adjournment of this regular session.

My recommendations are that the act be revised to provide that the commission deducted by a licensee on any amount not exceeding \$10,000,000 of the total amount of the pari-mutuel pool shall not exceed 8 per cent and the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of 10 cents; that the commission deducted by a licensee on any amount in excess of \$10,000,000, but not in excess of \$20,000,000, handled in a pari-mutuel pool shall not exceed 6 per cent and one-half of the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of 10 cents; that the commission deducted by a licensee on any amount of a pari-mutuel pool exceeding \$20,000,000 shall not exceed 5 per cent and one-half of the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of 10 cents; and that the license fee deducted by the State on any amount of a pari-mutuel pool of not exceeding \$10,000,000 shall be 4 per cent thereof; that the license fee deducted by the State on any amount of a pari-mutuel pool in excess of \$10,000,000, but not in excess of \$20,000,000, shall be 6 per cent and one-half of the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of 10 cents; and that the license fee deducted by the State on any amount of a pari-mutuel pool in excess of \$20,000,000 shall be 7 per cent and one-half of the odd cents by which the amount payable on each dollar wagered exceeds the next lowest multiple of 10 cents.

I further recommend that all additional revenue to the State derived from such amendments be for the General Fund.

I also respectfully urge that you consider and act favorably upon other recommendations made by the Horse Racing Board, including provisions for proper rewards to California breeders of winning race horses and for increasing the amount annually appropriated to the board in order to defray the expenses of the officers and employees provided for in the act.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

MOTION TO SET SPECIAL ORDER

Senator Rich moved that the Governor's reduction to Senate Bill No. 1338 be made a special order of business for Wednesday, June 4, 1941, at 3 p.m.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 500
Senate Bill No. 534
Senate Bill No. 306
Senate Bill No. 417
Senate Bill No. 461

Senate Bill No. 569
Senate Bill No. 746
Senate Bill No. 830
Senate Bill No. 1322

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 235
Senate Bill No. 257
Senate Bill No. 1005

Senate Bill No. 1321
Senate Bill No. 3

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 641
 Assembly Bill No. 643
 Assembly Bill No. 1010
 Assembly Bill No. 1132
 Assembly Bill No. 1192
 Assembly Bill No. 1193
 Assembly Bill No. 1302
 Assembly Bill No. 1448

Assembly Bill No. 1696
 Assembly Bill No. 1869
 Assembly Bill No. 2071
 Assembly Bill No. 2440
 Assembly Bill No. 2541
 Assembly Bill No. 2565
 Assembly Bill No. 2644

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, May 30, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 55

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 641—An act to amend Section 7102 of the Welfare and Institutions Code, pertaining to the purpose of the State Inebriate Colony.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 643—An act to amend and renumber the title of Chapter 4, Part 4, of Division 6, of the Welfare and Institutions Code, as added by Chapter 994 of the Statutes of 1939, relating to State inebriate colonies.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1010—An act to amend Section 196 of the Civil Code, relating to the support of children.

Referred to Committee on Judiciary.

Assembly Bill No. 1132—An act to add Article 3, comprising Sections 1801 to 1806, inclusive, to Chapter 3 of Division 4 of the Elections Code of the State of California, relating to elections, and the amendment of freeholders' charters.

Referred to Committee on Elections.

Assembly Bill No. 1192—An act to amend Section 20, and repeal Section 24 of, the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1193—An act to amend Section 27 of, repeal Section 23 of, and add Section 23 to, the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1302—An act regulating the installation and maintenance of plumbing and disposal systems in the unincorporated areas of the State of California.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1448—An act to amend Section 6047 of the Business and Professions Code of the State of California, adopted by Statutes 1939, Chapter 34.

Referred to Committee on Judiciary.

Assembly Bill No. 1696—An act to add Division 1a, comprising Sections 1001 to 1207, inclusive, to the Public Resources Code, relating to surveys and maps, creating a Division of Mapping and Surveys of Natural Resources and a State Board of Mapping and Surveys of Natural Resources in the Department of Natural Resources, and prescribing their powers and duties.

Referred to Committee on Natural Resources.

Assembly Bill No. 1869—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2071—An act to add Section 745 to the Vehicle Code, relating to the detention of persons arrested for violations of the Vehicle Code.

Referred to Committee on Transportation.

Assembly Bill No. 2440—An act to add Section 8.5 to an act entitled "An act to provide for the establishment of master and official plans in cities, cities and counties, and counties and for the adoption of ordinances pursuant thereto; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and the composition and effects thereof; providing for the appointment of planning commissions by cities, cities and counties, and counties, and for the creation of regional planning districts and the establishment of regional planning commissions; prescribing the powers and duties of such commissions; providing for the levy of a special tax for the support of a planning commission and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; making certain acts misdemeanors; and repealing other acts in conflict herewith," approved June 17, 1929, relating to local planning by the State Planning Board.

Referred to Committee on Local Government.

Assembly Bill No. 2541—An act to add Section 58.5 to the Unemployment Insurance Act, relating to the amount of benefits.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2565—An act creating the State Highway Traffic National Defense Advisory Committee, and defining its powers and duties.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2644—An act to amend Section 1 of "An act granting certain tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions,"

approved June 5, 1933, relating to tidelands and submerged lands granted to the City of San Diego.

Referred to Committee on Governmental Efficiency.

Assembly Concurrent Resolution No. 55—Relative to the creation of a Joint Committee on State and County Highways.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 58

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read:

Assembly Concurrent Resolution No. 58—Relative to the death of Mrs. Emily Hays.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 58, at this time, for consideration.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 58

Assembly Concurrent Resolution No. 58—Relative to the death of Mrs. Emily Hays.

Resolution read, and unanimously adopted by the following vote, all members rising:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 410

Senate Bill No. 1318

Senate Bill No. 628

Senate Bill No. 1340

Senate Bill No. 686

Senate Bill No. 1341

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 223 *

Senate Bill No. 719

Senate Bill No. 568

Senate Bill No. 944

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1000

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding thereto Article XXV, relating to the organization, powers and duties of the Board of Forestry;

Senate Bill No. 58—An act to add Sections 674 and 675 to the Agricultural Code, relating to the manufacture and sale of frozen products of milk in quantities less than one gallon;

Senate Bill No. 78—An act to add Section 6517 to the Fish and Game Code, relating to salmon;

Senate Bill No. 94—An act to amend Section 4 of the Central Valley Project Act of 1933, relating to units;

Senate Bill No. 140—An act to add Section 2326 to the Public Resources Code, relating to the records of dissolved mining districts;

Senate Bill No. 169—An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses;

Senate Bill No. 319—An act to amend Section 651 of the Fish and Game Code, relating to salmon;

Senate Bill No. 345—An act to amend Section 949 of the Fish and Game Code, relating to fish nets;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 346—An act to amend Section 723 of the Fish and Game Code, relating to the taking of catfish;

Senate Bill No. 408—An act to amend Section 4271 of the Political Code, relating to compensation for public services in counties of the forty-second class;

Senate Bill No. 412—An act to amend Section 625 of the Fish and Game Code, relating to Fish and Game District 12;

Senate Bill No. 414—An act to repeal Section 290.5 of the Fish and Game Code, relating to application of other laws;

Senate Bill No. 527—An act to repeal certain obsolete or superseded acts, all relating to appropriations of money from the State Treasury, and matters incidental thereto;

Senate Bill No. 554—An act to amend Section 78 of the Fish and Game Code, relating to Fish and Game Districts 12 and 12b;

Senate Bill No. 603—An act to add Section 5.45 to the School Code, relating to leaves of absence for employees of State colleges;

Senate Bill No. 666—An act to amend Section 2980 of the Civil Code, and to provide for the recording of conditional sales contracts and leases of live stock, animate chattels, mining equipment and machinery, and bailment or feeder agreements relating to live stock and other animate chattels, and prescribing rights and remedies in connection therewith;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 691—An act to add Section 52½ to the California Irrigation District Act, relating to credits on and payments of irrigation district assessments and the finality thereof;

Senate Bill No. 728—An act to amend Sections 1081, 1083, 1083.1, 1083.2, 1083.5, 1086, 1088 and 1089, and to repeal Section 1081.1, of the Agricultural Code, relating to commercial feeding stuffs;

Senate Bill No. 733—An act to amend Section 45 of the California Irrigation District Act, relating to property sold or deeded to an irrigation district for delinquent assessments and the recording of certificates of sale of the property, and validating certificates of sale of property sold to irrigation districts for delinquent assessments, collectors' deeds issued pursuant to the certificates, and other acts, the validity of which depends upon the validity of the certificates or deeds;

Senate Bill No. 734—An act to amend Section 57 of the California Irrigation District Act, relating to the government of irrigation districts;

Senate Bill No. 755—An act to add Sections 3.5 and 3.75 to "An act to provide for the government of irrigation districts having an area of more than 500,000 acres and for elections and the qualification of electors therein and to enable such irrigation districts to construct levees and to protect the lands within such district from damage resulting from floods and the overflow of rivers and for that purpose to provide additional powers for boards of directors within such irrigation districts," approved January 21, 1915, relating to the management of irrigation districts having an area of more than 500,000 acres;
And reports that the same have been correctly enrolled, and presented to the Governor on the second day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 779—An act to add Chapter 8 to Part 1 of Division 3 of the School Code, which chapter shall consist of Section 3.107, relating to insurance premium deductions from salaries;

Senate Bill No. 783—An act to amend Section 4288 of the Political Code, relating to the payment of the salaries of county officers, deputies, clerks and employees;

Senate Bill No. 788—An act to amend Section 5.540 of the School Code, relating to physical examinations of teachers for active tuberculosis;

Senate Bill No. 803—An act to amend Section 1457 of the Penal Code, relating to the disposition of fines;

Senate Bill No. 807—An act to amend Section 36 of the Civil Code, relating to contracts of minors;

Senate Bill No. 857—An act to add Section 3.5 to an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, as amended, relating to credit unions, the licensing, regulation and powers thereof;

Senate Bill No. 982—An act to amend Sections 2045, 2049 and 2924 of, to add Sections 2059 and 2060 to, and to repeal Section 2523 of the Penal Code, relating to State prisons and the powers and duties of the State Board of Prison Directors in connection therewith;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1035—An act to add Section 158.5 to the Welfare and Institutions Code, relating to officers and employees at State institutions;

Senate Bill No. 1038—An act to regulate the dissolution of districts whose taxes or assessments are computed and collected by county officers, and providing the procedure therefor;

Senate Bill No. 1307—An act to amend Section 6.180 of the School Code, relating to sale or lease of school property;

Senate Bill No. 1313—An act to amend Sections 11166.12, 11200 and 11712 of the Health and Safety Code, relating to narcotics;

Senate Bill No. 1331—An act to add a new section to be numbered Section 5.1 to an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without the Governor's approval (February 25, 1901), relating to the issuance and retirement of municipal improvement bonds;

And reports that the same have been correctly enrolled, and presented to the Governor on the second day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 45—Relative to "Home Folks Day" of the 184th Regiment at Camp San Luis Obispo;

Senate Bill No. 59—An act to amend Sections 305 and 307 of the Agricultural Code, relating to the slaughtering of animals, the manufacturing of meat food products, and the inspection of meat intended for food purposes;

Senate Bill No. 174—An act to amend Section 4281 of the Political Code, relating to compensation for public services in counties of the fifty-second class;

Senate Bill No. 283—An act to add Section 2160.7 to the Welfare and Institutions Code, relating to the aged confined in county institutions;

Senate Bill No. 393—An act to amend Section 5 of The Personal Income Tax Act of 1935, relating to rates of taxation;

Senate Bill No. 464—An act to add Chapter 12, comprising Sections 9201 to 9225, inclusive, to Part 4, Division 8 of the Health and Safety Code, relating to abandonment of cemeteries by public cemetery districts;

Senate Bill No. 480—An act to add a new section to the Agricultural Code, to be numbered 737.6-1, relative to sales of milk for cash;

Senate Bill No. 530—An act to add Section 28.7 to Article 1 of Chapter 1 of Division 1 of the Agricultural Code, relating to bonds and licenses;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of June, 1941, at 11 a.m.

RICI, Chairman

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 558—An act to transfer to the City of Oakland a surface easement over certain tide and submerged lands and to define the powers and duties of the city in relation thereto;

Senate Bill No. 652—An act to amend Section 332.5 of, and to add Section 334.5 to, the Agricultural Code, relating to the branding of live stock;

Senate Bill No. 653—An act to amend Section 336 of the Agricultural Code, relating to live stock brands;

Senate Bill No. 682—An act to amend Section 465.6 of the Vehicle Code, relating to signs alongside highways;

Senate Bill No. 745—An act to add Section 465.7 to the Vehicle Code, relating to warning signs, lights and devices;

Senate Bill No. 792—An act to amend Section 1065 of the Agricultural Code, relating to the sale of economic poisons;

Senate Bill No. 1003—An act to amend Sections 195 and 203 of, and to add Sections 205 and 206 to, the Streets and Highways Code, relating to the expenditure of moneys from the State Highway Fund within cities;

Senate Bill No. 1068—An act to add Section 135.8 to the Vehicle Code, requiring reports of damaged fences;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of June, 1941, at 11 a.m.

RICI, Chairman

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1076—An act to amend Sections 777 and 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the fifth and sixth class;

Senate Bill No. 1144—An act to amend Section 669 of the Penal Code, relating to terms of imprisonment;

Senate Bill No. 1330—An act to amend an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and township officers and employees, namely, county peace officers as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 5, 1931, as amended, by amending Sections 1, 2, 3, 4, 6, 9, 10, 11, 12, 13 and 15 thereof, and by adding thereto three new sections, to be Sections 4.5, 10.5 and 11.5 thereof, relating to county peace officers' retirement system;

And reports that the same have been correctly enrolled, and presented to the Governor on the third day of June, 1941, at 11 a.m.

RICI, Chairman

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Constitutional Amendment No. 28

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 6; absent 5.

DeLAP, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1519

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

DELAP, Chairman

Above reported bill ordered to second reading.

Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1139

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

BIGGAR, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1596

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Judiciary.

Committee membership 9; committee vote: Ayes 9.

METZGER, Chairman

Above reported bill ordered re-referred to Committee on Judiciary.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 2162

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; noes 4.

METZGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 1343

Assembly Bill No. 1541

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 9.

METZGER, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Myhand:

Senate Resolution No. 128

WHEREAS, Assembly Bill No. 2063, Chapter 395 of the Statutes of 1941, provides that the State Printer shall compile or cause to be compiled, published and distributed a State Blue Book; and

WHEREAS, It is fitting that the members of the Senate should receive copies of the State Blue Book in order that they and their constituents may be better acquainted with the information therein contained; now, therefore, be it

Resolved by the Senate of the State of California, That the Secretary of the Senate is authorized to order 481 copies of the State Blue Book for delivery in accordance with the provisions of Assembly Bill No. 2063, Chapter 395 of the Statutes of 1941, and the cost thereof not to exceed two thousand three hundred dollars (\$2,300), shall be payable from the legislative printing appropriation.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 967—An act making an appropriation for the control of disease-harboring rodents on and near areas established for defense purposes.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "fifty", and insert "twenty-five".

Amendment No. 2

On page 1, line 7, of the printed bill, strike out "\$50,000).", and insert "\$25,000) to be expended during the Ninety third and Ninety fourth Fiscal Years."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1211—An act making an appropriation for the support, activities and functions of the California Farm Debt Adjustment Commission, disposing of unexpended money of a previous appropriation for such purposes, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 2, of the printed bill, after "of", strike out "twenty-nine thousand six hundred dollars (\$29,600)", and insert "nineteen thousand six hundred dollars (\$19,600)".

Amendment No. 2

On page 1, line 12, of the printed bill, after "than", strike out "twenty thousand dollars (\$20,000)", and insert "ten thousand dollars (\$10,000)".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 571—An act to amend Section 4251 of the Labor Code, relating to workmen's compensation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1545—An act to add Division 2a, comprising Sections 3100 to 3124, to the Labor Code, relating to labor organiza-

tions and the procedure to be followed in fining, suspending, and expelling members thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1104--An act creating a California Labor Relations Board to promote equality of bargaining power between employer and employee and to diminish the cause of industrial disputes by encouraging collective bargaining and defining unfair labor practices and providing against perpetration of such unfair labor practices and defining the jurisdiction of the powers and duties of the board with reference thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

Strike out lines 2 to 7, inclusive, of the title of the printed bill, as amended, and insert "mote industrial peace and diminish the causes of labor controversies and contentions, providing for the mediation and investigation of such controversies and contentions, defining the jurisdiction, powers and duties of the board, the rights, remedies, powers and duties of employers and employees, prescribing penalties, and making an appropriation."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 22, inclusive; and strike out all of pages 2 to 17, inclusive, and insert

"SECTION 1. In the interest of the stabilization of labor conditions and of the general prosperity of the people of the State, some machinery should be established capable of effecting the speedy, amicable, and fair adjustment of labor disputes as soon as they arise, and, wherever possible, to prevent strikes or lockouts. This act is enacted for the accomplishment of these objectives.

SEC. 2. There is hereby established a California Labor Relations Board (hereinafter called the board), composed of five persons to be appointed by the Governor by and with the advice and consent of the Senate.

SEC. 3. No appointment shall be effective until it is so confirmed, except that a vacancy in the board may be filled by the Governor by an appointment for the unexpired term, subject to confirmation by the Senate at the next regular or extraordinary session of the Legislature.

SEC. 4. The offices of the five board members shall be designated as follows: Board member number 1, board member number 2, board member number 3, board member number 4, and the chairman of the board. Board members numbers 1 and 2 shall be appointed to represent employees and their interests. Board members numbers 3 and 4 shall be appointed to represent employers and their interests.

The chairman of the board shall be appointed to represent the interests of the State and general public.

SEC. 5. At the time of his appointment each member shall be a qualified elector of the State, over the age of 35 years, and shall have been a citizen of the United States for at least 21 years.

SEC. 6. Except as herein provided, the term of office of each member of the board shall be four years, and until the appointment and qualification of his successor. For the purpose of determining the date of expiration of any term, the period during which the predecessor holds over shall be computed as part of the successor's term. Vacancies shall be filled for the unexpired portion of the current term.

SEC. 7. The first term of office of board member number 1 and of board member number 3 shall expire February 1, 1943.

The first term of office of board member number 2 and of board member number 4 shall expire February 1, 1945.

The first term of office of the chairman of the board shall expire September 1, 1945.

In making appointments the Governor shall designate the position to be filled.

SEC. 8. The board shall appoint and remove at its pleasure, an executive officer to be known as Director of the California Labor Relations Board, who shall administer this act under the directions of the board. Said director shall be a full-time employee of the board, shall receive an annual salary to be fixed by the board, and shall not be subject to the provisions of the Civil Service Laws.

SEC. 9. The board may appoint a secretary, experts, assistants, representatives and such other personnel as seem necessary to it for the administration of this act, subject to the provisions of the Civil Service Laws. The board may make expenditures for necessary rent, records, and for the costs of any meetings and hallings authorized by this act.

SEC. 10. Each member of the board shall receive the sum of fifteen dollars (\$15) per day as compensation for each and every day devoted to the actual performance of his duties under the provisions of this act. Each member of the board shall receive his actual and necessary traveling expenses incurred in the business of the board, in accordance with law and the Rules of the State Board of Control.

SEC. 11. A majority of the members of the board shall constitute a quorum. Any action concurred in or approved by a majority of the entire board shall be the act of the board. The board may authorize its representative or representatives to arrange for, call, hold and conduct the elections by employees and the hearings hereinafter provided.

SEC. 12. The board shall make and submit to the Governor, on or before the first day of December of each year, a report containing a full and complete account of its proceedings during the previous 12 month period and setting forth such suggestions and recommendations as it deems of value.

SEC. 13. Each member of the board shall, before entering upon the duties of his office, take, and subscribe to the constitutional oath of office.

SEC. 14. The board shall have authority to adopt, publish, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act; provided, however, that such rules and regulations shall apply only to employees of the board and rules of procedure in conducting the business of the board except as otherwise provided in this act.

SEC. 15. All labor disputes, as hereinafter defined, shall be considered and decided, if possible, in conference between the parties themselves or their representatives designated and authorized so to confer in order to avoid any interruption to production or commerce.

SEC. 16. Employees shall have the right of self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion of employers or any other persons, but nothing contained in this act shall be interpreted as prohibiting employers from exercising the right to confer with their employees at any time; provided, that during such conference there is no attempt by the employer, directly or indirectly, to restrain or coerce employees in the exercise of any rights guaranteed by this act.

SEC. 17. Representatives, for the purposes of this act, shall be designated by the respective parties without interference, influence, or coercion by either party over the designation of representatives by the other; and neither party shall in any way interfere with, influence, or coerce the other in its choice of representatives.

SEC. 18. Representatives of employees for the purposes of this act, whether temporarily or permanently organized, need not be persons in the employ of the employer and no employer shall by interference, influence, or coercion seek in any manner to prevent the free choice by its employees of their representatives for the purposes of collective bargaining. It is unlawful for any employer to dominate or interfere with the formation, existence, or administration of any labor organization, committee, association, or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment, labor disputes or grievances, or to contribute financial or other support thereto, or by any act to deprive any employee or any labor organization, committee, association, or plan of any of the rights guaranteed in Sections 16 and 17.

SEC. 19. "Labor dispute" or "dispute" includes, but is not restricted to, any controversy between:

(a) Employers and employees or their representatives, regardless of whether or not the disputants stand in the proximate relation of employer and employee, concerning:

(1) Terms or conditions of employment.

(2) The association or representation of persons negotiating, fixing, maintaining, or changing or seeking to negotiate, fix, maintain, or change terms or conditions of employment.

(3) Employment relations or any other matter arising out of the respective interests of employer and employee.

(4) The violation of any right under this act.

(b) Any labor organizations concerning the membership therein of any persons, which controversy results or threatens to result in a strike, boycott, picketing or other action disturbing or affecting the business of an employer.

SEC. 20. Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit determined by the board to be appropriate for such purposes or by the majority of the employees in a unit voting in an election conducted pursuant to this act shall be the exclusive representatives of all the employees in the unit for the purposes of collective bargaining in respect

to rates of pay, wages, hours of employment, other terms or conditions of employment, employment relations, grievances, labor disputes, or any other matter arising out of the respective interests of employer and employee: Provided, that employees, directly or through representatives, shall have the right at any time to present grievances to their employer.

SEC. 21. The board shall decide in each case whether, in order to insure to employees the full benefit of their right to self organization, to collective bargaining and otherwise to effectuate the policies of this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or any other unit. In any case where the majority of employees of a particular craft shall so decide the board shall designate such craft within any plant, industry or other form of employing group as a unit appropriate for the purpose of collective bargaining.

SEC. 22. Whenever it is alleged by an employee or his representative or by an employer or his representative that there is a question or controversy concerning the representation of employees, the board shall investigate such question or controversy. In any such investigation the board shall provide for an appropriate hearing upon due notice, and may conduct an election by secret ballot of employees or use any other suitable method to ascertain such representatives either before or after the aforesaid hearing. The board shall not have authority to investigate any question or controversy concerning the representation of employees between individuals or groups within the same labor organization or between labor organizations affiliated with the same parent labor organizations, unless it results or threatens to result in a strike, boycott, picketing or other action disturbing or affecting the business of an employer.

SEC. 23. The board shall have power to determine who may participate in the election and to establish the rules governing any such elections. No election shall be directed by the board solely because of the request of employees prompted thereto by their employer, nor shall any individuals employed only for the duration of a strike or lockout be eligible to vote in such election. No such election shall be conducted under the supervision of the employer.

SEC. 24. A labor organization nominated as the representative of employees shall be listed by name on the ballots authorized by Section 22. In any investigation conducted by the board, the board may make a finding as to whether any committee, employee representation plan, or association of employees involved is a company union, and if any such committee, employee representation plan, or association of employees be found to be a company union, it shall not be listed on the ballots, certified or otherwise recognized as eligible to be the representative of employees under this article.

SEC. 25. "Company union" means a labor organization, committee, association, or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment, labor disputes or grievances, and the formation, existence, or administration of which is initiated, suggested, or interfered with by any employer, or which is dominated by an employer, or which receives financial or other support from an employer, or the formulation of the governing rules and policies of which is participated in or supervised by an employer.

SEC. 26. A hearing held in conformity with the provisions of Section 22 shall be commenced within 15 days after the filing of an application therefor and shall not be postponed for a period exceeding 10 additional days. The board shall render its decision within 10 days after the conclusion of such hearing. In the event an election is ordered by the board, such election shall be held not later than 20 days after the rendition by the board of its said decision. A certification of an exclusive representative for the purposes of collective bargaining based upon such election shall be made not later than 10 days after the holding of such election. Failure by the board to act in the manner provided for in this act shall constitute a denial of certification.

The employer shall recognize the certified representative and bargain collectively therewith.

SEC. 27. No person shall picket, or cause or participate in a strike or lockout of, a place of employment or institute a boycott of the products or services thereof until 10 days after notice of an intention to do so and of the reasons therefor has been served upon the board by the person or his representative intending to picket, strike, lockout or boycott.

SEC. 28. Immediately upon such service, the board shall give not less than five days notice to all parties involved in the dispute that it will hold a hearing and investigation.

SEC. 29. The board or its authorized representative shall, upon receiving a written complaint stating the facts of a labor dispute or a notice of intention to picket, strike, lockout, or boycott from any employee or a representative of any group of employees, or from any employer involved in the dispute, forthwith proceed to hold a hearing and investigation of all the facts pertaining to or affecting the dispute. For such purpose the board or its authorized representative shall, by such procedure as it shall deem proper and necessary, determine the proper unit, group or class of employees whose representatives shall attend and participate in the

hearing and shall notify the parties involved of the determination. Any party objecting to the determination by a representative of the board shall be entitled to have the determination made by the board prior to the calling of the hearing.

SEC. 30. The board shall cause a copy of the complaint or of the notice of intention to be served upon all the parties to the dispute or their representatives and each of said parties may within five days of the service file an answer with the board.

The board shall cause a copy of each answer to be served upon all the parties to the dispute or their representatives.

SEC. 31. If a hearing is commenced by a complaint and one of the parties thereafter desires to picket, or cause or participate in a strike or lockout, or institute a boycott of any other party, he shall serve notice thereof upon the board and the parties to the dispute.

SEC. 32. The hearing shall be held at such place as may be mutually agreed upon by the parties to the labor dispute, or, in the event they do not agree within a reasonable time, the board or its representative may designate the place of the hearing.

SEC. 33. The board shall cause reasonable notice, not exceeding five days, of the time and place of the hearing to be given to the parties involved in the labor dispute.

SEC. 34. The complainant shall, or if he is unable so to do, any other party involved shall, upon demand of the board, furnish to the board a list of the names and addresses of the employees involved in the labor dispute. Notice of the hearing may be given by the board to such employees either at their last known place of residence or at the place where they are employed at the time such notice is given.

SEC. 35. During the continuance of a hearing before the board or its representative, but not exceeding 30 days from the receipt by the board of a notice of intention to picket, strike, lockout, or boycott, no person shall institute or participate in a strike, lockout, or picketing of the place of employment, or institute a boycott of the products or services thereof.

SEC. 36. Unless otherwise agreed to by the parties and approved by the board, no one shall be present at the hearing except the board or its representative or representatives, such other persons as the board may require to hold and conduct the hearing, the employees and their accredited representatives, and the employer and his accredited representatives. The board, or its representative may exclude all persons not entitled to be present at the hearing.

SEC. 37. At the hearing the board or its representative shall permit the parties to the dispute, or their authorized representatives, to present testimony and to make such statements, offers or arguments, oral or written, as they may elect, and the board may present such testimony as it deems necessary and proper in order to afford the parties an equal and fair opportunity to make their presentation and to disclose all the facts of the dispute to the board for its consideration and guidance. The board or its representative may impose reasonable limitations upon the length and scope of such testimony, statements, offers or arguments.

SEC. 38. The board or its representative in conducting the hearing shall proceed with due diligence to complete its investigation into the dispute and shall make in writing its findings and recommendations. The findings and recommendations shall clearly recite the nature of the controversy and the points of dispute. The recommendations shall be just and equitable in the premises, and such as will contribute to the settlement of the dispute on a basis fair to all concerned.

Immediately upon the completion of the findings and recommendations, one copy thereof shall be furnished to each of the parties to the dispute.

SEC. 39. The vote of a majority of the employees at any meeting or balloting at which a majority of the employees in the group, unit or class of employees involved in such labor dispute shall be present or ballot shall be final, conclusive and binding upon all of such employees.

SEC. 40. If the parties to the dispute shall notify the board that they refuse to accept its recommendations, or if, after the lapse of a time deemed reasonable by the board, it shall appear to the board that the dispute can not be amicably settled by the parties, then the board shall file one copy of its findings and recommendations with the Secretary of State and one copy with the county clerk of the county where the dispute exists, or is threatened, which copies shall be public records.

SEC. 41. Whenever a dispute is not settled in conference or through mediation, the board may suggest arbitration.

SEC. 42. No strike shall take place until after a secret ballot participated in by a majority of the employees involved in the dispute.

If there are more than two employers involved in the dispute, no lockout shall take place until after a secret ballot participated in by a majority of such employers.

SEC. 43. Any recommendations made by the board after a hearing may specify that any portion thereof shall be retroactive to a date not earlier than the receipt by the board of the written complaint or notice of intention.

SEC. 44. In any investigation, proceedings, or hearing which under the provisions of this act the board is empowered to institute, conduct, or hold, the board, each member thereof, its secretary, or any person authorized by the board to conduct such investigation, proceeding or hearing, shall have the power to administer oaths, certify to official acts, issue subpoenas for the attendance of witnesses and the production of such evidence as the board deems pertinent to the hearing.

SEC. 45. Witnesses required to appear before the board are entitled to the fees and mileage provided for witnesses attending upon the superior court in civil cases. The board shall pay witness fees out of funds appropriated to it.

SEC. 46. All hearings, investigations, and proceedings of the board shall be governed by this act and in the conduct thereof technical rules of evidence need not be applied.

No informality in any hearing, investigation or proceedings or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved or confirmed by the board.

SEC. 47. The board may employ examiners who shall have power to administer oaths, examine witnesses, and receive evidence at its direction.

SEC. 48. Any violation of any of the provisions hereof shall constitute a misdemeanor.

SEC. 49. Nothing in this act shall be construed as requiring any person to perform services against his will.

SEC. 50. The sum of eighty thousand dollars (\$80,000) or so much thereof as may be necessary is hereby appropriated to the board out of any moneys in the State Treasury not otherwise appropriated, to be expended by the board in accordance with law in carrying out the provisions of this act.

SEC. 51. This act shall be known and may be cited as the Biggar-Bashore Labor Relations Act.

SEC. 52. If any provision of this act or the application thereof to any person or corporation or association or circumstance is held invalid, the remainder of the act or the application of such provision to other persons or corporations or associations or circumstances, shall not be affected thereby."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 311—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles, including those operated by constables and deputy constables.

Bill read second time, and ordered to third reading.

Assembly Bill No. 782—An act to amend Section 576 of the Vehicle Code, relating to special stops required of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1283—An act to amend Sections 525, 543 and 553 of, to repeal Section 604 of, and to add Section 525.5 to the Vehicle Code, relating to the regulation of traffic.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1289—An act to amend Section 737 of, and to add Sections 517 and 518 to, the Vehicle Code, relating to speed contests.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1598—An act to amend Sections 5821 and 5830 of the Streets and Highways Code, relating to the levy of a maintenance tax.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2128—An act to amend Sections 39, 382 and 623 of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2342—An act to add Section 511.5 to the Vehicle Code, relating to speed limits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2629—An act to add Section 770.1 to the Vehicle Code, relating to disposition of fines and forfeitures by cities of the first and one-half class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1271—An act to amend Sections 468, 511 and 758 of, and to add Sections 468.2, 511.1, 511.2, 511.3 and 511.4 to the Vehicle Code, relating to the regulation of speeds on public streets and highways.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "511.2, 511.3 and 511.4", and insert "511.2 and 511.3".

Amendment No. 2

On page 4, line 19, of the printed bill, as amended, strike out "and".

Amendment No. 3

On page 4 of the printed bill, as amended, strike out all of lines 31 to 40, inclusive.

Amendment No. 4

On page 5 of the printed bill, as amended, strike out all of lines 12 to 14, inclusive, and insert "Works."

Amendment No. 5

On page 5 of the printed bill, as amended, strike out all of lines 15 to 19, inclusive.

Amendment No. 6

On page 5, line 20, of the printed bill, as amended, strike out "Sec. 8", and insert "Sec. 7".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1288—An act to add a new section to be numbered 641 to, and to amend Section 679 of, the Vehicle Code, relating to the condition of a vehicle and its equipment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

Strike out line 1 of the title of the printed bill.

Amendment No. 2

In line 2 of the title of the printed bill, before "amend", insert "An act to".

Amendment No. 3

In line 2 of the title of the printed bill, strike out the comma after "of".

Amendment No. 4

On page 1 of the printed bill, strike out lines 1 to 6, inclusive.

Amendment No. 5

On page 1, line 7, of the printed bill, strike out "Sec. 2", and insert "Section 1".

Amendment No. 6

On page 1 of the printed bill, strike out all of lines 10 to 15, inclusive, and insert "Equipment or in Unsafe Condition. It is unlawful to operate on any highway any vehicle or combination of vehicles which is in an unsafe condition, which is not equipped as required by this code, or which is not safely loaded".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1290—An act to add a new section, to be numbered 660, to the Vehicle Code, relating to the sale of used vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "adjusting", and insert "testing and if necessary adjusting".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1594—An act to amend Sections 2802, 2804, 2820, 2904, 2951 and 3012, and to add Sections 2809 and 2996, to the Streets and Highways Code, relating to waiver of report, limitation of actions, and costs on abandonment under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 3, line 46, of the printed bill, as amended in the Assembly on May 22, 1941, strike out "20", and insert "15".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2384—An act to add Sections 531.2 and 587.5 to the Vehicle Code, relating to the operation and the parking of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, strike out "Authorized Emergency", and insert "Fire Department".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 5 to 9, inclusive, and insert "or a vehicle of a duly authorized member of a fire department, shall follow any vehicle of a fire department which is responding to an emergency or fire call."

Amendment No. 3

On page 1, line 12, of the printed bill, as amended, strike out "Emergency", and insert "Fire Department".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 16 to 18, inclusive, and insert "situation responded to by any fire department vehicle exists, except that in the event the nearest fire"

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2493 An act to amend Section 164 of the Vehicle Code, relating to license plates for vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

On page 1, line 18, of the printed bill, as amended, strike out "when that" and strike out all of lines 19 and 20, and insert "whereby authorize the endorsement of a receipt or valid title upon payment of the required fee, such receipt or inscription to be stamped upon the registration card and bill issued for."

Amendment No. 2

On page 2, line 12, of the printed bill, as amended, after "indorse", insert "or authorize the indorsement of".

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Crittenden moved that Assembly Bill No. 1756 be taken from the inactive file, and placed on the second reading file.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 1:50 p. m., on motion of Senator Tickle, further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Beggan, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gibson, Jones, Keating, Keene, Luckey, Mayo, McBride, McCormack, Munger, Myer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Sweng, Tickle, Wagy, and Ward—36.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Luckey.

Senator Deuel, on motion of Senator Mayo; and

Senator Kenny, on motion of Senator Mayo; the latter two members being in Washington, D. C., on official business.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 1071—An act to add Section 38.1 to the Public Utility District Act of 1921 (Stats. 1921, page 906 and amendments) providing for the addition of a section thereto whereby delinquent service charges may be made a lien against the land for which such

service was furnished, and be collectible as an assessment against such land.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1071?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 30.5 and".

Amendment No. 2

In lines 2 and 3 of the title of the printed bill, as amended, strike out "of 1921 (Stats. 1921, page 906 and amendments) providing for the addition of a section thereto whereby", and insert ", relating to the incurring of indebtedness by public utility districts and the manner of refinancing thereof, validating certain indebtedness heretofore incurred by public utility districts, and relating to making".

Amendment No. 3

In line 4 of the title of the printed bill, as amended, strike out "may be made".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 1 to 4, inclusive, and insert

"SECTION 1. Section 30.5 is hereby added to the act cited in the title hereof, to read as follows:

Sec. 30.5. Notwithstanding any provision in this act limiting the amount of indebtedness which may be incurred by it, upon the unanimous vote of its board of directors any public utility district in order to repair and replace structures and equipment impaired or destroyed or both by flood, fire, earthquakes, or other catastrophe may do any or all of the following:

(a) Borrow, including borrowing from the United States or any agency of it, money in a principal amount not to exceed an amount equal to 6 per cent of the assessed value of all real and personal property situated in the district at a rate of interest not exceeding 6 per cent per year.

(b) Issue evidences of indebtedness to represent the sum borrowed.

(c) Arrange terms for the repayment of the sum borrowed.

A district may refinance any indebtedness incurred pursuant to this section by borrowing from the United States or any agency thereof and issuing in connection therewith evidences of indebtedness in the form and upon the terms required by the United States or its agency. But the sum borrowed from the United States or its agency shall not exceed the amount of the obligation being refinanced, and interest on the obligation to the United States or its agency shall not exceed 6 per cent per year. The money so borrowed from the United States or its agency for refinancing shall be used, and be used only, to repay the obligation for the retirement of which the money was borrowed.

SEC. 2. Any amount heretofore borrowed by a public utility district formed pursuant to the Public Utility District Act which borrowing would hereafter be in conformity with the terms of Section 30.5 of the Public Utility District Act as enacted hereby is a valid obligation of the borrowing district.

SEC. 3. Section 38.1 is hereby added to the act cited in the title hereof, to read as follows:".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1071 by the following vote:

AYES—None.

NOES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Luckey, Mayo, McBride, Metzger, Myhand, Powers, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagye—21.

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made

by such companies; to prohibit devices and subterfuges to evade this act; to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 855?

Amendment No. 1

On page 7 of the printed bill, the words "shall be" are ~~struck out~~ and "shall be" is inserted.

"Sec. 9. All corporations hereto incorporated shall be taxed in the same manner and at the same rates as other corporations, the local government in Section 46 of Article XIII of the Constitution of this State."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 855 by the following vote:

AYES. Senators Bigger, Brown, Collier, Coffey, Cullinan, Cunningham, DeLay, Delinger, Fletcher, Gordon, Keating, Lester, May, McRae, Metzger, Myland, Powers, Rich, Scovell, Stanley, Suter, Swang, Tickle, and Waggoner—25.

NOES. None.

Above bill ordered enrolled.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 1016—An act to amend Section 45 of the Vehicle Code, relating to implements of husbandry.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 1016 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES. None.

NOES. Senators Bigger, Brown, Collier, Coffey, Cullinan, Cunningham, DeLay, Delinger, Fletcher, Garrison, Gordon, Joslin, Lester, May, McRae, Metzger, Myland, Phillips, Powers, Quinn, Rich, Scovell, Stanley, Suter, Swang, Tickle, and Waggoner—27.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, was continued until the next legislative day.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Collier, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1138 was passed, was continued until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Phillips moved that Assembly Bill No. 42 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 762—An act to add Chapter 1c to Division 5 of the Agricultural Code, relating to grades, standards, inspection, and certification of dried fruits.

Bill read third time.

Motion to Re-refer Senate Bill No. 762

Senator Myhand moved that Senate Bill No. 762 be re-referred to Committee on Agriculture.

Roll Call Demanded

Senators Garrison, Gordon and Foley demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Cunningham, DeLap, Fletcher, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Rich, Seawell, Swing, Tickle, and Ward—22.

NOES—Senators Crittenden, Dillinger, Foley, Garrison, Gordon, Judah, Phillips, Quinn, Shelley, Slater, Swan, and Waggy—12.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 22, 1941, be further amended as follows:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 43 and 44, insert "No money appropriated by this act is available for expenditure for the secretaries mentioned in this item unless there is enacted by the Legislature at its Fifty-fourth Session an act authorizing the employment of such secretaries."

Amendment No. 2

On page 5 of the printed bill, as amended, strike out line 19, and insert "Court of Appeal----- \$210,600.00".

Amendment No. 3

On page 8 of the printed bill, as amended, strike out lines 7 to 13, inclusive.

Amendment No. 4

On page 12 of the printed bill, as amended, strike out line 26, and insert "the Retail Sales Tax Fund-----\$5,879,549.00".

Amendment No. 5

On page 12 of the printed bill, as amended, strike out lines 43 to 46, inclusive, and insert

"(b) Operating Expenses -----	\$1,007,646.00
(c) Equipment -----	28,901.00
Total of Schedule-----	\$6,112,945.00".

Amendment No. 6

On page 12 of the printed bill, as amended, strike out line 51, and insert "Net Appropriation ----- \$5,879,549.00".

Amendment No. 7

On page 14 of the printed bill, as amended, strike out lines 16 to 20, inclusive, and insert

"Motor Vehicle Fuel Fund	\$313,778.00
Schedule:	
(a) Salaries and Wages	\$227,786.00
(b) Operating Expenses	\$1,136.00
(c) Equipment	5,036.00

Amendment No. 8

On page 17 of the printed bill, as amended, strike out line 3, and insert

"Following Schedule	\$608,242.00"
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Amendment No. 9

On page 17 of the printed bill, as amended, strike out lines 8 to 17, inclusive, and insert

"Schedule:	
(a) Salaries and Wages	\$734,993.00
(b) Operating Expenses	\$6,090.00
(c) Equipment	2,157.00
Total of Schedule	\$623,242.00
Less: Estimated abatements from other agencies	15,000.00

Net Appropriation

\$608,242.00

No money appropriated by this act is available for expenditures for the salary of Hearing Officer and Confidential Secretary, State Personnel Board."

Amendment No. 10

On page 18 of the printed bill, as amended, strike out lines 10 to 14, inclusive, and insert

"Rate Fund	\$770,752.00
Schedule:	
(a) Salaries and Wages	\$597,780.00
(b) Operating Expenses	100,260.00
(c) Equipment	6,712.00

Amendment No. 11

On page 20 of the printed bill, as amended, strike out line 47, and insert

"Following schedule	\$2,906,890.00"
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Amendment No. 12

On page 21 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and insert

"Schedule:	
(a) Salaries and Wages	\$2,745,962.00
(b) Operating Expenses	632,280.00
(c) Equipment	60,058.00
Total of Schedule	\$3,038,300.00
Less: Estimated pro rata cost of administration chargeable to Special Fund and Trust Fund activities	131,410.00
Net Appropriation	\$2,906,890.00"

Amendment No. 13

On page 23, line 48, of the printed bill, as amended, strike out "\$4,162,706.00", and insert "\$4,013,108.00".

Amendment No. 14

On page 23, line 51, of the printed bill, as amended, strike out "1,129,476.00", and insert "1,038,078.00".

Amendment No. 15

On page 24, line 1, of the printed bill, as amended, strike out "112,736.00", and insert "54,536.00".

Amendment No. 16

On page 30, line 38, of the printed bill, as amended, strike out "\$798,374.00", and insert "\$781,044.00".

Amendment No. 17

On page 30 of the printed bill, as amended, strike out lines 43 to 48, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$776,427.00
(b) Operating Expenses-----	102,060.00
(c) Equipment-----	23,707.00
Total of Schedule-----	\$902,194.00".

Amendment No. 18

On page 31, line 4, of the printed bill, as amended, strike out "\$798,374.00", and insert "\$781,044.00".

Amendment No. 19

On page 34, line 19, of the printed bill, as amended, strike out "\$1,049,761.00", and insert "\$1,034,441.00".

Amendment No. 20

On page 34 of the printed bill, as amended, strike out lines 24 to 29, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$971,227.00
(b) Operating Expenses-----	158,929.00
(c) Equipment-----	52,405.00
Total of Schedule-----	\$1,182,561.00".

Amendment No. 21

On page 34, line 35, of the printed bill, as amended, strike out "\$1,049,761.00", and insert "\$1,034,441.00".

Amendment No. 22

On page 35, line 16, of the printed bill, as amended, strike out "\$738,255.00", and insert "\$716,057.00".

Amendment No. 23

On page 35 of the printed bill, as amended, strike out lines 21 to 26, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$738,963.00
(b) Operating Expenses-----	79,099.00
(c) Equipment-----	39,097.00
Total of Schedule-----	\$857,159.00".

Amendment No. 24

On page 35, line 31, of the printed bill, as amended, strike out "\$738,255.00", and insert "\$716,057.00".

Amendment No. 25

On page 37, line 3, of the printed bill, as amended, strike out "\$513,719.00", and insert "\$502,799.00".

Amendment No. 26

On page 37 of the printed bill, as amended, strike out lines 9 to 14, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$388,344.00
(b) Operating Expenses-----	126,510.00
(c) Equipment-----	4,945.00
Total of Schedule-----	\$519,799.00".

Amendment No. 27

On page 37, line 20, of the printed bill, as amended, strike out "\$513,719.00", and insert "\$502,799.00".

Amendment No. 28

On page 39, line 8, of the printed bill, as amended, after "hundred", insert "twelve".

Amendment No. 29

On page 39, line 9, of the printed bill, as amended, after "sand", insert "three hundred eighty".

Amendment No. 30

On page 39, line 10, of the printed bill, as amended, after "necessary", insert a comma.

Amendment No. 31

On page 39 of the printed bill, as amended, strike out line 11 and insert
 "ser. Act" \$112,850.00

Amendment No. 32

On page 46 of the printed bill, as amended, strike out lines 11 to 16, inclusive, and insert
 "Schedule: \$725,645.00

Schedule:	
(a) Salaries and Wages	\$428,910.00
(b) Operating Expenses	200,000.00
(c) Equipment	96,735.00

Amendment No. 33

On page 46 of the printed bill, as amended, strike out lines 46 to 49, inclusive, and insert
 "ance with the following schedule: \$137,920.00

Schedule:	
(a) Salaries and Wages	\$101,210.00
(b) Operating Expenses	36,710.00

Amendment No. 34

On page 48 of the printed bill, as amended, strike out lines 12 to 16, inclusive, and insert
 "Fire Marshal's Fund \$383,618.00

Schedule:	
(a) Salaries and Wages	\$114,410.00
(b) Operating Expenses	68,018.00
(c) Equipment	1,190.00

Amendment No. 35

On page 48 of the printed bill, as amended, strike out line 52 and insert
 "lowing schedule: \$279,845.00".

Amendment No. 36

On page 49 of the printed bill, as amended, strike out line 6 and insert
 "(a) Salaries and Wages \$168,140.00

Amendment No. 37

On page 49 of the printed bill, as amended, strike out line 10, and insert
 "Total of Schedule \$285,845.00".

Amendment No. 38

On page 49 of the printed bill, as amended, strike out line 15, and insert
 "Net Appropriation \$279,845.00".

Amendment No. 39

On page 50 of the printed bill, as amended, strike out line 8 and insert
 "lowing schedule: \$2,222,295.00".

Amendment No. 40

On page 50 of the printed bill, as amended, strike out lines 15 to 20, inclusive, and insert
 "Schedule:

(a) Salaries and Wages	\$1,585,590.00
(b) Operating Expenses	722,460.00
(c) Equipment	116,245.00

Total of Schedule \$2,324,295.00".

Amendment No. 41

On page 50 of the printed bill, as amended, strike out line 26, and insert
 "Net Appropriation \$2,222,295.00".

Amendment No. 42

On page 51 of the printed bill, as amended, strike out line 8, and insert
 "ing schedule: \$2,273,105.00".

Amendment No. 43

On page 51 of the printed bill, as amended, strike out lines 14 to 19, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$1,570,850.00
(b) Operating Expenses-----	796,100.00
(c) Equipment-----	16,155.00
Total of Schedule-----	\$2,383,105.00".

Amendment No. 44

On page 51 of the printed bill, as amended, strike out line 25, and insert

"Net Appropriation ----- \$2,273,105.00".

Amendment No. 45

On page 53 of the printed bill, as amended, strike out line 8, and insert

"Schedule ----- \$2,366,181.00".

Amendment No. 46

On page 53 of the printed bill, as amended, strike out lines 14 to 19, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$1,742,810.00
(b) Operating Expenses-----	696,460.00
(c) Equipment-----	12,911.00
Total of Schedule-----	\$2,452,181.00".

Amendment No. 47

On page 53 of the printed bill, as amended, strike out line 25, and insert

"Net Appropriation ----- \$2,366,181.00".

Amendment No. 48

On page 54 of the printed bill, as amended, strike out line 3, and insert

"ing schedule ----- \$1,679,816.00".

Amendment No. 49

On page 54 of the printed bill, as amended, strike out lines 9 to 14, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$1,245,549.00
(b) Operating Expenses-----	470,230.00
(c) Equipment-----	15,037.00
Total of Schedule-----	\$1,730,816.00".

Amendment No. 50

On page 54 of the printed bill, as amended, strike out line 20, and insert

"Net Appropriation ----- \$1,679,816.00".

Amendment No. 51

On page 55 of the printed bill, as amended, strike out line 7, and insert

"ing schedule ----- \$2,389,981.00".

Amendment No. 52

On page 55 of the printed bill, as amended, strike out lines 13 to 18, inclusive, and insert

"Schedule:	
(a) Salaries and Wages-----	\$1,779,730.00
(b) Operating Expenses-----	670,148.00
(c) Equipment-----	14,903.00
Total of Schedule-----	\$2,464,781.00".

Amendment No. 53

On page 55 of the printed bill, as amended, strike out line 24, and insert

"Net Appropriation ----- \$2,389,981.00".

Amendment No. 54

On page 56 of the printed bill, as amended, strike out line 6, and insert

"ing schedule ----- \$2,699,203.00".

Amendment No. 55

On page 56 of the printed bill, as amended, strike out lines 12 to 17, inclusive, and insert:

"Schedule:	
(a) Salaries and Wages	\$1,954,000.00
(b) Operating Expenses	817,089.00
(c) Equipment	28,114.00
Total of Schedule	\$2,800,000.00"

Amendment No. 56

On page 56 of the printed bill, as amended, strike out line 21, and insert:

"Net Appropriation \$2,690,200.00"

Amendment No. 57

On page 58 of the printed bill, as amended, strike out line 47, and insert:

"Following schedule \$1,115,830.00"

Amendment No. 58

On page 59 of the printed bill, as amended, strike out lines 3 to 8, inclusive, and insert:

"Schedule:	
(a) Salaries and Wages	\$808,525.00
(b) Operating Expenses	354,350.00
(c) Equipment	16,955.00
Total of Schedule	\$1,160,030.00"

Amendment No. 59

On page 59 of the printed bill, as amended, strike out line 14, and insert:

"Net Appropriation \$1,115,830.00"

Amendment No. 60

On page 59 of the printed bill, as amended, strike out line 45, and insert:

"Following schedule \$589,144.00"

Amendment No. 61

On page 60 of the printed bill, as amended, strike out lines 1 to 6, inclusive, and insert:

"Schedule:	
(a) Salaries and Wages	\$450,504.00
(b) Operating Expenses	109,250.00
(c) Equipment	9,390.00
Total of Schedule	\$629,144.00"

Amendment No. 62

On page 60 of the printed bill, as amended, strike out line 12, and insert:

"Net Appropriation \$589,144.00"

Amendment No. 63

On page 60 of the printed bill, as amended, strike out line 41, and insert:

"Following schedule \$333,225.00"

Amendment No. 64

On page 60 of the printed bill, as amended, strike out lines 47 to 52, inclusive, and insert:

"Schedule:	
(a) Salaries and Wages	\$260,416.00
(b) Operating Expenses	96,910.00
(c) Equipment	4,799.00
Total of Schedule	\$362,125.00"

Amendment No. 65

On page 61 of the printed bill, as amended, strike out line 6, and insert:

"Net Appropriation \$333,225.00"

Amendment No. 66

On page 61, line 33, of the printed bill, as amended, strike out "Homes", and insert "Home".

Amendment No. 67

On page 66 of the printed bill, as amended, strike out lines 32 to 43, inclusive, and insert

"ance with the following schedule----- \$23,444.00

Schedule:

(a) Salaries and Wages-----	\$20,880.00
(b) Operating Expenses-----	2,460.00
(c) Equipment -----	100.00

Amendment No. 68

On page 69 of the printed bill, as amended, strike out line 37, and insert
"California ----- \$836,384.00".

Amendment No. 69

On page 69 of the printed bill, as amended, strike out line 51, and insert
"(a) Salaries and Wages----- \$969,484.00".

Amendment No. 70

On page 70 of the printed bill, as amended, strike out line 3, and insert
"Total of Schedule----- \$1,574,984.00".

Amendment No. 71

On page 70 of the printed bill, as amended, strike out line 13, and insert
"Net Appropriation ----- \$836,384.00".

Amendment No. 72

On page 72 of the printed bill, as amended, strike out line 38, and insert
"Vehicle Support Fund----- \$12,583,633.00".

Amendment No. 73

On page 72 of the printed bill, as amended, strike out lines 46 to 51, inclusive, and insert

"Schedule:

(a) Salaries and Wages-----	\$9,898,427.00
(b) Operating Expenses-----	3,170,075.00
(c) Equipment -----	516,853.00

Total of Schedule----- \$13,585,355.00".

Amendment No. 74

On page 73 of the printed bill, as amended, strike out line 3, and insert
"cle License Fee Fund----- \$1,001,722.00".

Amendment No. 75

On page 73 of the printed bill, as amended, strike out line 5, and insert
"Net Appropriation----- \$12,583,633.00".

Amendment No. 76

On page 74 of the printed bill, as amended, strike out line 15, and insert
"Motor Vehicle License Fee Fund----- \$1,001,722.00".

Amendment No. 77

On page 74, line 23, of the printed bill, as amended, strike out "5", and insert "3.5".

Amendment No. 78

On page 74 of the printed bill, as amended, strike out line 38, and insert
"the following schedule----- \$90,660.00".

Amendment No. 79

On page 74 of the printed bill, as amended, strike out lines 44 to 49, inclusive, and insert

"Schedule:

(a) Salaries and Wages-----	\$170,690.00
(b) Operating Expenses-----	26,240.00
(c) Equipment -----	1,490.00

Total of Schedule----- \$198,420.00".

Amendment No. 80

On page 75 of the printed bill, as amended, strike out line 4, and insert
"Net Appropriation ----- \$90,660.00".

Amendment No. 81

On page 75 of the printed bill, as amended, strike out line 23, and insert
"Department of Natural Resources----- \$1,658,626.00".

Amendment No. 82

On page 75 of the printed bill, as amended, strike out lines 39 to 43, inclusive, and insert

"(a) Salaries and Wages	\$1,570,642.00
(b) Operating Expenses	1,091,925.00
(c) Equipment	177,721.00
Total of Schedule	\$2,840,288.00

Amendment No. 83

On page 76 of the printed bill, as amended, strike out line 6, and insert

"Net Appropriation \$1,658,620.00"

Amendment No. 84

On page 76 of the printed bill, as amended, between lines 73 and 74, insert

"Item 149.5.—For additional support of Department of Forestry, Department of Natural Resources, to be transferred to Item 149, and to any of the purposes in the schedule thereof, upon certificate order of the Director of Finance-----\$250,000.00".

Amendment No. 85

On page 77 of the printed bill, as amended, strike out line 49, and insert
"Fund-----\$270,185.00"

Amendment No. 86

On page 78 of the printed bill, as amended, strike out line 9, and insert

"(b) Operating Expenses-----\$431,855.00"

Amendment No. 87

On page 78 of the printed bill, as amended, strike out line 12, and insert

"Total of Schedule-----\$466,640.00".

Amendment No. 88

On page 78 of the printed bill, as amended, strike out line 20, and insert

"Net Appropriation-----\$270,185.00".

Amendment No. 89

On page 85 of the printed bill, as amended, strike out lines 5 to 11, inclusive, and insert

"Agency Contingent Fund-----\$17,790.00
Schedule:
(a) Salaries and Wages-----\$10,800.00
(b) Operating Expenses-----6,800.00
(c) Equipment-----1,000.00
Total of Schedule-----\$17,790.00".

Amendment No. 90

On page 95 of the printed bill, as amended, strike out line 11, and insert
"Mining Inspection Fund-----\$150,235.00".

Amendment No. 91

On page 95 of the printed bill, as amended, strike out line 14, and insert

"(b) Operating Expenses-----\$52,509.00".

Amendment No. 92

On page 95 of the printed bill, as amended, strike out line 42, and insert
"Fund-----\$155,542.00".

Amendment No. 93

On page 95 of the printed bill, as amended, strike out line 45, and insert

"(b) Operating Expenses-----\$70,522.00".

Amendment No. 94

On page 96 of the printed bill, as amended, strike out line 44, and insert
"Board of Optometry Fund-----\$17,417.00".

Amendment No. 95

On page 96 of the printed bill, as amended, strike out line 47, and insert

"(b) Operating Expenses-----\$7,207.00".

Amendment No. 96

On page 97 of the printed bill, as amended, strike out line 20, and insert
"Macy Board Contingent Fund-----\$117,534.00"

Amendment No. 97

On page 97 of the printed bill, as amended, strike out lines 23 and 24, and insert
 "(b) Operating Expenses \$38,820.00
 (c) Equipment 740.00".

Amendment No. 98

On page 106 of the printed bill, as amended, strike out line 2, and insert
 "ance with the following schedule \$828,211.00".

Amendment No. 99

On page 106 of the printed bill, as amended, strike out lines 8 to 13, inclusive, and insert

"Schedule:
 (a) Salaries and Wages \$534,426.00
 (b) Operating Expenses 347,860.00
 (c) Equipment 15,305.00
 Total of Schedule \$895,591.00".

Amendment No. 100

On page 106 of the printed bill, as amended, strike out line 17, and insert
 "funds \$67,380.00".

Amendment No. 101

On page 106 of the printed bill, as amended, strike out line 19, and insert
 "Net Appropriation \$828,211.00

No money appropriated by this item is available for expenditure in furtherance of the Central Valley Project."

Amendment No. 102

On page 106 of the printed bill, as amended, between lines 19 and 20, insert
 "Item 208.1—For additional support of the Division of Water Resources, Department of Public Works, in furtherance of the Central Valley Project \$75,000.00".

Amendment No. 102.5

On page 117 of the printed bill, as amended, between lines 2 and 3, insert

"No authorization given by the State Board of Control pursuant to this section in respect to any augmentation of the amount available for expenditure for any purpose is valid unless given with the unanimous consent of the State Board of Control expressed in the form of a resolution which shall set forth the reasons and necessity for the authorization and shall be entered upon the minutes of the board.

The State Board of Control shall submit to each member of the Legislature not later than the fifteenth day of each month a report on all authorizations given pursuant to this section during the preceding month. The report shall contain such information regarding each authorization as shall be sufficient to apprise the members of the Legislature as to the reasons and necessity therefor."

Amendment No. 103

On page 117 of the printed bill, as amended, strike out lines 49 to 52, inclusive; and on page 118, strike out lines 1 to 7, inclusive, and insert

"Sec. 15. Whenever any of the duties, powers, purposes, responsibilities, or jurisdiction of any office, officer, board, commission, bureau or other agency of the State are transferred by law to any other office, officer, board, commission, bureau or other agency of the State, that portion of any appropriation herein made from the General Fund for the support of such office, officer, board, commission, bureau or other agency of the State, intended to be used and available for the performance of such duties, powers, purposes, responsibilities or jurisdiction, shall, by the State Controller, be transferred to, and the same shall become a part of, the funds available for the support of the office, officer, board, commission, bureau or other agency of the State, to which the duties, powers, purposes, responsibilities, or jurisdiction of such office, officer, board, commission, or other State agency have been transferred."

DE LAP
 PHILLIPS
 TICKLE

Senate Committee on Conference

BURNS, HUGH M.
 PFAFF
 WEYBRET

Assembly Committee on Conference

Previous Question

Senator Swing moved the previous question.

Motion carried.

The question being on the adoption of the report of the Second Committee on Conference Concerning Assembly Bill No. 1800.

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—30.

NOES—Senators Garrison, Metzger, Shelley, and Swan—4.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 805—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Senate Bill No. 413 on third reading file until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 640—An act relating to taxes paid upon mines and mining claims by co-owners and providing remedies for nonpayment of taxes by co-owners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1341—An act amending Sections 6050 and 6051 of the Harbors and Navigation Code, relating to boards of harbor commissioners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 628—An act to amend Section 61 of the California Irrigation District Act, relating to indebtedness of irrigation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel,

Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggy—35.
 NOES—None.

Motion to Amend

Senator Garrison moved the adoption of the following amendment to the title to Senate Bill No. 628:

Amendment No. 1

In line 12 of the title of the printed bill, as amended, after "Districts", insert "including the refinancing or retiring of outstanding contracts".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Senate Bill No. 568—An act to add Section 1.92 to the School Code, relating to transportation of pupils to and from elementary and secondary schools other than public schools.

Bill read third time.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

In line 4 of the printed bill, as amended, strike out "shall", and insert "may".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

COMMUNICATIONS

The following communications were received and read, and on motion of Senator Rich, ordered printed in the Journal:

STATE OF CALIFORNIA, LEGAL DEPARTMENT
 SAN FRANCISCO, March 26, 1941

*Honorable Frank W. Mixer, Senator, Thirty-second Senatorial District
 State Capitol Sacramento, California*

DEAR SENATOR MIXER: This is in reply to your letter dated March 14, 1941, reading as follows:

"Senate Bill No. 568 proposes free transportation to pupils of private schools in California. It will be greatly appreciated if your office will kindly advise me as to the probable constitutionality of this measure. One of the principal points involved might be the question as to whether furnishing this service would be construed as a gift of the public fund."

Senate Bill No. 568, referred to in your letter, would add Section 1.92 to the School Code, and reads as follows:

"The governing board of any elementary or secondary school district shall allow pupils entitled to attend the school of the district, but in attendance at a school other than a public school, transportation upon the same terms and in the same manner and over the same routes of travel as is permitted pupils attending the district school."

In Section 5 of Article IX of the Constitution of this State it is provided that "the Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established."

In Section 6 of Article IX of the Constitution it is provided that the Legislature shall provide for the support of the schools in "the Public School System."

The following restriction is found in Section 8 of Article IX of the Constitution, which reads in part as follows:

"No public money shall ever be appropriated for the support * * * of any school not under the exclusive control of the officers of the public schools."

In addition, Section 31 of Article IV of the Constitution provides in part as follows:

"The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State or of any county, city and county, city, township or other political corporation or subdivision of the State

now existing, or that may be hereafter established in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any association, municipal or other corporation whatever."

The authority of governing boards of school districts to provide transportation for pupils is contained in Sections 1.70 to 1.91, inclusive, of the School Code. The Supreme Court of this State in *Pasadena City High School District vs. Upshaw*, 206 Cal. 775, upheld the power of a governing board of a school district to provide transportation for pupils attending the public schools of the district adding, "the contention of the respondents, that the furnishing of transportation as authorized by the statute is a gift of public money, or a thing of value, is untenable." Section 31 of Article IV of the Constitution can not be sustained." Again, in *Veterans Welfare Board vs. Ewing*, 189 Cal. 401, the Court said, in referring to the pupils attending public schools:

"The plan of transporting pupils to and from their homes, particularly in large union high schools, is quite common in this State and is expressly authorized by statute * * *. The validity of these sections has never been questioned."

A review of the decisions of the courts of this State reveals no case in which the question is discussed as to the constitutionality of a statute purporting to authorize a school district to furnish transportation for pupils to a private school. This question has been the subject of court decisions in other States, however. Particularly the recent case of *Board of Education of Manhattan N. Y. vs. N. Y. State*, 576, decided in 1938, is noted. In 1936 the Legislature of the State of New York adopted a statute authorizing the inhabitants of a school district to provide for transportation of pupils to private schools. An appropriation was made for this purpose and a tax levied to meet the appropriation. The court pointed out that the New York Constitution made it mandatory for the Legislature to provide for the maintenance of a system of free common schools, wherein all children of this State may be educated."

This section is similar to Section 5 of Article IX of the Connecticut Constitution. The court then held that private schools "are no part of and are not within that system".

The court, in holding the school board without authority to provide the proposed transportation to private schools, held that the argument there advanced that such transportation was not in aid of the support of the schools but rather in aid of the pupils attending the private schools, was without substance and had been decided in the prior cases of *State vs. Rimes* (107 Atl. 845), and *Smith vs. Donahue*, 195 N. Y. S. 715. The court ruled specifically that furnishing transportation for pupils to a private school was grafting and from public funds to the private school.

However, in *Board of Education of Baltimore County vs. Wheat* (Md. C., 199 Atl. 628), a statute was upheld which provided that pupils attending a school not receiving State aid and who resided along a highway where a public school district operates a school bus shall be entitled to transportation in the bus to a point near the school of his attendance. Another statute appropriated money to cover for the increased cost of transportation. The statutes were held not to violate the "prohibition against the use of funds for private purposes." Maryland, however, does not contain a Constitutional provision similar to Section 5 of Article IX of the California Constitution. See also, *Board vs. Louisiana St. Bd. of Education* (La.), 123 So. 655.

The prohibitions in our State Constitution against the use of public moneys generally and of school moneys in particular for other than public purposes are both broad and inclusive and have been strictly construed by the courts of our State. The precise question presented by you has never engaged the attention of our Supreme or appellate courts, and the decisions from other States, because of their lack of uniformity and the dissents expressed therein, are not entirely satisfactory. However, I am of the opinion that the weight of authority throughout the country is against the validity of statutes such as Senate Bill No. 568, under constitutional provisions similar to our own. (Sees. 5, 6 and 8, Art. IX; Sec. 31, Art. IV.)

The same conclusion was reached by my predecessor in Opinion NS 200, dated March 15, 1937.

Very truly yours,

EARL WARREN, Attorney General
By A. T. WESTPHAL, JR., Deputy

MEMORANDUM

IN RE: Constitutionality of Senate Bill No. 568, Free Transportation of Pupils to Private Schools

This bill adds Section 152 to the School Code, to read as follows:

"The governing board of any elementary or secondary school district shall allow pupils entitled to attend the school of the district, but in attendance at a school other than a district school, transportation upon the same terms and in the same manner and over the same routes of travel as is permitted pupils attending the district school."

The question is whether or not the Legislature has power to provide, at the cost of the State or of the school district, for the transportation of pupils to and from private schools.

Opinion

While the question has never been determined in this State, we believe that if the question is presented to the California courts, they will hold the bill unconstitutional.

Analysis

The Legislature has power to authorize such transportation if it is a public purpose and if not prohibited by the State or Federal Constitution expressly or by necessary implication. The question involves the same principles as the furnishing of free textbooks to students in private schools.

The Federal Constitution does not prevent such furnishing of textbooks is established by the decision of the Supreme Court of the United States in *Cochran vs. Board of Education*, 261, U. S. 370, holding valid a Louisiana statute for use of State textbooks by pupils in private schools.

The contention was that taxation for the purchase of such school books constituted a taking of private property for a private purpose, and, as such, contrary to the provisions of the Fourteenth Amendment to the Federal Constitution. The test was: Is it a public purpose?

The court considered it a public purpose. The books were not for the use of any private school. They were for the use of the school children of the State, free of cost to them. It was for their benefit and the resulting benefit to the State that the appropriations were made. The pupils of the private schools derived no greater benefit than those of the public schools. It was in the interest of education, broadly. Individual interests were aided only as the common interest was aided. Hence, the court concluded:

"Viewing the statute as having the effect thus attributed to it, we can not doubt that the taxing power of the State is exerted for a public purpose." (Page 375.)

We have next to consider applicable limitations, if any, expressed in the Constitution of California.

The first that occurs to one is that clause of Section 31 of Article IV which declares that the Legislature shall not

"have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual * * *."

It has already been held that the furnishing of free texts to pupils in the public high schools is not such a gift, despite the presence in the State Constitution of express provision for the furnishing of such books to elementary public school pupils and the absence of any such provision for high school pupils. The express authority for the one was not construed as negating the other. (*MacMillan vs. Clarke*, 184 Cal. 491.) Said the Court:

(1) "The Legislature is vested with the whole of the legislative power of the State and may deal with any subject within the scope of civil government unless it is restrained by the provisions of the Constitution.

And the presumption that the Legislature is acting within the Constitution holds good until it is made to appear in what particular it is violating constitutional limitations." (Pages 496 and 497.)

(2) "The people have seen fit to safeguard certain features of a Free School System by mandatory provisions of the Constitution, relating particularly to elementary schools, but beyond this, in the matter of secondary and high schools, the Legislature seems to be left with plenary power to act in its discretion for the public welfare."

(3) "Under the comprehensive direction of our Constitution (Art. IX, Sec. 1), which requires that the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improve-

ment, through the agency of a Free Public School System (Art. IX, Sec. 5), "the right to extend the free use of textbooks can only be questioned under some express constitutional limitation." (Page 199.)

(4) Such furnishing of textbooks being prohibited in Section 31 of Article IV, because

"The Free School System with all its equipment is not primarily a service to the individual pupils, but to the community. Just as free and public instruction, public libraries, hospitals, playgrounds, and one numerous other public service utilities which are provided by taxation, and minister to individual needs, are for the benefit of the general public.

It is so interpreted by the introductory declaration of our constitutional provisions for a Free School System that "A general diffusion of knowledge and intelligence" is "essential to the preservation of the rights and liberties of the people" (Art. IX, Sec. 1.)

The books remain the property of the district, and the pupils have the use of them only in substantially the same manner that they have the use of other school appliances." (Page 200.)

The public policy thus invoked, by reference to Section 1 of Article IX, found expression as early as 1787 in an ordinance of the Congress of the Old Confederation, in these words:

"Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

It now finds expression in the following form:

"A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means of promotion of intellectual, scientific, moral and agricultural improvement." (Const., Art. IX, Sec. 1.)

This same clause, as well as Section 5 of Article IX, was invoked by the court in *Piper vs. Rio Pina School District*, 193 Cal. 664, maintaining the right of the child to attend the public schools of the State. In that case, it is interesting to note that the court made the observation that our Compulsory Education Law

"Permits children to attend privately conducted schools provided the tutors or instructors of such schools are capable of teaching; and provided further, that such institutions shall offer instruction in the several branches of study required to be taught in the public schools of this State."

indicating, clearly, that the State is interested in the educational development of private school pupils no less than in that of public school pupils.

This clause (Art. IX, Sec. 1) was invoked also in *Esberg vs. Babaracco*, 202 Cal. 110, holding that education is a State, not a mere municipal or local affair.

This clause was in part relied upon in *Veterans' Welfare Board vs. Riley*, 189, Cal. 159, which applied the principle enunciated in *MacMillan vs. Clarke*, 184 Cal. 491, to a statute which authorized the Veterans' Welfare Board to furnish textbooks to veterans, saying:

"The decision in the case of *MacMillan vs. Clarke* * * * clearly authorizes the purchase of textbooks for the use of students, if they remain the property of the State or public agency furnishing them * * *. The legislative action, so far as it authorizes the purchase of textbooks in furtherance of education, is sufficiently clear." (Page 163.)

The Veterans' Welfare Board case is of the greater significance in that the statute involved did not indicate any distinction between public and private schools, except as to provide in Section 3, that private tuition schools shall not be chosen if suitable opportunity is available in public or semi-public schools. In that manner recognizing private schools, did not in terms confine its benefits to veterans who attended public schools and colleges.

We believe, therefore, that if and when such a question is presented to them for decision, our courts will hold that the furnishing of textbooks for the use of pupils attending private elementary and secondary schools upon the same basis as to those attending public schools) is a "public purpose" and, as such, does not constitute a gift inhibited by Section 31 of Article IV of the Constitution.

The matter of furnishing free transportation to pupils in public schools is so similar in principle, that we also believe that the courts will hold that it, too, is a "public purpose."

It is in order, next, to consider certain other provisions of the Constitution. They are:

(1) *Section 8 of Article IX*, which declares that:

"No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools * * *."

(2) *Section 30 of Article IV*, which declares that:

"Neither the Legislature, nor any county, * * * school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever;

Nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever;

Provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 22 of this article."

These sections deprive the Legislature of any authority it might otherwise have to appropriate for the support; or to make an appropriation, pay from a public fund, or grant anything to or in aid of; or to help to support or sustain; or to donate personal property or real estate to any of the several designated types of private institutions.

This bill makes no direct grant to the private schools. It would receive an indirect benefit, probably quite substantial, in that its pupils and prospective pupils would be on a parity with public school pupils as regards transportation to and from the school.

The problem then becomes whether the furnishing of transportation is tantamount to the "support of" or a grant "to or in aid of" the private school.

It is in contrast to the facts presented in *Freiliger vs. Richardson*, 63 Cal. App. 209, holding invalid under Sections 30, 31 and 22 of Article IV, a State appropriation for restoration of the San Diego Mission, the court observing:

"The title to the property is in the Archbishop of San Francisco, a corporation sole. The Roman Catholic Church is a sectarian institution." (Page 214.)

This incident of such ownership of the land proposed to be improved was "in itself sufficient to raise the bar of Section 30 of Article IV of the Constitution. (Page 217.)

Quite different, also, is this from the cases which hold that payment of money to a sectarian institution for tuition, for care or for hospitalization (under limitations comparable to said Sections 8, 30 and 31, above; cases cited in 5 A. L. R. 879, 22 A. L. R. 1319, 55 A. L. R. 320) is proscribed.

The Louisiana Constitution contains limitations * * * similar to those in our Sections 8, 30 and 31 above quoted. Yet her highest court deems such furnishing of textbooks a public purpose, not prohibited by her Constitution. (*Borden vs. La. Bd. Education*, 168 La. 1005, 67 A. L. R. 1183.) The purpose was "that of reducing, and if possible of obliterating, illiteracy in this State," a purpose in which the State was "vitaly interested." No money was appropriated for the use of any private institution. It was for the benefit of the children and the resulting benefits to the State. Title to the books did not pass; only their "use" was granted. Such was deemed not inhibited by the provisions of the Louisiana Constitution, provisions comparable to our own.

In contrast are two decisions of the New York courts: *Smith vs. Donahue*, 195 N. Y. S. 719, and *Judd vs. Board of Education*, 278 N. Y. 200 15 N. E. (2d) 576.

In the *Smith* case, the court held that a statute requiring the school authorities to "furnish * * * apparatus, maps, globes, books, furniture and other equipment" and to "provide textbooks or other supplies to all the children attending the schools in such cities" (without any express mention of private schools) had reference to public schools only. To determine otherwise would be to give the statute an interpretation contrary to the constitutional provisions of Section 4, Article IX. This section provides:

"Neither the State nor any subdivision thereof shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught."

The *Judd* case is squarely in point on the question of furnishing free transportation. In its decision the court says:

"The argument is advanced that furnishing transportation to the pupils of private or parochial schools is not in aid or support of the schools within the spirit of meaning of our organic law but, rather, is in aid of their pupils. That argument is utterly without substance. It not only ignores the spirit, purpose and intent of the constitutional provisions but, as well, their wording. The object of construction as applied to a written constitution is to give effect to the intent of the people in adopting it, and this intent is to be

found in the instrument itself in case the words are ambiguous. (Cooley's Constitutional Limitations, 8th Ed., pp. 194-125.) The meaning of the mandate is broad. Aid or support to the school, although indirectly, is prohibited. The two words must have been used with some definite intent and purpose, otherwise they were thus used at all. And, however, "indirectly" merely embraces all contributions to the school, direct, circuitously, collaterally, disguised, or otherwise not in a straight, open and direct course for the school and around any of the school, the way is on the benefit of the institution or practically of its education and purpose. How could the people have expressed their purpose in the fundamental law in more apt, simple and all-embracing language? Free transportation of pupils induces attendance at the school. The purpose of the transportation is to promote the interests of the private school or religious or sectarian institution that controls and direct it. "It helps build up, strengthen and make successful the schools and organizations." *State ex rel. Traub vs. Brown*, 6 W. W. Harr. 36 Del., 181, 172, A. 855, 837, writ of error dismissed Feb. 15, 1938, Del. Sup. 107 A. 478. Without pupils there could be no school. It is illogical to say that the furnishing of transportation is not an aid to the institution while the employment of teachers and furnishing of books, accommodations and other facilities are such an aid.

A *Delaware* case, following the reasoning of the *Smith* case, held invalid a statute which sought to furnish free transportation to pupils attending sectarian schools. (*State vs. Brown*, 1-2 Atlantic States.)

Similarly, a *Wisconsin* case, *State vs. Milquet*, 192 N. W. 392, interpreted a statute of that State providing for free transportation in certain cases, as applying exclusively to public schools, holding that to decide otherwise would be to give the statute a meaning in conflict with similar constitutional provisions.

The only case, beside *Borden vs. Louisiana Board of Education*, *supra*, holding otherwise is *Board of Education vs. White* (Maryland) 190 A. 628. This case holds that furnishing free tuition for one of its pupils is not support of private or sectarian schools. However, there appears to be no provision in the Maryland Constitution prohibiting such aid, except that the State cannot grant aid for public purposes.

The question becomes closer when it appears that both the *Borden* and *Judd* cases were decided by a divided court, four to three in each instance, and a strong minority opinion was filed in each case.

It is also worthy of note that California courts have on several occasions held that when there is a clear "public purpose" the fact that a private individual or agency may receive an incidental benefit does not constitute the doing or furnishing or something "in aid of" such person or agency within the meaning of the term as used in our Constitution. This thought is expressed in several of the *California* cases, including *Patrick vs. Riley*, 209 Cal. 230, holding that as a public health measure a provision for payment of compensation to the owner of cattle condemned and destroyed for the suppression of disease) in which the principle was expressed in the following terms:

"Where the question arises as to whether or not a proposed application of public funds is to be deemed a gift within the meaning of that term as used in the Constitution, the primary and fundamental subject of inquiry is as to whether the money is to be used for a public or private purpose. If it is for a public purpose within the jurisdiction of the appropriating board or body, it is not, generally speaking, to be regarded as a gift * * *." (Page 356.)

Similarly, in *San Francisco vs. Collins*, _____, 216 Cal. 187, the court in holding valid a San Francisco bond issue for the relief of indigent sick and dependent poor, stated this principle as follows:

"It must, however, be considered as settled by the recent decision of this court in the case of *Patrick vs. Riley*, 209 Cal. 350 * * *, that the expenditure of public money in pursuance of a public purpose is not within the scope of the prohibition." (Page 193, citing numerous decisions.)

However, the rule in the majority of the cases is, that where aid to private or sectarian schools is prohibited by constitutional provisions similar to ours, the furnishing of transportation to the pupils of such schools is violative of these provisions.

FRED B. WOOD, Legislative Counsel
By JOSEPH L. KNOWLES, Assistant Counsel

STATE OF CALIFORNIA, OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, June 3, 1941

Honorable John D. Foley, Senate Chambers
State Capitol, Sacramento, California

SUBJECT: Constitutionality of Senate Bill No. 568, Public Transportation of Private School Pupils

DEAR SENATOR FOLEY: You request the opinion of this office in response to the question: Is this bill constitutional?

We do not think this question can be answered by a mere "Yes" or "No."

The question has not yet come before our Supreme Court for consideration and decision. In such a case one turns to court decisions of other States, weighs them in the light of California's constitutional provisions and the trend of decisions here, and then endeavors to predict what our Supreme Court may hold.

Under date of March 25, 1941, we said that the weight of judicial opinion in other States was against the constitutionality of such a bill and that we believed our court would hold in accord with the majority view. A copy of that opinion is attached.

Since then the opinion of the Supreme Court of an additional State has come to attention. In a decision rendered February 24, 1941, but not published until April 3, 1941, Mississippi holds that the public furnishing of textbooks to private school pupils, free of cost, is legal and effective, under constitutional restrictions comparable to those of California. (*Chance vs. Miss. State Textbook Rating and Purchasing Board*, 200 So. 706.)

We are thus confronted with the following array of authorities:

For Constitutionality:

- Louisiana* (1929), free textbooks, a four to three decision;
- Maryland* (1938), free textbooks, a four to three decision; Maryland's constitutional restrictions not as explicit as California;
- Mississippi* (1941), free textbooks, a six to one decision.

Against Constitutionality:

- New York* (1938), free transportation, a four to three decision;
- Delaware* (1934), free transportation;
- Wisconsin* (1923), free transportation, a unanimous decision; a somewhat ambiguous statute narrowly construed, upon the theory that to construe it otherwise would render it unconstitutional.

The foregoing are decisions of the highest courts of those States except *Delaware*, which was a lower court decision, two Supreme Court Justices sitting.

So now the weight of authority in other States is about even.

One view is that the "pupil" is the prime consideration and that if the private school receives no direct grant the benefit to it is but incidental and that such does not prevent the furnishing of textbooks or of transportation to the pupil.

The other view is that such an interpretation ignores both the spirit and the wording of the Constitution, that such indirect or incidental benefit does operate "in aid of" and by way of "help to support" the private school.

Either view seems equally available to our courts.

Under these circumstances, we do not see a basis for predicting either a "Yes" or a "No" answer by our courts. We think the most that any attorney can do is to indicate the factors pro and con. This we have endeavored to do.

Yours very truly,

FRED B. WOOD, Legislative Counsel
By JOSEPH L. KNOWLES, Assistant Counsel

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 686—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone typewriter system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, to make an appropriation therefor, and to repeal certain acts inconsistent therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Motion to Reconsider

Senator Tickle moved to reconsider the vote whereby Senate Bill No. 686 was passed.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Tickle moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 686 was passed.

The roll was called, and Senate Bill No. 686 reconsidered by the following vote:

AYES—Senators Bizzar, Reed, Brown, Carter, Collier, Cunningham, DeFinger, Foley, Gattison, Gordon, Judah, Keating, Lacey, Mays, McBeck, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shover, Slater, Swan, Swing, Tickle, Waga, and Ward—31.

NOES—None.

Above bill ordered to unfinished business file.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1073

Senator Rich moved that Senate Bill No. 1073 be withdrawn from Committee on Water Resources for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1073—An act to amend Section 3480 of the Political Code, relating to reclamation districts.

Bill read second time.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 3480 of", and insert "add Section 3466c to".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "reclamation districts", and insert "the Sutter Butte Ry Pass Assessment No. 6 of the Sacramento and San Joaquin Drainage District".

Amendment No. 3

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Section 3466c is hereby added to the Political Code, to read as follows:

3466c. Any reclamation, levee, irrigation, drainage or other district whatever, or any city, county, or political subdivision may make any contract, expend any of its money, or do anything which its governing body determines will directly or indirectly retire, reduce or remove from any of the land owned by it or held in trust for it by any county treasurer or other public officer, the lien of the Sutter-Butte Ry Pass Assessment No. 6 of the Sacramento and San Joaquin Drainage District, or will make it possible for the Reclamation Board to order the release of the lien of and abandon any part of said assessment. The trustees of a reclamation district or a county treasurer or other public officer acting as trustee for a reclamation district or other district shall have the right to expend funds of the district, including rentals collected and moneys received by the trustees of the district from lease of or for use or occupation of any land referred to in Section 3466a of this code, in such amounts that may be necessary for any of the purposes mentioned in this section."

Amendment No. 4

On page 1 of the printed bill, strike out lines 2 to 30, inclusive; and strike out pages 2 to 13, inclusive.

Amendments read and adopted.

Bill ordered printed and re-referred to Committee on Water Resources.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Collier moved that Senate Bill No. 62 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Slater moved that Senate Bill No. 232 be taken from the inactive file, and placed on the second reading file.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 1163

Senator Shelley moved that Senate Bill No. 1163 be withdrawn from Committee on Finance for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1163—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and the administration thereof, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

Strike out all of lines 3 and 4 of the title of the printed bill, and insert "for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 1 to 22, inclusive, and insert "SECTION 1. Out of any money in the State Treasury not otherwise appropriated, the sum of thirty-six million dollars (\$36,000,000) is hereby appropriated to the Relief Administrator and the Relief Commission for the relief of hardship and destitution and the administration thereof during the Ninety-third and Ninety-fourth Fiscal Years, as provided in this act and the California Unemployment Relief Act of 1935, including not to exceed nine hundred seventy thousand dollars (\$970,000) for the administrative expenses of the Controller.

SEC. 2. Out of the money appropriated by this act, except the money available for the administrative expenses of the Controller, no expenditures shall be made for any particular period until the total amount of a budget for that period, not to exceed six months, has been approved by a unanimous vote of the State Board of Control.

Out of the money available for his administrative expenditures, the Controller may employ any firm of certified public accountants to audit the records of the Relief Administrator and the Relief Commission.

SEC. 3. For the purposes of Sections 108 and 109 of the State Employees' Retirement Act, the appropriations made by this act and hereafter made for this act and the California Unemployment Relief Act of 1935 shall be construed as appropriations from the General Fund.

SEC. 4. Out of the money appropriated by this act, the Relief Administrator or his duly authorized agent may, without at the time furnishing vouchers and itemized statements, draw one sum not to exceed twenty-five thousand dollars (\$25,000) for use as a revolving fund for payment of compensation earned, traveling expenses advanced, or where other cash payments are necessary. At the close of the Ninety-fourth Fiscal Year or at any other time, upon demand of the Department of Finance, these expenses must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

SEC. 5. Within each fiscal year, the money appropriated by this act, exclusive of the money available for the administrative expenses of the Controller, shall be available, for the purposes authorized as follows:

(a) Not less than 85 per cent for the payment of cash, wages, personal property and services to persons receiving relief from this appropriation. All sums so and when expended for the following may be charged in this classification: (i) distribution of surplus commodities, (ii) construction, maintenance and operation of relief camps, (iii) maintenance, support and operation of medical, hospital and dental clinics, (iv) sponsorship contributions to the Work Progress Administration and National Youth Administration, expenditures for Civilian Conservation Corps recruiting and enrollment as required by the Federal Government, (v) work relief projects and the administration thereof (including housing, utilities and other public projects, the products of which are granted to persons receiving any form of public assistance) and (vi) the operating expenses of the Federal Stamp Program and of the School Lunch Program and any other Federal program administered by the Relief Administrator and the Relief Commission.

(b) Not more than 1 per cent for self-help cooperatives, for production for use projects, consumer cooperatives or direct producer co-operatives. No such cooperative or project shall produce, manufacture, process or sell commodities grown for consumption or use by any person, firm, association or corporation, other than a person directly participating in the work of such cooperative or project and other than any person receiving some form of public assistance.

(c) Not more than 14 per cent for administration.

For purposes of this section, the percentage limitations for expenditure under subdivisions (b) and (c) shall be determined by computing the percentage that the total amount expended within each classification during each fiscal year bears to the total amount made available for such fiscal year by Section 2 of this act.

SEC. 6. Of the sum appropriated by this act, any amounts expended by the Relief Administrator in accordance with the provisions of subdivisions (b) and (c), or either, of Section 3 of the California Unemployment Relief Act of 1935 for work relief projects sponsored by the Federal Government and by any political subdivision, district or municipality of the State, either alone or in cooperation with the Relief Administrator, shall be exempt from Section 669 of the Penal Code and limitations, if any, of the Budget Act of 1941.

SEC. 7. In order to safeguard the money for the purposes for which it is appropriated, the Relief Administrator and the Relief Commission, in with money available for his administrative expenses, the Contractor may contract with one or more credit associations, credit organizations, or financial investigating agencies to ascertain the financial condition and credit rating of applicants for, and recipients of, relief from the money appropriated by this act. Expenditures made by the Administrator under this section shall be chargeable to the classification provided in subdivision (a) of Section 5.

SEC. 8. With money from this appropriation, not to exceed 2 per cent of the total sum appropriated, chargeable to the classification provided in subdivision (a) of Section 5, the Relief Administrator and the Relief Commission may contract with any nonprofit medical or health service organization organized under the laws of this State for the rendition of medical and health services to any person or his family eligible for assistance from this appropriation.

SEC. 9. The appropriation made by this act shall be expended to and for the relief of all persons who are capable of and willing to perform gainful employment and to and for the relief of all dependants of such persons provided such persons and their dependants are, as to need, otherwise eligible for relief under rules and regulations established by the Relief Commission under Section 8 of the California Unemployment Relief Act of 1935.

SEC. 10. The total relief allowance, whether in cash or kind, from the appropriation made by this act shall not be more than fifty eight dollars (\$58) per month per family.

Relief, in addition to the maximum of fifty eight dollars (\$58) per month allowance, may, however, be granted, but only in extraordinary cases, which term "extraordinary cases" shall include within its scope families of five or more persons. However, in no case shall the total relief granted to extraordinary cases exceed seventy five dollars (\$75) per month, except that needed medical or dental services may be granted in excess of any maximum relief allowance provided in this act.

SEC. 11. In determining any relief allowance, all income from any source of any member of the family shall be deducted except the following which shall not be considered, if used only for educational or other purposes for which the relief allowance may be used:

(a) All income of minors for educational scholarships and National Youth Administration student aid received by any person under the National Youth Administration In-School Programs.

(b) Three-fourths of the income earned by National Youth Administration project workers under the National Youth Administration Out-of-School Programs.

(c) That portion of the income from the Civilian Conservation Corps which that agency permits the enrollee to expend for his own use.

(d) One-third of the earned income of any adult member of the family.

(c) All income received by any relief recipient or member of his family as pay for attending drill or for any other duty as a member of the National Guard or State Home Guard.

In addition, all other income of any minor under 18 years of age, not mentioned above, need not, but may, be deducted either in whole or in part.

In order to be entitled to the exclusion of any income, all income of all members of the family shall be reported, and for failure to report, the Relief Administrator may permanently disqualify or temporarily suspend any family from receiving further relief under this act.

SEC. 12. Any surplus commodities distributed by the Federal Government or any agency thereof shall not be deducted in determining any relief allowance or budget of any family.

SEC. 13. (a) None of the appropriation made by this act shall be expended for the relief of any person who:

(1) Has not either (i) lived continuously in this State for five years, if he began to live in the State of California after June 1, 1940, or (ii) lived continuously in the State of California for three years, if he began to live in the State of California on or before June 1, 1940; or

(2) Has lost his residence by remaining away from this State for an uninterrupted period of one year.

Within the meaning of this subdivision (a), time spent in a public institution or on parole therefrom is to be disregarded in determining the period of residence in this State. Absence from the State for labor or other special or temporary purposes does not occasion loss of residence.

(b) Notwithstanding the provisions of subdivision (a), the appropriation made by this act may be expended for the relief of any person who:

(1) On February 18, 1940 (i) was receiving or had received relief from the Relief Administrator and Relief Commission or (ii) was certified or had been certified to the Work Projects Administration or its predecessor by the Relief Administrator and the Relief Commission, and

(2) Has not left the State with intent to reside elsewhere, and

(3) Has not remained away from the State for a period of one year.

(c) Notwithstanding the provisions of subdivision (a), the appropriation shall be available for relief pending transportation, but not to exceed 30 days, and for the costs of transportation, including subsistence en route, of a nonresident to any State in which he resides. Every nonresident, who has once received assistance under this subdivision (c), or relief from the Relief Administrator and Relief Commission in the form of transportation out of the State shall not be granted further assistance from the appropriation made by this act.

SEC. 14. None of the appropriation shall be expended for the relief of any alien who entered the United States illegally subsequent to July 1, 1924. In order to be eligible for relief from the appropriation, every alien shall show an alien registration card issued by the Federal Government. Any alien who can not show an alien registration card shall be reported to the United States Immigration Authorities.

If relief from the appropriation is barred to any alien by the terms of this section, the members of his family shall not be affected thereby and the family, exclusive of the aliens, shall remain entitled to relief from the appropriation made by this act notwithstanding this section and shall receive the same relief it would have received if the aliens were not members thereof. No ineligible alien shall be included in determining the family budget, except that his resources, not necessary for his maintenance and the maintenance of those who are ineligible for relief under this section, shall be considered in determining the whole budget of the case.

The appropriation is available for costs of transportation, including subsistence en route, to any foreign country for the aliens, citizens or subjects of such countries and for the dependents of such aliens.

SEC. 15. If any county, city, district or political subdivision or other governmental agency takes any recipients of relief from the State Relief Administration, furnishes materials, equipment, tools, supervision, and transportation, and sponsors and finances useful but nonessential work projects, it shall also reimburse the State Relief Administration for the additional costs to the State Relief Administration incident to making such services available in accordance with regulations of the Relief Commission and the Relief Administrator.

SEC. 16. To secure relief from the appropriation made by this act, an applicant for such relief shall prove, to the satisfaction of the State Relief Administration, his eligibility therefor, including his eligibility as to need, residence, employability and citizenship. Each applicant shall be required (a) to prove (i) that he and his family's need is due to unemployment, (ii) that he is employable, available and willing to accept employment and (b) to furnish any information requested by the Relief Administration to establish eligibility or need.

For the purpose of this section employment is defined as meaning employment for salary or wages or other compensation, in an amount exceeding by 15 per cent the amount of relief granted that size of family in accordance with the standards of relief as established by the Relief Administrator and the Relief Commission.

All statements made by an applicant for relief furnished to himself or any member of his family shall be sworn to by the oath of the applicant. Every employee of the Relief Administration receiving compensation for services in the course of his official duties, not acting in accordance with the provisions of this act, every person who applies or receives relief after July 1, 1941, shall take the oath required by this section before any relief is granted to him.

If the applicant for relief wilfully makes any false statement affecting his eligibility or the eligibility of any member of his family, or the amount of relief obtainable from the appropriation, he shall be guilty of a crime.

In order to carry out the provisions of this section the Relief Administrator shall investigate the financial condition of each person on the relief rolls as at July 1, 1941, within a period of not later than 90 days from the effective date of this act. Cases closed within the 90-day period before such investigation had been made shall not be investigated.

Sec. 17. No relief shall be given to any person who is the owner of any real estate or member of whose family is a person who is the owner of any real estate, or who is the owner of any conditional sales contract for personal property, or who has purchased for himself or his family or for any member of his family, or who has secured by the chattel mortgage or conditional sales contract, was incurred subsequent to his application for relief from the appropriation made by this act, or while receiving relief under Chapter 12 of the Statutes of 1940 or the Emergency Relief Appropriation Act of 1940.

Sec. 18. All money received by any relief recipient from the appropriation for himself or his dependents shall be used exclusively for food, rent, utilities and any other necessities. The Relief Administrator shall establish rules and regulations, in accordance with this section, relating to the purposes for which relief recipients may not expend money received from the appropriation.

Any relief recipient who once the money received from the appropriation for himself or his dependents is used for any purpose other than those permitted by the rules and regulations established by the Relief Administrator may be permanently disqualified or temporarily suspended from receiving relief from this appropriation. The Relief Administrator may require recipients to report the amount of food or other expenditures.

Sec. 19. In determining the amount to be expended from the appropriation for the relief of any person and his family, consideration shall be given (i) to the amounts of public assistance of any such person and his family and to any other provision of law and (ii) to the standards of living, wage rates and living conditions in the locality in which such person and his family reside.

Sec. 20. None of the appropriation made by this act may be expended for the relief of any person who possesses a motor vehicle, or who is the owner of a motor vehicle, unless such person or person who is the owner of the motor vehicle is not one of the automobiles to the State Relief Administration.

Sec. 21. The Legislature states that it is their intent that all dealings or negotiations with relief applicants or recipients shall be carried on individually and personally between the applicant or applicants and the Relief Administrator or his representatives, and that it is contrary to the intent of the Legislature that any of this appropriation be used by relief recipients as dues or assessments to intermediaries or associations acting for such applicants or recipients on their behalf in dealing with the Relief Administration or its representatives.

Sec. 22. (a) It is unlawful for any person, directly or indirectly, to promise any compensation, employment, relief or other benefit provided for or made possible in whole or in part by the appropriation, to any individual as consideration, favor or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) It is unlawful for any person to deprive, attempt to deprive or threaten to deprive by any means any person of any relief or other public assistance provided for or made possible in whole or in part by the appropriation on account of any political activity, support of or opposition to any candidate or to any political party in any election.

(c) It is unlawful for any person knowingly to solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution of money for any political purpose, whether from any person receiving compensation, employment, relief or other benefit made available from the appropriation.

(d) It is unlawful for any person to furnish or disclose or to aid or assist in furnishing or disclosing any names of persons receiving compensation, employment, relief or other benefits provided or made possible by the appropriation to any political candidate, committee, campaign manager or to any person for delivery to a political candidate, committee or campaign manager, and it is unlawful for any person to receive any such names for political purposes.

(e) No part of the appropriation shall be used for the purpose of directly or indirectly influencing or attempting to influence or interfering with or restraining or coercing any person in the exercise of his right to vote at any election.

(f) Except for elective officials, it is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation

to take an active part in political management, or be an active member of political organizations or take an active part in political campaigns which have as their purpose the election or nomination of any person to any office or employment, or to be a candidate for nomination or election to any office, whether partisan or nonpartisan.

(g) It is unlawful for any person employed in any capacity in connection with the administration or disbursement of the appropriation to influence or attempt to influence any individual known to be receiving compensation, employment, relief or other benefits provided by the appropriation to support or oppose any candidate or any political party in any election.

(h) Every person violating any provision of this section is guilty of a misdemeanor and in addition to the penalty imposed therefor shall not be entitled to any further compensation or employment provided for or made possible in whole or in part by the appropriation.

(i) As used in this section "appropriation" refers to the sum appropriated in Section 1 of this act.

(j) The Relief Administrator is charged with the duty of enforcing the provisions of this section.

SEC. 23. The Legislature hereby declares that the use of the money appropriated by this act for the support of a publicity department and the making of expenditures for press releases, publicity statements, propaganda and other forms of appeals to the public is contrary to its policy in providing this appropriation for the relief of hardship and destitution due to and caused by unemployment except necessary publicity and services in connection with the Civilian Conservation Corps recruiting and enrollment as required by the Federal Government.

SEC. 24. The Relief Administrator shall refuse any further employment in the administration of this appropriation and shall pay no further compensation from this appropriation to any officer or employee of the State Relief Administration, (i) who refuses to appear, to testify or to answer the questions of any Legislative Committee, or (ii) who has heretofore refused to appear, to testify or to answer the questions of any Legislative Committee. The refusal shall be certified to the Relief Administrator by the Legislative Committee before which he refused to appear, to testify or to answer.

SEC. 25. The Legislature hereby directs, but does not require, the State Relief Administration to provide all relief and assistance for single men and unattached men through relief camps or by relief-in-kind whenever or wherever possible in lieu of direct cash payments.

Family men, if they so request, may be assigned to camps, if in the discretion of the Relief Administrator it appears that such assignment may result in obtaining Work Projects Administration, National defense or other employment.

SEC. 26. The Relief Commission and the Relief Administrator may promulgate any additional rules and regulations necessary for the administration of this act but not in conflict with the intent of this act or the California Unemployment Relief Act of 1935.

SEC. 27. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 28. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately. The facts constituting such necessity are as follows:

The appropriation for unemployment relief is about to be totally expended and it is necessary that additional funds be made available immediately. Unless this act providing immediate funds and the means for the expenditure thereof and safeguards upon their use takes effect immediately relief operations will have to be suspended at a time when the need continues to be great, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause serious unrest throughout the State.

SEC. 29. This act shall be known and may be cited as the Unemployment Relief Appropriation Act of 1941."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

MOTION TO MAKE UP SPECIAL FILE

Senator Rich moved that a special file be made up by the Secretary of the Senate of all pending appropriation bills.

Motion carried.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Garrison, ordered printed in the Journal:

S. F. No. 16519

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA
In Bank

W. B. PARKER, as member and chairman, of the
CALIFORNIA COMMISSION ON INTER-
STATE COOPERATION, JOHN PHILLIPS, as
member of said commission, and W. C. JACOB
SEN, as executive secretary of said commission,
Petitioners,

VS.

HARRY B. RILEY, as Controller of the State of
California,
Respondent.

This original petition for a writ of habeas corpus and certiorari is signed by the respondent Harry B. Riley, as Controller of the State of California, to nullify certain warrants in favor of petitioners who are members of the California Commission on Interstate Cooperation, created by Senate Bill, Ch. 576, p. 1710, (Sess. Pub. Code Secs. 332-332.6). They seek reimbursement for some expenses incurred in carrying out the duties of the commission. The petition alleges that certain expenditures were made in conducting the official business of the commission, that the expenditures were properly entitled to the reimbursement, that certain taxes were appropriated for the use of the commission, but that respondent refused to draw warrants covering these expenditures. In his answer and motion respondent denies that he is under any duty to draw warrants for the expenditures in question, and bases his denial solely upon the contention that the statute creating the commission is unconstitutional and wholly void.

The commission is charged with the duty of furthering the participation of the State as a member of the Council of State Governments, and is required to confer with officials of other States and of the Federal Government to formulate proposals for cooperation between these States and such other governments. It is instructed to organize and maintain governmental machinery for the purposes set forth, to establish committees and advisory boards, and to employ such persons as are necessary to carry out its duties. The commission is instructed to report its proposals to the Legislature and to the Governor within 15 days after the convening of each regular legislative session, and at such other times as it deems appropriate. The members of the commission and of all committees which it may establish serve without compensation, but may receive reimbursement for necessary expenses.

The statute also creates a Senate Committee on Interstate Cooperation and an Assembly Committee on Interstate Cooperation, which are to be chosen as are other committees of each branch of the Legislature, and which are to function during the interim between sessions as well as during the regular sessions. The membership of the Commission on Interstate Cooperation is made up of the five members of the Senate Committee, the five members of the Assembly Committee, and five officials of the State who are to be appointed by the Governor. The members appointed by the Governor hold office as members of the commission at his pleasure, and the Members of the Legislature hold office so long as they remain members of the committees of each house.

The commission thus created is designed to further the cooperation between the various States and between the States and the Federal Government. The statute creating the commission is patterned after a statute enacted in New Jersey (Laws of New Jersey 1936, Ch. 21, p. 32) and similar statutes have been adopted in a majority of the States of the United States. The clear purpose of such legislation is to create machinery of government through which the various States can exchange information and formulate proposals for mutual action to be submitted to their individual State Governments. It is contended on behalf of the respondent, however, that the particular commission here created is in violation of express provisions of the California Constitution, and that the entire plan must therefore fail.

In so far as the statute deals with the creation of Interim Committees in each of the houses of the Legislature, no successful attack can be made upon it. Indeed, the Legislative Committees created under this statute appear to satisfy fully the

requirements enunciated in the opinions of this court in *Special Assembly Interim Committee vs. Southard*, 13 Cal. (2d) 497, and *Swing vs. Riden*, 13 Cal. (2d) 513.

The most serious challenge to the constitutionality of this legislation is advanced under Section 19 of Article IV of the California Constitution. That section since 1916 has provided: "No Senator or Member of Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State; provided, that this provision shall not apply to any office filled by election by the people." Respondent contends that membership upon the California Commission on Inter-State Cooperation constitutes an "office, trust, or employment" under the constitutional provision, and that members of the Legislature can not lawfully be made members of such a commission. Prior to 1916 the comparable provision was far less stringent and only prohibited the acceptance by a Legislator of "any civil office of profit" which was created or the emoluments of which had been increased during his term of office as a Legislator. Constitutional provisions in many other States have retained the less stringent form prohibiting a "civil appointment" (Illinois Const., Art. IV, Sec. 15; New York Const., Art. III, Sec. 7) or a "civil office" (Colorado Const., Art. V, Sec. 8; Montana Const., Art. 5, Sec. 7; Nevada Const., Art. 4, Sec. 8). Such constitutional provisions have been interpreted to permit the acceptance by a Legislator during his term of office of positions which do not amount to an "office" but are mere "employment." (*Hudson vs. Aneur*, 101 Colo. 551; *State Tax Comm. vs. Harrington*, 126 Md. 157; *State ex rel Barney vs. Hawkins*, 79 Mont. 506, 53 A. L. R. 583; *State ex rel Kendall vs. Cole*, 38 Nev. 215.) A similar conclusion was reached in California under the older constitutional provision. (*Curtin vs. State*, 61 Cal. App. 377, 390.) After the amendment of this provision in 1916, however, it was held that such positions as that of a deputy district attorney or that of auditor of the State Board of Prison Directors constitute the kind of "office, trust, or employment" to which a Legislator may not be appointed. (*Satterwhite vs. Garrison*, 34 Cal. App. 734; *Chenoweth vs. Chambers*, 33 Cal. App. 104.) The amended provision has been said to be far more sweeping than its predecessor and to have been designed to prevent the acquiring by members of the Legislature of positions on the State pay roll which might prevent their maintaining a desirable independence of mind. (*Chenoweth vs. Chambers*, supra, p. 106.) It has been indicated, however, that compensation or emolument may not be a necessary element where the position involved falls within the more important classification of an "office." (See, *Patton vs. Board of Health*, 127 Cal. 388, 395.) It is clear, therefore, that the purpose of the constitutional provision here involved is to prevent the acceptance by a Legislator of any position under the State, whether an office or merely employment, which creates the opportunity for private aggrandizement, pecuniary in nature or otherwise. (See, *State ex rel Barney vs. Hawkins*, 79 Mont. 506, 526; *Gillespie vs. Barrett*, 368 Ill. 612, 617.)

The sweeping terms of the California constitutional provision thus prevent the appointment of a Member of the Legislature to any other position of trust or responsibility under the State. It may be noted, however, that the positions created by the statute here attacked lack certain elements usually associated with an "office" or "trust." Thus, it is generally said that an office trust requires the vesting in an individual of a portion of the sovereign powers of the State. (*Patton vs. Board of Health*, supra, pp. 394, 398; *Curtin vs. State*, supra, p. 390; *Leymel vs. Johnson*, 105 Cal. App. 694, 699; *Couts vs. County of San Diego*, 139 Cal. App. 706, 712; *State ex rel Barney vs. Hawkins*, supra, p. 520; *State ex rel Kendall vs. Cole*, 38 Nev. 215, 224; (1928) 53 A. L. R. 595, 602.) The positions here created do not measure up to so high a standard. They involve merely the interchange of information, the assembling of data, and the formulation of proposals to be placed before the Legislature. Such tasks do not require the exercise of a part of the sovereign power of the State. It may also be doubted whether the positions here conferred constitute an "employment" by the State since no compensation is provided for the members of the commission. Yet, while distinctions might thus be drawn to show that membership on the commission is not within the scope of the constitutional prohibition, we prefer to place our decision on other more fundamental grounds.

Assuming, but not deciding, that the positions created under this statute amount to an "office, trust, or employment" under the State, we do not think the trust thus imposed upon selected Members of the Legislature is in violation of the constitutional prohibition. The constitutional provision clearly implies that the prohibition is directed at the conferring of any *other* office, trust, or employment upon a Member of the Legislature. A Member of the Legislature is already an officer holding a position of trust under the State Government. Where a statute merely makes available new machinery and new methods by which particular Legislators may keep themselves informed upon specific problems, it can not be said to have imposed upon them any new office or trust. The additional duties which rest upon the legislative members of the commission are identical in purpose and kind with those which they already perform. As was said in *People vs. Tremaine*, 252 N. Y. 27, 41, "The duties of Members of the Legislature may be enlarged without making a civil appointment or creating a new office, so long as the duties are such as may

be properly attached to the legislative office. * * * We hold, therefore, that the statute here attacked did not contravene the controlling principle of office, trust, or employment upon the legislative members of the assembly. *Speckel Assembly Interim Comm. vs. Southard*, supra, p. 429; *Wichura vs. Frost*, 62 Cal. 46; *Terrell vs. King*, 118 Tex. 237, 248.)

It must not be assumed, however, that legislative powers may be expanded indefinitely through the creation of separate agencies responsible directly to the Legislature. This sort of expansion would amount to a legislative usurpation of power incompatible with the proper exercise of its lawmaking function. The Constitution forbids any such usurpation of duties by the Legislative Branch of Government, and a statute conferring a lawmaking function upon the Members of the Legislature would be clearly unconstitutional. But under the particular facts set forth, where the respondents engaged in no sort of lawmaking information and making recommendations, so that the entire thing is considered incidental to the lawmaking function. The creation of a separate commission in this instance involved merely the use of new machinery in carrying out a trust already reposed in the Members of the Legislature. Under such circumstances the statute does not fall within the prohibition of the constitutional provision relied upon, and the contentions of respondent in this regard can not be sustained.

The further contention is made by respondent that the statute creating the California Commission on Interstate Cooperation is unconstitutional upon the ground that it violates Section 1, Article III of the California Constitution which provides: "The powers of the Government of the State of California shall be divided into three separate departments—the legislative, executive and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions pertaining to those of another except as in this Constitution expressly directed or permitted." The duties reposed upon the commission, as we have stated, are those of investigation and consultation. The statutory plan culminates in the recommendations or proposals made by the commission from time to time. Such proposals are to be referred to the Legislature, may properly be described as the performance of duties which are incidental and ancillary to the ultimate performance of lawmaking functions by the Legislature itself. It is difficult to see how the general doctrine of political theory designed to apply to the basic and fundamental powers of Government is used to prohibit the exercise of such subsidiary and ancillary duties. Respondent insists, however, that all the functions of Government, whatever their importance, must be clearly allocated and classified as legislative, executive, or judicial. In the present instance, it is urged that certain of the duties performed by the commission are executive in nature and it is therefore argued that the doctrine of separation of powers prevents the exercise of such functions by Members of the Legislative Branch of the Government. If the duties were classified as legislative in nature, it is apparent that the same doctrine would prevent the exercise of such functions by the executive members of the commission. Whichever category is selected, under the theory thus advanced, the same result must be reached, that is, the statute must be held unconstitutional as violating the doctrine of separation of powers.

That doctrine, however, can not be carried to such lengths. The courts have long recognized that its primary purpose is to prevent the combination in the hands of a single person or group of the basic or fundamental powers of Government. (See, *People vs. Province*, 34 Cal. 520, 539; *Hampton & Co. vs. United States*, 276 U. S. 394, 406; *State vs. Bates*, 96 Me. 110, 117-18; *State ex rel Wisconsin Inspection Bureau vs. Whitcomb*, 196 Ws. 472; Story, *Constitution* (5th ed.) p. 393; Green, *Separation of Governmental Powers* (1920), 29 Yale L. J. 369; (1938) 24 Cornell L. Q. 43, 15-56.) The doctrine has not been interpreted as requiring the rigid classification of all the incidental activities of Government, with the result that once a technique or method of procedure is associated with a particular branch of the Government, it can never be used thereafter by another. Thus, although the ascertainment of facts based upon evidence taken in the course of a formal hearing is normally associated with an exercise of the judicial power, it may be entirely proper in the exercise of legislative or executive power (*Louisville & N. R. R. Co. vs. Garrett*, 231 U. S. 298, 307; see, Brown, *Administrative Commissions and the Judicial Power* (1935), 19 Minn. L. Rev. 261, 275), and may be accompanied by the power to compel the attendance of witnesses and the power to punish for contempt. (*De la Battelle*, 207 Cal. 227.) Similarly, although it is normally the duty of the Legislature to make the determinations of fact upon the basis of which legislation is to become effective, that duty may properly be devolved upon members of the Executive Branch of the Government. (*Brook vs. Superior Court*, 9 Cal. (2d) 291; *Olive Pomaton etc. Comm. vs. Agricultural Pro-rate Commission*, 17 A. C. 219.)

The separation of powers doctrine does not require that we classify these incidental governmental duties, and that we thereafter limit such activity to the particular branch of the Government first selected. Such subsidiary duties may properly be performed by a variety of governmental agencies. In the instant case, the duty of correlating information and making recommendations is the kind of

subsidiary activity which the Legislature could perform through its own members, or which it could delegate to others to perform. Intelligent legislation upon the complicated problems of modern society is impossible in the absence of accurate information on the part of the Legislators, and any reasonable procedure for securing such information is proper. (*In re Battelle, supra; Phillips vs. Riley, 6 Cal. (2d) 414; Special Assembly Interim Comm. vs. Southard, supra.*) Nor does the Constitution prohibit the delegation of such incidental and subordinate tasks. As the court said in *Attorney General vs. Brissenden, 271 Mass. 172, 180*, where such duties were imposed upon the Attorney General, "The ascertainment of facts in its essence is not a legislative function. It is simply ancillary to legislation. It may be accomplished in divers ways. While it may be done by the Legislature itself, it is a responsibility not infrequently placed upon committees and individuals * * *." Frequent illustrations of this practice also are found respecting permanent boards or commissions * * *. The ascertainment of pertinent facts for legislation is within the power of the Lawmaking Department of Government. When a legislative body has a right to do an act it must be allowed to select the means within reasonable bounds. It is not precluded from delegating incidental powers which it may exercise itself in aid of its primary functions * * *. Familiar methods are by appropriating the results of studies already made by itself or by others, by conducting an inquiry through a committee of its members, or by utilizing an existing commission or board to make and report the results of a research." Courts have approved the creation of legislative agencies such as the commission created by this statute. (*Attorney General vs. Brissenden, supra; Annenberg vs. Roberts, 333 Pa. 203, 211; People vs. Charles Schweinler Press, 214 N. Y. 395, 412; Terrell vs. King, 118 Tex. 237; Mulniz vs. Elliott, supra.*) The statute creating the California Commission on Interstate Cooperation does not, therefore, violate either of the constitutional provisions relied upon by respondent.

Let the writ issue as prayed.

GIBSON, C. J.

WE CONCUR:

SHENK, J.
CURTIS, J.
TRAYNOR, J.
EDMONDS, J.
CARTER, J.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 2565

Senator Swan moved that Assembly Bill No. 2565 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL NO. 2565

Assembly Bill No. 2565—An act creating the State Highway Traffic National Defense Advisory Committee, and defining its powers and duties.

Bill read.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, after "duties", insert " , declaring the urgency hereof, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, after line 26, insert

"Sec. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting the necessity:

An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. The War Department is endeavoring to make use of the facilities, information, and experience of State and National highway officials to improve the methods of cooperation between such officials and the Army in the movement of motor transports and troops on highways with the least possible dislocation to normal civilian traffic. It also desires to make use of information at the disposal of the States relative to the records of drivers and the availability of

commercial trucks and passenger buses. As a result of this effort, a National Committee consisting of representatives of the American Association of Motor Vehicle Administrators, the American Association of State Highway Officials, the International Association of Chiefs of Police, and the Public Road Administration, and called the "Highway Traffic Advisory Committee to the War Department," has been appointed. To cooperate with this movement, it is therefore necessary that this act take effect immediately."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 680—An act to add Section 3103 to the School Code, relating to the observance of Bill of Rights Week in public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Bigger, Breed, Brown, Carter, Christensen, Christopherson, DeLap, Dillinger, Foley, Garrison, Goodson, Judah, Keating, Knebel, Tinsman, Morris, Motomack, Mixter, Parkman, Phillips, Powers, Rich, Sewall, Shoney, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Motion to Amend

Senator Phillips moved the adoption of the following amendment to Assembly Bill No. 680:

Amendment No. 1

In the title of the printed bill, as amended, strike out "Bill of Rights", and insert "Constitution".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 809 be taken from the inactive file, and placed on the third reading file by unanimous consent.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 808 be taken from the inactive file, and placed on the third reading file by unanimous consent.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 1690 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 800—An act to amend Sections 2, 4, 7, 8, 9.2, 9.3, 12, 14, 15, 16, 18, 19, 20, 21, 22, 23, 26, 28, 30, 32, 33 and 34 of The Personal Income Tax Act, relating to taxes upon the incomes of

individuals, estates and trusts and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 809—An act to amend Sections 1, 2, 3, 6, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 29 of, and to add a new section to be numbered 18.1 to, The Corporation Income Tax Act of 1937, relating to taxes upon the income of corporations, associations and Massachusetts or business trusts, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 808—An act to amend Sections 4a, 6, 8, 9, 11, 13, 14, 16, 17, 20, 21, 24, 25, 25.1, 27, 28, 29, 30, 32 and 35 of, and to add a new section to be numbered 24.1 to, the Bank and Corporation Franchise Tax Act, relating to bank and corporation taxes, and to provide that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Senate Bill No. 205

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and re-refer to the Committee on Finance.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

SWING, Chairman

Above reported bill ordered to second reading, and re-referred to Committee on Finance.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 205—An act to amend Section 13, and to add Section 13a, 13b, 13c, to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof, to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to the regulation and licensing of horse racing and the administration of the act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

PRINTER'S NOTE. There being no 7 point style-set type available, the material which should appear in strike-out type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 13, and to add Section 13a, 13b, 13c," and strike out lines 2 to 11, inclusive, and insert "Sections 19420, 19433, 19483, 19485, 19530, 19532, 19537, 19562, 19592, 19597, 19620, 19621, 19624, and 19626 of, and to add Sections 19480.5, 19510.5, 19532.5, 19538, 19567, 19598, and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom."

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Section 19420 of the Business and Professions Code is hereby amended to read as follows:

19420. The jurisdiction and supervision over meetings in this State where horse races on the result of which there is wagering are held or conducted and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board [] but the board shall [have such powers necessary and proper to enable it to carry out fully and effectually the purposes of] not, however, have jurisdiction or authority to supervise, control, or interfere with, the internal affairs, business management or prices or stakes of racing associations, as distinguished from the conduct of racing, except as otherwise provided in this chapter.

SEC. 2. Section 19433 of said code is hereby amended to read as follows:

19433. The board shall appoint a secretary who shall receive a salary of six thousand dollars (\$6,000), and who shall be placed under bond, the cost of the bond to be charged as a part of the necessary expenses of the board.

SEC. 3. Section 19480.5 is hereby added to said code to read as follows:

19480.5. The board shall not issue a license to conduct a horse racing meeting at any place, enclosure, or track, not used for horse racing meetings prior to July 1, 1941, unless prior to the beginning of the construction or preparation of such place, enclosure, or track for horse racing meetings, the board, upon application in such form as it may require, has determined that conducting horse racing meetings at such place will be in the public interest and will subserve the purposes of this chapter.

SEC. 4. Section 19485 of said code is hereby amended to read as follows:

19485. Every licensee under this article conducting a horse racing meeting shall pay a license fee consisting of 4 per cent of all money not in excess of ten million dollars (\$10,000,000), handled in the pari-mutuel [pools,] pool operated by him during the period of the license; 5 per cent of the amount by which the total amount so handled by him exceeds ten million dollars (\$10,000,000) but is not more than twenty million dollars (\$20,000,000); and 6 per cent of the amount by which the total amount so handled by him exceeds twenty million dollars (\$20,000,000). [The] Payment on account of the license fee shall be made by the licensee daily during each racing meeting.

SEC. 5. Section 19483 of said code is hereby amended to read as follows:

19483. Each application for a license to conduct a horse racing meeting shall be accompanied by a certified check payable to the Treasurer of the State of California, as ex officio treasurer of the board, in either of the following sums, dependent upon the classification of the county where the meeting is to be held:

Counties of the first class.....	\$10,000
Counties of the second class.....	\$10,000
Counties of the second and one-half class.....	\$5,000
Counties of the third class, at the rate of fifty dollars (\$50) per day for such racing meeting.	

SEC. 6. Section 19530 of said code is hereby amended to read as follows:

19530. For the purpose of this chapter there are [three] *four* classes of counties in the State of California, as follows:

1. Counties of the first class are those having a population of 1,000,000 or over;
2. Counties of the second class are those having a population of 600,000 or over and less than 1,000,000;

2.5. *Counties of the second and one-half class are those having a population of 500,000 or over and less than 600,000;*

3. Counties of the third class are those counties having a population of less than [600,000] *500,000*.

SEC. 7. Section 19532 of said code is hereby amended to read as follows:

19532. In the area embraced within each county of the second class and such territory as may lie within 20 miles from the exterior boundaries thereof, the board may allow not to exceed [100] *80* racing days per year for the entire area and county. *No part of a county of the second and one-half class may be included in such area.*

SEC. 8. Section 19532.5 is hereby added to said code, to read as follows:

19532.5. In each county of the second and one-half class the board may allow not to exceed *40* racing days per year.

SEC. 9. Section 19510.5 is hereby added to said code, to read as follows:

19510.5. No horse owner may be licensed under this chapter unless all liability of such horse owner for compensation under Division 4 of the Labor Code is secured as provided therein. Termination of such insurance during the license period is ground for the revocation of the license.

SEC. 10. Section 19537 of said code is hereby amended to read as follows:

19537. The board may apportion [racing days, not to exceed] the maximum number of racing days permitted in the respective counties and areas [to one or more licensees as in its judgment appears to be for the best interests of legitimate racing and of the public] *equally to licensed racing associations therein (other than the State Fair, county fairs and district agricultural associations) where there is more than one licensed racing association therein. Unless the consent of the licensee is obtained the racing days shall be granted in one continuous meeting, non-racing days excepted.*

SEC. 11. Section 19538 is hereby added to said code, to read as follows:

19538. The board may allow any licensee not to exceed five additional racing days during any one meeting which shall be known as charity days. The licensee shall deduct from the amount deducted from the total handled in the pari-mutuel pool on charity days the license fee owed to the State, and an amount equal to the purses and the cost and expense of conducting racing on those days; and the licensee shall donate the balance to nonprofit organizations and corporations engaged in charitable and benevolent and other like work selected by the licensee and approved by the board.

SEC. 12. Section 19562 of said code is hereby amended to read as follows:

19562. It is hereby declared that since the purpose of this chapter is the encouragement of agriculture and the breeding of horses in this State *a sum equal to 10 per cent of the first money of every purse won by a "California bred" horse* [an animal bred in this State] shall be paid by the licensee conducting the horse racing meeting to the breeder of such animal. A "California bred" horse, within the meaning of this section, shall, prior to January 1, 1945, be deemed to be a foal dropped by a mare in California, whether conceived in California or not, and after January 1, 1945, shall be deemed to be a foal dropped by a mare in California after being bred in California and remaining in California until the foal is weaned. The board shall by rule provide for the registration of all "California bred" horses.

Every licensee conducting a horse racing meeting other than the State Fair, county fairs, and district agricultural associations, shall run at least one race each racing day to be known as a "California bred race" which shall be limited to California bred horses as defined in this section.

If, however, sufficient competition can not be had among such class of horses, the race may, with the consent of the board, be eliminated for the day and a substitute race provided.

SEC. 13. Section 19567 is hereby added to said code, to read as follows:

19567. No license to conduct a horse racing meeting may be granted unless all liability of the applicant for compensation under Division 4 of the Labor Code is

secured as provided therein. Termination of such insurance during the license period is ground for the revocation of the license.

SEC. 14. Section 19592 of said code is hereby amended to read as follows:

19592. The permanent system of weighing (shall) any mechanical device for the installation and use of the totalisator, or if [such] any other mechanical equipment [as may] be used it shall be first approved by the board.

SEC. 15. Section 19597 of said code is hereby amended to read as follows:

19597. The commission deducted by any licensee from pari-mutuel proceeds shall not exceed [8] 9 per cent of the gross amount of money not in excess of ten million dollars (\$10,000,000), handed in to the pari-mutuel pool operated by him during the period of the license; 8 per cent of the amount by which the net amount in excess exceeds ten million dollars (\$10,000,000), and in no case more than twenty million dollars (\$20,000,000), and 7 per cent of the amount by which the total amount is further by him exceeds twenty million dollars (\$20,000,000). [The total amount shall be redistributed] the total amount shall be redistributed made on all mutual contributions exceeding a sum equal to the next lowest multiple of 100 by which the amount payable on such date would exceed a multiple of five cents (\$0.05). The amount deducted by the licensee shall be in addition to the license fee required by this chapter.

SEC. 16. Section 19598 is hereby added to said code, to read as follows:

19598. From and after the effective date of this section, any person claiming to be entitled to any part of a redistribution from a pari-mutuel pool operated by a licensee under this chapter, who fails to claim the money due him prior to the completion of the racing meet at which such pool was formed, may, within 60 days after the close of such meet file with the board a verified claim in such form as the board shall prescribe setting forth in detail the claim of such person and such other information as may be necessary to identify the particular pool and the amount claimed therefrom. The board shall hear such claim and proof offered in support thereof. Unless the claimant satisfactorily establishes his right to participate in such pool, such claim shall be rejected. If the claim be allowed, the licensee shall upon order of the board pay the same to the claimant. Ninety days after the close of any racing meet hereafter conducted any moneys subjected to this section not theretofore successfully claimed, shall be paid to the board and the board shall immediately pay such money into the State Treasury to the credit of the Social Deposit Fund to be held therein and disposed of in the manner provided by law for other deposits in the fund.

SEC. 17. Section 19620 of said code is hereby amended to read as follows:

19620. All fees, commissions, and other moneys received by the board, except that part of the license fee required by Section 19591, in excess of 4 per cent of the gross amount of money handled in the pari-mutuel pools, shall be paid into the State Treasury immediately upon receipt and credited to a special fund hereby continued in existence, known as the "Fair and Exposition Fund."

SEC. 18. Section 19621 of said code is hereby amended to read as follows:

19621. There is hereby appropriated annually out of the fund the following: [Thirty thousand dollars (\$30,000)] seventy-five thousand dollars (\$75,000) to the board to defray the expenses of the officers and employees provided for herein and such cost and expense incurred by the officers and employees in the enforcement of this act as shall be authorized by the board; and [one hundred thousand dollars (\$100,000)] thirty thousand dollars (\$30,000) to the Department of Finance for supervision and auditing of [district agricultural] all fairs and [district] agricultural associations receiving money from the fund.

SEC. 19. Section 19624 of said code is hereby amended to read as follows:

19624. The first balance of the fund is hereby annually appropriated as follows: (a) Five per cent for payment to and use of those certain fruit fairs defined in Section 94 of the Agricultural Code, but not to district agricultural associations, district or county fairs; [to be apportioned between such citrus fruit fairs upon the basis of the population of the several counties in which said fairs are held, and if only one such fair is held, then it shall receive all of the appropriation;] for the purpose of conducting and carrying on annually citrus fruit fairs and expositions; to promote and encourage the citrus fruit industry of this State.

Of said 5 per cent, one hundredth the said dollars (\$100,000) thereof is appropriated and allocated annually to those certain citrus fruit fairs and expositions defined in Section 94 of the Agricultural Code held in counties having a population in excess of 160,000 as shown by the last Federal Census, according to population, and if there be but one at such fairs held in counties having a population in excess of 160,000 then the whole of said one hundred thousand dollars (\$100,000) is appropriated and allocated to and for the use of such citrus fruit fair. The balance of said 5 per cent is appropriated and allocated to the citrus fruit fairs defined in Section 94 of the Agricultural Code or any those held in counties having a population at less than 160,000 and to those other citrus fruit fairs and expositions in such counties having a population at less than 160,000 which have been conducted and carried on annually for not less than 20 years by nonprofit associations or corporations for the purpose of promoting and encouraging the citrus fruit industry of California; each such citrus fruit fair held in counties having a population of less than 160,000 shall receive five thousand dollars (\$5,000) each year. The balance of

the 5 per cent remaining after the foregoing appropriations and allocations shall revert to and become a part of said first balance of the fund.

(b) Forty per cent for the encouragement of county, district, or combined county and district agricultural fairs (exclusive of the *State Fair*, the Los Angeles County Fair, the Sixth District Agricultural Association and citrus fruit fairs) to be apportioned by and expended under the supervision of the Department of Finance in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law[,] *but no such county, district or combined county and district agricultural fair shall receive a sum greater than sixty-five thousand dollars (\$65,000) from the fund in any one year.*

If in any year the sum appropriated to county, district or combined county and district agricultural fairs under this section is less than two hundred twelve thousand one hundred seventy-two dollars and seventy-nine cents (\$212,172.79), then during that year the apportionment to all fairs shall be made in the manner and upon the basis prescribed by Section 13 of Chapter 769 of the Statutes of 1933 and by Section 92 of the Agricultural Code.

SEC. 20. Section 19627 is hereby added to said code, to read as follows:

19627. All of the license fee for conducting a horse racing meeting not payable into the Fair and Exposition Fund under this article shall immediately be paid into the General Fund in the State Treasury.

SEC. 21. The amendment made by this act to Section 19597 of the Business and Professions Code shall become operative on December 26, 1941. Prior to that date the commission which may be deducted by the licensee from the pari-mutuel pool shall be regulated by the provisions of an act entitled "An act relating to the disposition of moneys wagered on the result of horse racing, declaring the urgency hereof, to take effect immediately," enacted at this session of the Legislature, which act is hereby repealed, effective December 26, 1941."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 7, inclusive; and strike out all of pages 2, 3 and 4.

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 880—An act to amend and renumber Section 3045 of the Welfare and Institutions Code (as added by Chapter 916 of the Statutes of 1939), relating to aid to the needy blind.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Mixter, Myland, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 301—An act to amend Section 17086 of the Business and Professions Code or to amend Section 10 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to close-out sales.

Bill read third time.

Motion to Amend

Senator Foley moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 2 to 10, inclusive, and insert "code, relating to unfair trade practices".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 11 to 52, inclusive; and strike out all of pages 3 and 4.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 624—An act to add Section 5600.5 to the Business and Professions Code, relating to retirement of persons from the practice of architecture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1392—An act to amend Section 1030 of the Political Code, relating to office hours.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Josiah, Keating, Kuebel, Luekey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Motion to Amend

Senator Swan moved the adoption of the following amendment to the title to Assembly Bill No. 1392:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "office", insert "and working".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Assembly Bill No. 354—An act to add Chapter 11, comprising Sections 22000 to 22001, inclusive, to Division 8 of the Business and Professions Code, relating to unfair trade practices in the jewelry business.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Keating, Kuebel, Luekey, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1390—An act to amend Sections 59, 90, 93, 95, 125 and 172 of, and to add Sections 16.5 and 151.6 to the State Civil Service Act, relating to State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1693—An act to amend Section 92 of the Agricultural Code, relating to the basis of allocation to county, district or combined county and district fairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 242—An act to amend Section 5752 of the Welfare and Institutions Code, relating to the appointment of guardians of insane or incompetent persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to retain Assembly Bill No. 2487 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 681—An act to amend Section 694 of the Code of Civil Procedure, relating to sales of real and personal property under execution.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 656—An act to amend Section 869a of the Civil Code, relating to the effect of omitting beneficiaries in instruments to trustees affecting real property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuechel, Mayo, Mixter, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOTES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188—An act to amend Section 5055 of the Welfare and Institutions Code, relating to mentally irresponsible persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuechel, Mayo, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—27.

NOTES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 108—An act to add Section 969.5 to the Streets and Highways Code, relating to improvement and repair of privately owned roads.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuechel, Luckey, Mayo, McCormack, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOTES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 588—An act to amend Sections 581 and 582, and to amend and renumber Sections 581a, 581b and 583 of, and to add Sections 581a, 581e and 581f to, the Code of Civil Procedure, relating to the dismissal and rendition of judgment in civil actions.

Bill read third time.

Motion to Amend

Senator Kuechel moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 1, of the printed bill, strike out "filing, or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2326—An act to amend Section 134 of the Vehicle Code, relating to the distribution of publications by the Department of Motor Vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuechel, Luckey, Mayo,

McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 822—An act to add Chapter 9 (consisting of Sections 240, 241, 242, 243, 243.5, 244, 245, 245.5, 246, 246.5, 247 and 248) to Division 3 of the Vehicle Code, and to repeal Sections 235 and 235.5 thereof, relating to the wrecking and dismantling of vehicles, including the business of automobile wreckers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, McBride, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, and Swing—24.

NOES—Senators Collier, Crittenden, Mayo, Metzger, and Wagy—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 749—An act to amend Section 5502 of the Welfare and Institutions Code, relating to the dismissal of criminal proceedings and the affidavit for commitment of a sexual psychopath.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 750—An act to add Section 5502.5 to the Welfare and Institutions Code, relating to the parole and discharge of sexual psychopath.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 757—An act to amend Section 6660 of the Welfare and Institutions Code, relating to guardianship and administration of the inmates' estates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2611—An act to add Section 844 to the Political Code, relating to qualifications for public office, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Gordon, Judith, Keating, Kuebel, Luckey, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Gordon, Judith, Keating, Kuebel, Luckey, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1346—An act to amend Section 1240 of, and to add Section 812 to, the Building and Loan Association Act, relating to building and loan associations, investments, and certificates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Gordon, Judith, Keating, Kuebel, Luckey, Mayo, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1355—An act to amend Section 5 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of 'Commissioner of Corporations'," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Gordon, Judith, Keating, Kuebel, Luckey, Mayo, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 165—An act to amend Section 159 of the Code of Civil Procedure, relating to justices of the peace.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1481—An act to amend Section 9.18 of the Building and Loan Association Act, relating to building and loan associations and the making of loans by such associations, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1917—An act to amend Section 11840 of the Insurance Code, relating to periods for which State Compensation Insurance Fund may write workmen's compensation insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2212—An act to amend Section 555 of the Insurance Code, relating to proof by a third party under a policy of insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2245—An act to add Section 10369 to the Insurance Code, relating to approval of policy forms.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cuthbertson, Cunningham, DeLap, Dillingen, Fletcher, Folsom, Garrison, George, Jordan, Keating, Kuebel, Larkin, McCormack, Meister, McDonald, Parkhurst, Phillips, Powers, Rich, Sewell, Shelley, Slater, Swan, Swing, Tinkle, and Wagon. 31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1765—An act to add a new section to the State Civil Service Act, to be numbered 571, relating to the officers and employees of the Railroad Commission of the State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Cuthbertson, DeLap, Dillingen, Fletcher, Keating, Kuebel, Mayo, McCormack, Meister, McDonald, Parkhurst, Phillips, Quinn, Rich, Sewell, Slater, Tinkle, and Wagon. 23.

NOES—Senators Cunningham, Folsom, Garrison, George, Jordan, Larkin, Powers, Shelley, Swan, and Swing. 10.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1571—An act to amend Section 658 of the Fish and Game Code, relating to the taking of salmon.

Bill read third time.

Motion to Amend

Senator Keating moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "of", insert "; to repeal Section 658.3 of, and to add Section 658.1 to."

Amendment No. 2

On page 1 of the printed bill, as amended, between lines 6 and 7, insert:

"SEC. 2. Section 658.3 of the Fish and Game Code is hereby repealed.

SEC. 3. Section 658.1 is hereby added to the Fish and Game Code, to read as follows:

658.1. In Districts 10 and 11, salmon may be taken with hook and line between September 1st and October 31st. The bag limit is two per day. Not more than one daily bag limit may be possessed by any person during any one day. No such salmon may be sold."

Amendment No. 3

On page 1, line 7, of the printed bill, as amended, strike out "SEC. 2", and insert "SEC. 4".

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kuebel moved that Assembly Bill No. 2355 be taken from the inactive file, and placed on the second reading file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 38 was passed, was continued until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Shelley asked for, and was granted, unanimous consent to retain Assembly Bill No. 356 on third reading file until the next legislative day.

**EXPLANATION OF VOTE ON SECOND CONFERENCE REPORT
ON ASSEMBLY BILL NO. 1800**

June 3, 1941

In my judgment the cuts in the Budget for free textbooks and for the State colleges are excessive. Reductions in other items of the Budget are far below the funds needed. The work of the Senate members of the Free Conference Committee deserves high praise, and my negative vote implies no censure of their splendid service.

JOHN HAROLD SWAN

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 25—Relative to proposed merit system for county welfare activities;

Senate Bill No. 227—An act to add Division 7, consisting of Chapter 1, Sections 1500 to 1561, inclusive, to the Military and Veterans Code, relating to the establishment and organization of a California State Council of Defense, to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, safety, and welfare, for the protection of individual rights and consumer interests and for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing an appropriation for the purposes of the chapter;

Senate Bill No. 406—An act to amend Section 4250 of the Political Code, relating to compensation for public services in counties of the twenty-first class; And reports that the same have been correctly enrolled, and presented to the Governor on the third day of June, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1004—An act to amend Sections 6 and 9 of, and to add Section 18 to an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to the regulation of collection agencies, declaring the urgency hereof, to take effect immediately;

Senate Bill No. 1183—An act to add Section 45.5 to the Vehicle Code, relating to definition of implement of husbandry; And reports that the same have been correctly enrolled, and presented to the Governor on the third day of June, 1941, at 4 p.m.

RICH, Chairman

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred

Assembly Bill No. 2573

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

McCORMACK, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 151

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be it referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bill ordered referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Concurrent Resolution No. 39

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 61

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported resolution ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1009

Assembly Bill No. 2580

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 999

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 9; noes 2; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 711

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 7; noes 3; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1336

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; noes 4; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2632

Assembly Bill No. 355

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 9; absent 4.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 518

Assembly Bill No. 813

Assembly Bill No. 859

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; noes 1; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 954

Assembly Bill No. 1004

Assembly Bill No. 600

Assembly Bill No. 2635

Assembly Bill No. 2208

Assembly Bill No. 1152

Assembly Bill No. 240

Assembly Bill No. 2312

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 11; absent 2.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1013

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8; noes 3; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Assembly Bill No. 2639

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

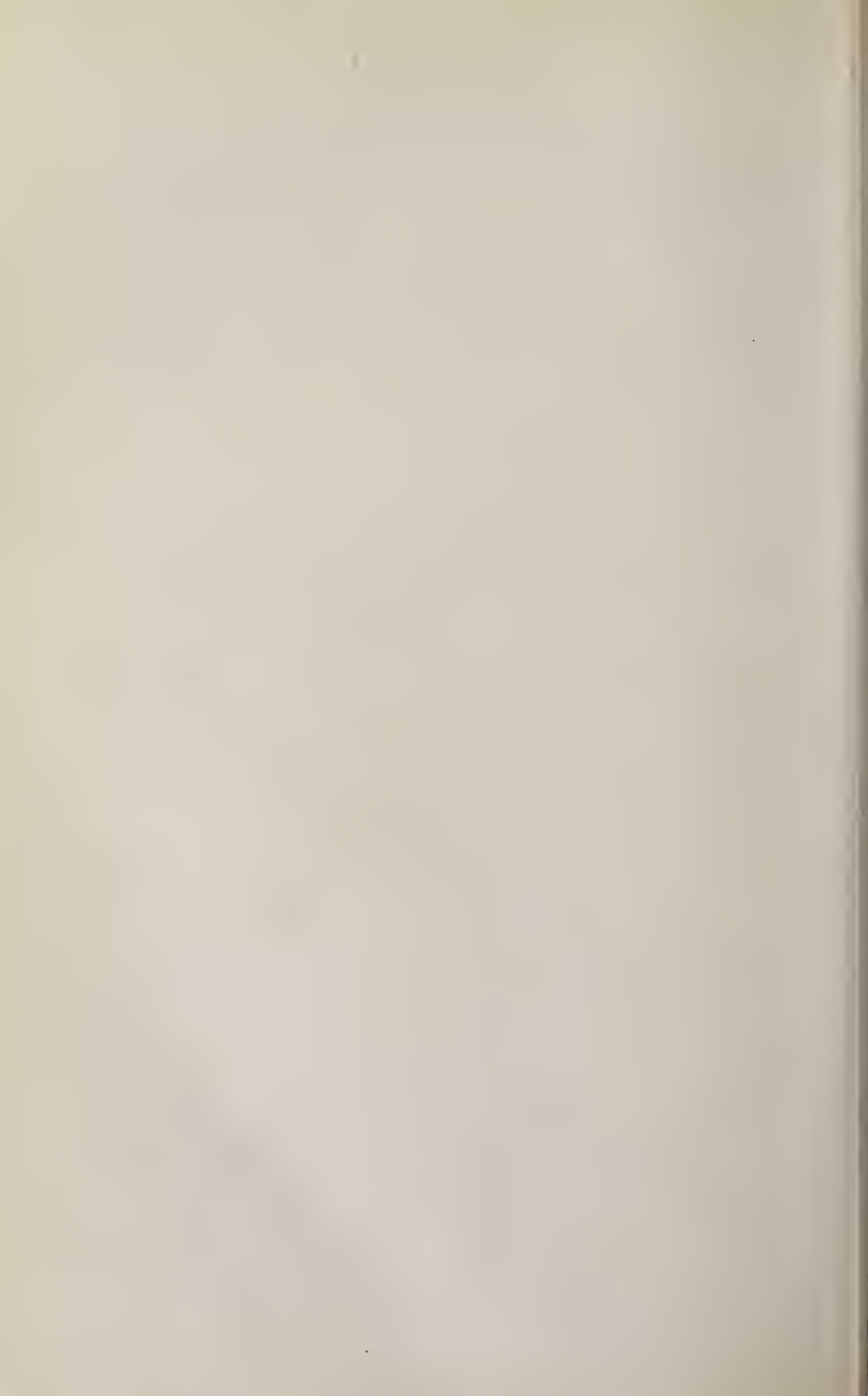
Committee membership 13, committee vote: Ayes 8, yeas 5.

KEATING, Vice Chairman

Above reported bill ordered to second reading

ADJOURNMENT

At 6.05 p.m., on motion of Senator Rick, the President declared the Senate adjourned until 1.30 p.m., June 4, 1941.



CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-FOURTH LEGISLATIVE DAY
ONE HUNDRED FIFTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, June 4, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Brown, Carter, Collier, Crutenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Griffin, Hatch, Keating, Ketcher, Luckey, Mayo, McBride, McCormick, McHugh, Meyer, Milner, Packer, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swang, Tuckle, Wagy, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Jespersen, on motion of Senator Luckey;

Senator Deuel, on motion of Senator Rich; and

Senator Kenny, on motion of Senator Rich; the latter two members being in Washington, D. C., on official business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. D. M. Noonan and Mr. and Mrs. F. J. O'Brien, all of San Jose.

On request of Senator Brown, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dave Maddox of Whittier.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1800—An act making appropriations for the support of the Government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, approved and adopted by the people at the general election held November 7, 1922, declaring the urgency thereof, and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 106
Senate Bill No. 285
Senate Bill No. 446
Senate Bill No. 458
Senate Bill No. 470
Senate Bill No. 471
Senate Bill No. 474

Senate Bill No. 538
Senate Bill No. 620
Senate Bill No. 827
Senate Bill No. 875
Senate Bill No. 1013
Senate Bill No. 1181

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 54
Senate Bill No. 101
Senate Bill No. 102
Senate Bill No. 188
Senate Bill No. 660

Senate Bill No. 812
Senate Bill No. 828
Senate Bill No. 964
Senate Bill No. 1048
Senate Bill No. 1058

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1078

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1325
Assembly Bill No. 2304
Assembly Bill No. 2647

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1078—An act appropriating money for the construction and equipment of buildings and the improvement of grounds at Morrow Cove, the site of the California Maritime Academy and for the support and maintenance thereof, declaring the urgency hereof, and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 1325—An act to amend the Building and Loan Association Act by adding thereto a new section, to be numbered Section 13.16d, relating to building and loan associations, including the

rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association, providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act, authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 1316d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2304—An act to repeal School Code Sections 2,506 and 2,507, relating to elementary school districts.

Referred to Committee on Education.

Assembly Bill No. 2647—An act to add Section 30.1 to the Public Utility District Act, relating to the powers of public utility districts, empowering them to make contracts for the joint acquisition, construction, maintenance, or use of sewers and sewage works, plants, and disposal facilities and to make leases or contracts for the use of sewers, sewage works, plants, and disposal facilities constructed by public utility districts, to take effect immediately.

Referred to Committee on Public Utilities.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 967

Senate Bill No. 1211

And reports the same correctly engrossed.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1343—An act to amend Sections 8931, 8938, 8939 and 9100 and to repeal Section 9053 of, and to add Section 9055 to, the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemetery districts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 62—An act to repeal Article 2, comprising Sections 4051 to 4060, inclusive, of Chapter 1 of Division 4 of the Public Resources Code, relating to private fire patrols of forest lands, and making an appropriation.

Bill read second time, and ordered to third reading.

Senate Bill No. 232—An act to amend School Code Section 4.102a, relating to, and making an appropriation for, vocational rehabilitation.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1541—An act to amend Section 19150 of the Health and Safety Code, relating to the protection of buildings against earthquakes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2162—An act to add Article 8, comprising Sections 420 to 421, to Chapter 2, Part 1, Division 1 of the Health and Safety Code, and to repeal Chapter 3, comprising Sections 75 to 77, of Division 1 of the Labor Code, relating to the Division of Immigration and Housing and the Commission of Immigration and Housing in the Department of Industrial Relations, and to the State Department of Public Health.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, after "and", insert "Part 1, comprising Sections 15000 to 17002, and".

Amendment No. 2

On page 1, line 14, of the printed bill, as amended, after "code," insert "and Chapter 73, Statutes of 1925".

Amendment No. 3

On page 1, line 17, of the printed bill, as amended, before the period, insert "or in the Department of Industrial Relations and exercised through the division and commission".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1519—An act to amend Sections 4020, 4021, 4022, 4023, 4042, 4043, 4045, 4060, 4062, 4063, 4064, 4064.5, 4080, 4082, 4084, 4085, 5000 and 5022, and to repeal Sections 5001, 5002, 5003 and 5004 and Article 6, consisting of Sections 5020 and 5021, of Chapter 4, Part 1, Division 2, of the Insurance Code and to add Section 4065 thereto, all relating to insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2, line 38, of the printed bill, as amended, after "for", insert "by".

Amendment No. 2

On page 3 of the printed bill, as amended, strike out line 22, and insert "4062. Policies insuring against the peril of fire shall not be issued in an".

Amendment No. 3

On page 3, line 36, of the printed bill, as amended, after the period, insert "In the case of insurance against fire loss to automobiles, the location of any risk shall be determined by the location specified in the policy."

Amendment No. 4

On page 4 of the printed bill, as amended, strike out lines 7 to 13, inclusive, and insert "4064.5."

Amendment No. 5

On page 4, line 16, of the printed bill, as amended, after "subscriptions", insert "or collect premiums".

Amendment No. 6

On page 4, line 26, of the printed bill, as amended, strike out "1951, at which time", and insert "1943, and subject to compliance with other provisions of this chapter, it may continue to transact insurance after that date and until December 31, 1947, it maintains a surplus of not less than twenty-five thousand dollars (\$25,000). Such an insurer may, subject to compliance with other provisions of this chapter, continue to transact insurance after December 31, 1947, if after that date and until December 31, 1951, it maintains a surplus of not less than seventy-five thousand dollars (\$75,000). On and after January 1, 1952,".

Amendment No. 7

On page 4, line 28, of the printed bill, as amended, after the period, insert "Surplus" as used in this section means the amount by which the admitted assets of the insurer exceed the aggregate of its liabilities for losses reported, expenses, taxes, and all other indebtedness together with its reinsurance reserve."

Amendment No. 8

On page 4, line 43, of the printed bill, as amended, after the period, insert "If at any time an insurer fails to meet or maintain the minimum requirements of the preceding sentence, the commissioner shall notify it to meet such requirements within 60 days after notice; if the insurer fails so to do, it shall not issue any policies of automobile insurance until it has on hand appropriations for such insurance which together with policies in force are equal to, or in excess of, the requirements of the preceding sentence."

Amendment No. 9

On page 4 of the printed bill, as amended, strike out lines 46 to 51, inclusive, and insert

"4080. For any calendar year the incurred expenses of such insurer, excepting losses paid, loss adjustment expenses, dividends, and taxes shall not exceed the sum of the following amounts:

(a) Forty per cent of the net premium earned during that year after deducting therefrom net earned reinsurance premiums for that year.

(b) Reinsurance commissions received on reinsurance ceded by it.
Commissions on reinsurance are the property of the ceding insurer."

Amendment No. 10

On page 5 of the printed bill, as amended, strike out lines 17 to 20, inclusive, and insert "surplus required by Section 4064 or 4064.5, whichever is applicable. Whenever such funds fall below".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1139—An act to add Section 4257 to the Labor Code, relating to workmen's compensation insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill, strike out line 10, and insert "the policy. Except as herein provided, a workmen's compensation insurer shall issue a separate policy to each insured employer and shall not combine two or more employers for the purpose of insurance or dividend distribution."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1756—An act to amend Sections 5.792 and 5.796 of the School Code, relating to the merit system of noncertificated employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 42—An act to add Section 73.5 to the Agricultural Code, relating to exhibits at the California State Fair.

Bill read second time, and ordered to third reading.

Assembly Bill No. 954—An act authorizing suits against the State of California to quiet title against it to real property entitled to be purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1004—An act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts in townships.

Bill read second time, and ordered to third reading.

Assembly Bill No. 660—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2635—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add new sections, numbered 1435, 1435.1, 1435.2, 1435.3, 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9, 1435.10, to Division 4, Chapter 2, thereof, relating to the management, control and disposition of the community real property and the homestead property of insane or incompetent persons, and to repeal Sections 172b, 172c, 172d, 1269a, 1269b and 1269c of the Civil Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2208—An act to amend Section 1207 of the Penal Code, relating to entry of judgment of conviction.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1152—An act to repeal Chapter 166 of the Statutes of 1939, relating to summary probate proceedings.

Bill read second time, and ordered to third reading.

Assembly Bill No. 240—An act to amend Section 1538.5 of the Probate Code, relating to leases of wards' property.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2312—An act to amend Section 3440.5 of the Civil Code, relating to fraudulent transfers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 518—An act to amend Section 337 of the Code of Civil Procedure, relating to time of commencing actions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 813—An act to amend Section 4057 of, and to add Section 4058 to, the Political Code, relating to county ordinances and to validate county ordinances wherein publication was defective.

Bill read second time, and ordered to third reading.

Assembly Bill No. 859—An act to add Section 2468.5 to the Civil Code, relating to licenses and permits, and the suspension of privileges exercised thereunder.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2632—An act to validate that certain conveyance heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, to Lodi Winery, Inc., a corporation, by deed dated August 2, 1938 and recorded May 23, 1940, in Book of Official Records, Vol. 692, at page 249, in the office of the county recorder of the County of San Joaquin, State of California, involving certain portions of right of way and real property rights, at and near Urgan Station, between the City of Lodi and the Station of Acampo, in the County of San Joaquin, State of California, acquired by Central Pacific Railway Company, under the act of the Legislature of the State of California, approved May 20, 1861 (Statutes of California, Twelfth Session, 1861, Chapter 532, page 607, and following), as amended, and by the act of the Legislature of the State of California, approved April 4, 1864 (Statutes of California, 1863-4, Chapter 417, page 471, and following) and acts amendatory thereof or supplemental thereto.

Bill read second time, and ordered to third reading.

Assembly Bill No. 355—An act to amend Section 256 of the Probate Code, relating to estates of illegitimate children.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1336—An act to amend Section 92 of the Civil Code.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1013—An act to amend Section 1989 of the Code of Civil Procedure, relating to witnesses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2639—An act to amend Section 384a of the Penal Code, relating to the unauthorized removal of plants and other substances from public or private lands or rights of way.

Bill read second time, and ordered to third reading.

Assembly Bill No. 711—An act to add Section 311a to and to amend Sections 311, 312, 313 and 314 of the Penal Code, relating to public morals.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 15, of the printed bill, as amended, strike out "lowd, lascivious,".

Amendment No. 2

On page 1, line 17, of the printed bill, as amended, strike out "lowd, lascivious,".

Amendment No. 3

On page 1, line 19, of the printed bill, as amended, strike out "lowd, lascivious,".

Amendment No. 4

On page 2, line 12, of the printed bill, as amended, strike out the comma, and insert a semicolon.

Amendment No. 5

On page 2 of the printed bill, as amended, between lines 28 and 29, insert "free public libraries or museums, or to libraries or museums maintained by universities or nonprofit corporations, or to material in the possession of an attorney-at-law and held or intended to be used as evidence in court, or to".

Amendment No. 6

On page 2, line 42, of the printed bill, as amended, after "criminal", insert "or obscene".

Amendment No. 7

On page 2 of the printed bill, as amended, after line 51, insert "official bulletins or reports issued by any publicly maintained law enforcement office, department or agency, or to free public libraries or museums, or to libraries or museums maintained by universities or nonprofit corporations, or to material in the possession of an attorney-at-law and held or intended to be used as evidence in court, or to".

Amendment No. 8

On page 3, line 7, of the printed bill, as amended, strike out "Subdivision 3", and insert "Subdivisions 3, 4, 5, 6 or 7".

Amendment No. 9

On page 3 of the printed bill, as amended, strike out lines 15 to 32, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1009—An act to amend Section 137 of the Civil Code, relating to the support of a spouse pending divorce proceedings.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

Strike out line 2 of the title of the printed bill, and insert "domestic relations, including actions for the support and maintenance of children."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2580—An act to add Chapter 3, comprising Sections 259, 259.1 and 259.2 to Division 2 of the Probate Code, relating to inheritance rights of aliens and declaring that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed to the Committee on Judiciary:

Amendment No. 1

On page 1, line 10, of the printed bill, strike out "hereby amend" with the same terms and conditions as respects the offices of the United States.

Amendment No. 2

On page 1, line 13, of the printed bill, strike out "in like manner within the" and insert "upon the same terms and conditions as respects the offices of the respective".

Amendment No. 3

On page 1, line 14, of the printed bill, strike out "or", and insert "and".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 999—An act to add Section 1733 to the Political Code, relating to approval of rules and regulations by the Attorney General.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 14 to 21, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2573—An act to amend Sections 770 and 771 of the Vehicle Code, relating to fines and forfeitures.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 770 and 771", and insert "Section".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 3 to 15, inclusive.

Amendment No. 3

On page 2, line 16, of the printed bill, as amended, strike out "Sec. 2", and insert "Section 1."

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 21 to 23, inclusive, and insert "misdemeanor under this code following arrest by any officer employed by a county".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 29 to 31, inclusive, and insert "charged with a misdemeanor under this code following arrest by any officer employed by a county".

Amendment No. 6

On page 2 of the printed bill, as amended, strike out lines 38 to 48, inclusive, and insert

"(c) All fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the State and the imposition of the fine or forfeiture by a court maintained by a county, shall be paid into the treasury of such county and deposited in the "Special road fund."

(d) All fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the State and

the imposition of the fine or forfeiture by a court maintained by a city shall be paid into the treasury of such city and deposited in the "Street improvement fund."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Concurrent Resolution No. 39—Relative to providing suitable space and facilities for the office of the Attorney General in the Library and Courts Building.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "in the Library and Courts Building".

Amendment No. 2

On page 1, line 9, of the printed bill, strike out "in the Library and Courts Building".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 18 to 21, inclusive, and insert "is not in session;"

Amendment No. 4

On page 1 of the printed bill, strike out all of lines 28 to 30, inclusive, and insert "Attorney General and his staff conveniently accessible to the records and books contained in the State Library."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1690—An act to amend School Code Sections 3.730, 3.731, 3.732, 3.733, 3.734, 3.735, 3.736, 3.737 and 3.738, and to add Sections 3.735-1 and 3.735-2 to said code, all relating to physical education and related activities in the public schools.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2355—An act to amend School Code Section 3.760, relating to courses of study in day elementary schools.

Bill read second time, and ordered to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Phillips moved that Senate Bill No. 1051 be taken from the inactive file, and placed on the second reading file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Collier, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1138 was passed, was continued until the next legislative day.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 235—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of

Division 3 of the Business and Professions Code relative to minimum price schedules for barbers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 235?

Amendment No. 1

On page 2 of the printed bill as amended April 2, 1941, strike out lines 12 to 14, inclusive, and insert a period.

Amendment No. 2

On page 2 of the printed bill as amended April 2, 1941, between lines 42 and 43, insert:

"65527. This article and Section 6064 of this code shall not apply to haircut services performed by barbers, or related personal services, or to haircut services performed by students in barber schools."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 235 by the following vote:

AYES—Senators Bigger, Brown, Carter, Celler, Cunningham, DeLap, Fletcher, Foley, Gordon, Joseph, Keating, Knudsen, Lusk, May, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Rich, Seaver, Slater, Swing, and Waggy—26.

NOTES—None.

Above bill ordered enrolled.

Senate Bill No. 1321—An act to amend Section 4254 of the Political Code, relating to compensation of county officers in counties of the twenty-fourth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1321?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4254" and insert "4252".

Amendment No. 2

In the title of the printed bill, strike out lines 2 and 3 and insert "to compensation for public services in counties of the twenty-third class."

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "4253", and insert "4252".

Amendment No. 4

On page 1 of the printed bill, strike out all of line 3; and in line 4, strike out "officers", and insert "4252. In counties of the twenty-third class, the following".

Amendment No. 5

On page 1, lines 5 and 6, of the printed bill, strike out "salaries, fees and expenses, to wit", and insert "sums".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1321 by the following vote:

AYES—Senators Bigger, Brown, Carter, Celler, Cunningham, DeLap, Fletcher, Foley, Gordon, Judah, Keating, Knudsen, Lusk, May, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swing, and Waggy—27.

NOTES—None.

Above bill ordered enrolled.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1139

Senator McBride moved that Assembly Bill No. 1139 be re-referred to Committee on Financial Institutions.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Dillinger asked for, and was granted, unanimous consent to retain Senate Bill No. 253 on third reading file until the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1824—An act to add Section 661.9 to the Political Code, relating to the repayment of money borrowed from the Emergency Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2054—An act to add a new section to the Agricultural Code, to be numbered 643.1, relating to inspection of dairies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495—An act to amend Section 64 of the Fish and Game Code, relating to fish and game districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 568—An act to add Section 1.92 to the School Code, relating to transportation of pupils to and from elementary and secondary schools other than public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—31.

NOES—Senators Gordon, Mixter, and Tickle—3.

Bill ordered transmitted to the Assembly.

DISPOSITION OF LEGISLATIVE BALL FUNDS

Senators Powers and Myland reported that the balance remaining in the fund collected for the Legislative Ball had been divided between the Community Chest of Sacramento and the Homeless Children Institution conducted by the Native Daughters of the Golden West, each organization receiving \$283.

Senator Fletcher moved that Senators Powers and Myland be extended a vote of thanks for their fine work.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Rich moved that Assembly Bill No. 1019 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator DeLap moved that Assembly Bill No. 1274 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1104

Senator Biggar moved that Assembly Bill No. 1104 be re-referred to Committee on Finance.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Crittenden moved that Senate Bill No. 415 be taken from the inactive file, and placed on the second reading file.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, was continued until the next legislative day.

INACTIVE FILE

Assembly Bill No. 1071—An act to amend Sections 26472, 26520 and 26541 of, and add Section 26540.2 to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising and sale of foods and the powers of the State Department of Public Health in relation thereto.

Bill read.

Motion to Amend

Senator Parkman moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 38 to 51, inclusive; and on page 3, strike out lines 1 and 2, and insert

"26520. No dealer shall be prosecuted under the provisions of this chapter if after receipt of an article he has used reasonable care in the use and handling thereof and he can produce a guarantee signed by the wholesaler, jobber, manufacturer, or other party located or residing in the United States from whom he pur-

chased such article, to the effect that the same is not adulterated, mislabeled or misbranded within the meaning of this chapter; provided, however, that as to food contained in an original unbroken package, no retailer, who after the receipt of such package has used reasonable care in the use and handling thereof, shall be prosecuted under this chapter for a violation of any provision thereof in connection with any article received by such retailer in the regular channels of trade and as usual first-class merchantable stock and not as seconds, or damaged articles or merchandise or job lots purchased under such conditions as to put the purchaser on notice that such merchandise was not regular first-class merchandise."

Amendment read and adopted.

Bill ordered printed, and to second reading.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 205

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 205—An act to amend Sections 19420, 19433, 19483, 19485, 19530, 19532, 19537, 19562, 19592, 19597, 19620, 19621, 19624 and 19626 of, and to add Sections 19480.5, 19510.5, 19532.5, 19538, 19567, 19598 and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 8, line 26, of the printed bill, as amended, strike out "from".

Amendment No. 2

On page 8, line 27, of the printed bill, as amended, strike out "the fund", and insert "under Section 92 of the Agricultural Code".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 2—Relative to a legislative declaration of the public policy of this State with reference to the acquisition and use of beaches for public park purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Keating, Kuebel, Luckey, McBride, McCormack, Metzger, Parkman, Powers, Quinn, Slater, Swing, Wag, and Ward—21.

NOES—Senators DeLap, Judah, Mayo, Mixter, Phillips, Rich, and Shelley—7.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 12—Relative to discrimination in steamship service and freight rates between New York and California ports to the Panama Canal Zone.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Lueck, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1935—An act to amend Sections 6106, 6501, 6835, 6964, 6966 and 6978 of the Public Resources Code to add Sections 6210.2, 6210.5, 6501.2, 6505 and 6963 to said code, and to add Chapter 4.1, comprising Sections 6991 to 6993, inclusive, to Part 2 of Division 6 thereof, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510, 6963, 6965, 6967, 6968 and 6969, and Chapter 2, comprising Sections 6601 to 6715, inclusive, of Part 2 of Division 6 thereof, all relating to lands owned by the State and the administration, management, leasing and disposal thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Lueck, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1932—An act to repeal "An act to provide for the survey and creation of camp sites on State lands," approved May 15, 1923.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1916—An act to amend Section 51, Statutes of 1917, Chapter 586, page 831, relating to workmen's compensation and payments to State Treasury by State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER

The hour of 3 p.m. having arrived, the Governor's reduction to Senate Bill No. 1338 was taken up.

Senate Bill No. 1338—An act making an appropriation for the contingent expenses of the Senate, the act to take effect immediately.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 1338 become a law as originally passed by the Legislature and appropriating \$62,500, notwithstanding the objections of the Governor, reducing the amount of the appropriation to \$10,000?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Baggot, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhrud, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—Senator Garrison—1.

Above bill ordered to unfinished business file.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Carter moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 38 was passed.

The roll was called, and Assembly Bill No. 38 reconsidered by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, Langey, Mayo, McBride, McCormack, Metzger, Mixer, Myhrud, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—30.

NOES—Senators Quinn, and Swing—2.

Bill ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 38—An act to add Sections 741.1, 741.3, 741.5, 741.7, 741.8 and 741.9 to the Code of Civil Procedure, all relating to compensation for taxes paid and improvements made by occupying claimants of real property.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Quinn, and Swing—2.

NOES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhrud, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 747—An act to amend Section 3254 of the Welfare and Institutions Code, relating to the duties of the Department of Institutions;

And appointed Messrs. Crowley, Carlson and Potter as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1135 An act to amend Section 354 and to add Section 355 to the Labor Code, relating to death of work.

And appointed Messrs. Carlson, Leonard and Christie as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1485 An act to amend Section 410 of the Vehicle Code, with reference to satisfaction of judgments.

And appointed Messrs. Sawallish, Phillips and Bruce, Hugh M., as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1390 An act to amend Sections 125, 162.5 and 172 of and to add Section 151.6 to the State Civil Service Act, relating to State civil service;

And appointed Messrs. Desmond, Johnson and McCaffrey as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: The Assembly respectfully requests your honorable body to return Senate Bill No. 620 for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

MOTION TO RETURN SENATE BILL NO. 620 TO THE ASSEMBLY

Senator Rich moved that Senate Bill No. 620 be withdrawn from enrollment, and returned to the Assembly for further action.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEES ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Dillinger, and Swan as a Senate Committee on Conference concerning Senate Bill No. 1071 to meet a like committee of the Assembly.

COMMITTEE ON RULES
Rich, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Phillips, Powers, and Parkman as a Senate Committee on Conference concerning Assembly Bill No. 747 to meet a like committee of the Assembly.

COMMITTEE ON RULES
Rich, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Biggar, Collier, and Metzger as a Senate Committee on Conference concerning Assembly Bill No. 1135 to meet a like committee of the Assembly.

COMMITTEE ON RULES
Rich, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swan, Mayo, and Parkman as a Senate Committee on Conference concerning Assembly Bill No. 1390 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swain, Crittenden, and Kuchel as a Senate Committee on Conference concerning Assembly Bill No. 1485 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Thurman, Leonard and Millington as a Committee on Conference concerning:

Senate Bill No. 1071—An act to add Sections 30.5 and 38.1 to the Public Utility District Act, relating to the incuring of indebtedness by public utility districts and the manner of refinancing thereof, validating certain indebtedness heretofore incurred by public utility districts, and relating to making delinquent service charges a lien against the land for which such service was furnished, and be collectible as an assessment against such land.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly

By ROBERT J. FINNIE, Assistant Clerk

INACTIVE FILE

Assembly Bill No. 1309—An act to add Section 155.5 to the Welfare and Institutions Code, relating to the Whittier State School.

Bill read.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "State Boys' School", and insert "Fred C. Nelles School for Boys".

Amendment No. 2

On page 1, line 7, of the printed bill, as amended, strike out "State Boys' School", and insert "Fred C. Nelles School for Boys".

Amendments read and adopted.

Bill ordered printed, and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 396—An act to amend Section 13101 of the Health and Safety Code, relating to the compensation of the State Fire Marshal.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "to the", insert "appointment, qualifications and".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 8, insert
"No person is eligible for appointment to or to hold the office of State Fire Marshal unless prior to the date of his appointment he shall have had at least five years of experience in full-time fire prevention or fire extinguishment work."

Amendments read.

Motion to Table

Senator Tickle moved that the above amendments be laid on the table.

Motion carried.

Motion to Amend

Senator Phillips moved the adoption of the following amendment.

Amendment No. 1

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "eight hundred dollars (\$8,000)", and insert "dollar (\$1,000)".

Amendment read.

Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the adoption of Senator Phillips' amendment to Assembly Bill No. 396.

Amendment refused adoption.

The roll was called, and the bill passed by the following vote:

AYES—Senators Broad, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Judah, Keating, Kuebel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Slater, Swagg, Tickle, and Wagy—27.
NOES—Senators Collier, Mayo, Phillips, Searcy, and Wagner—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 955—An act to amend Sections 6, 8, 11, 13, 17, 18, 20 and 22 of the Inheritance Tax Act of 1935, relating to inheritance taxation, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swagg, Tickle, and Wagy—23.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 565—An act to add Section 10601.5 to the Elections Code, relating to filing of declaration of intention to become a candidate for a judicial office.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swagg, Tickle, and Wagy—27.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1456—An act to amend Sections 323, 405, 459, 2510, 2605, 2606, 2607, 2621, 2626, 2803, 2805, 2808, 2905, 3354, 3355, 3656, 3695, 3696, 3700, 3701, 3720, 3721, 3724, 4109, 4151, 4154, 4155, and 4217 of, and to add Sections 3510, 3696.5 and 3701.5 to the Revenue and Taxation Code, relating to property taxation, including assessments, the levy of taxes, the collection of taxes, computation of taxes,

tax sales, tax-deeded property, and the redemption of delinquent property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2637—An act to add Section 2540.5 to the Elections Code, relating to the qualification of political parties for participation in primary election.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2096—An act to add Section 6.37 to the School Code, relating to the powers and duties of governing boards of school districts, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1381—An act to amend Sections 61 and 105 of the Bank Act, relating to the investment of trust funds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1436—An act to amend Sections 2, 5, 7, 8, 11, 13 and 20 of and to add Sections 8.5 and 10.5 to "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 13, 1933, relating to the taxation of persons engaged in the transportation of persons or property upon the public highways by motor vehicle and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Mayo, McBrink, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 278—An act to add Section 7071.5 to the Business and Professions Code, relating to contractors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, DePrager, Fletcher, Foley, Garrison, Judah, Kuebel, Mayo, McBrink, McCormack, Metzger, Mixter, Parkman, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2600—An act to amend Sections 7643, 7662, 7665, 7666, 7668 and to repeal Section 7664 of the Business and Professions Code, relating to embalmers and apprentices.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuebel, Luckey, Mayo, McBrink, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Tickle, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1065—An act to amend Sections 551 and 556 of the Business and Professions Code, relating to the prevention of blindness at childbirth.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2628—An act to add Section 7512.5 to the Business and Professions Code, relating to the regulation and licensing of private detectives.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 342—An act to add Section 12108 to the Business and Professions Code, relating to specifications and standards for weighing devices.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 916—An act to amend Section 12701 of the Business and Professions Code, relating to public weighmaster bonds and license fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2616—An act to add Sections 9b and 9c to the California Business Opportunity Act, relating to persons licensed as business opportunity brokers and business opportunity salesmen, entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuchel, Luckey, Mayo, McCor-

mack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2501—An act to amend Sections 19008, 19009, 19010, 19016, 19018, 19050, 19053, 19057, 19060, 19070, 19071, 19080, 19081, 19082, 19084, 19085, 19086, 19090, 19095, 19096, 19124, 19125, 19127, 19151, 19157, 19159, 19170, 19173, 19202, 19203, 19207 and 19208, to add Sections 19007.5, 19010.5, 19012.5, 19049, 19065, 19080.5, 19089.5, 19123.4, 19123.5, 19123.6, and to repeal Sections 19130, 19152, 19156, of the Business and Professions Code, relating to the regulation of the business of manufacturing, selling, repairing, renovating and sterilizing bedding and upholstered furniture.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1246—An act to add Section 5041.5 to the Business and Professions Code, relating to fee and tax exemptions under the chapter on accountants, declaring the urgency thereof, and to take immediate effect.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 811—An act to add Section 114 to Chapter 1 of Division 1 of the Business and Professions Code, relating to licenses for persons who have served in the Armed Forces.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1906—An act to amend Section 2710 of the Penal Code, relating to the San Quentin Manufacturing Revolving Fund.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 1906:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 27, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS:

ASSEMBLY BILL NO. 1906

"An act to amend Section 2710 of the Penal Code, relating to the San Quentin Manufacturing Revolving Fund."

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 1906 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuechel, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1378—An act to amend Section 27b and Section 67 of the Alcoholic Beverage Control Act, relating to sales of alcohol and alcoholic beverages for use in the trades, professions or industries and to penalties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Kuechel, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2621—An act to add Section 4465.5 to the Political Code, relating to notice and publication and requiring that whenever by authority or requirement of any law of this State any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required to be published in a newspaper, it must be in a newspaper of general circulation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuechel, Luckey,

Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2601—An act to amend Section 1 of an act entitled "An act to authorize the payment of certain claims recommended for payment by the State Board of Control and to ratify the payment of such claims heretofore made," approved July 1, 1939, relating to claims recommended for payment by the resolution of March 2, 1938, and not yet paid.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2514—An act to amend Section 5 of the State Contract Act, relating to bids.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Tickle, and Ward—27.

NOES—Senators Garrison, Swan, Swing, and Wagy—4.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1612—An act to amend Section 8 of the Alcoholic Beverage Control Act, relating to renewal of alcoholic beverage licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Seawell:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Section 2302 of, and to add Section 2305 to, the Elections Code, relating to Delegates to National conventions.

Respectfully submitted.

SENATOR SEAWELL

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 4, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
BREED
TICKLE
MYHAND

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Luckey, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1344: By Senator Seawell—An act to amend Section 2302 of, and to add Section 2305 to, the Elections Code, relating to Delegates to National conventions.

Referred to Committee on Elections.

RESOLUTIONS

The following resolution was offered:

By the Committee on Rules:

Senate Resolution No. 129

Resolved, That the Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate in the sum of three hundred dollars (\$300) in favor of the Secretary of the Senate and the Treasurer is hereby directed to pay the same, the same being for postage for the Senate.

RICH, Chairman
TICKLE
MYHAND
BREED

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judith, Keating, Kuchel, Mayo, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 1071—An act to add Sections 30.5 and 38.1 to the Public Utility District Act, relating to the incurring of indebtedness by public utility districts and the manner of refinancing thereof, validating certain indebtedness heretofore incurred by public utility districts, and relating to making delinquent service charges a lien against the land for which such service was furnished, and be collectible as an assessment against such land;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 15, 1941, be further amended as follows:

Amendment No. 1

On page 2, line 27, of the printed bill, as amended, following the comma after "taxes", insert "if the property is owned, controlled or in the possession of the same person who owned, controlled or was in possession of it during the time such service charges were incurred or if the only transfers made of the property since the date such charges were incurred have been transfers by gift, descent, bequest or devise,".

MAYO
DILLINGER
SWAN

THURMAN
LEONARD

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggs, Reed, Brown, Crippen, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, Mixter, Myhand, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—27

NOTES—None

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Assembly Bill No. 1075 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 2015 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kuchel moved that Assembly Bill No. 1635 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kuchel moved that Assembly Bill No. 1057 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 1181 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 195

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OLINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNELL, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 195—An act to add Section 1.5 to the Unemployment Relief Appropriation Act of 1940, and to amend Section 4 of the California Unemployment Relief Act of 1935, and to add Section 8.5

to the California Unemployment Relief Act of 1935, relating to the relief of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect as therein provided.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 195?

Amendment No. 1

On page 1, lines 3 and 4, of the printed bill, as amended, strike out "Seven hundred fifty thousand dollars (\$1,750,000)", and insert "dollars (\$1,000,000)".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of lines 28 to 35, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 195 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kuebel, Mayo, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 401—An act to add Section 555 to the Labor Code, relating to working hours and days.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

Strike out lines 3 and 4 of the title of the printed bill, as amended, and insert "days of rest of officers and employees of cities of the first class."

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 20 to 22, inclusive, and insert

"555. Sections 550, 551, 552 and 554 of this chapter are applicable to cities of the first class and to the officers and employees thereof."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1343

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 568

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1322—An act to add Section 651 to the Penal Code, relating to traffic in Federal order stamps, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourth day of June, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 306—An act to amend Section 6756 of the Revenue and Taxation Code and to amend Section 264 of the Retail Sales Tax Act of 1933 and Section 20.7 of the Use Tax Act of 1935, relating to priority of the sale and use taxes;

Senate Bill No. 417—An act authorizing suits against the State of California to establish the boundaries of, and to quiet title to, lands purchased from the State, and regulating the procedure therein;

Senate Bill No. 461—An act to amend Section 442 of the Probate Code, relating to opposition to petition for letters of administration;

Senate Bill No. 500—An act to amend Section 942 of the Streets and Highways Code, relating to powers of board of supervisors;

Senate Bill No. 534—An act to add Article 11 to Chapter 2 of Part 1 of Division 2 of the School Code, relating to the inclusion in school districts of lands owned by the United States of America;

Senate Bill No. 569—An act to amend Section 15 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a State Corporation Department and the office of Commissioner of Corporations," approved May 18, 1917, as amended, relating to the Division of Corporations, the regulation and supervision of companies, brokers, agents, investment counsel and sales of securities, and the prevention of fraud in the sale of securities;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of June, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 746—An act to amend Section 410 of the Political Code, relating to the laws, resolutions and journals of the Legislature;

Senate Bill No. 830—An act to repeal Section 981 and to amend Sections 980 and 1029 of the Streets and Highways Code, relating to public roads and highways and the powers and duties of county boards of supervisors, county surveyors, and county road commissioners in relation thereto;

Senate Bill No. 855—An act to revise an act entitled "An act defining industrial loan companies; providing for their incorporation, powers and supervision; and regulating the rates of interest and other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies," approved May 18, 1917, as amended, so as to define industrial loan companies, provide for their incorporation, powers and supervision and regulate the rates of interest and all other charges of industrial loan companies and brokers or third party negotiators in connection with loans made by such companies; to prohibit devices and subterfuges to evade this act; to provide for exemptions from this act; to provide for the administration of this act and the issuance of rules and regulations thereunder; to authorize the making of examinations and investigations; to provide for the suspension, surrender and revocation of permits; and to prescribe penalties for the violation of this act;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourth day of June, 1941, at 4 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 128

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 4; absent 1.

(Signed out)

RICH, Chairman
BREED
TICKLE
MYLAND

Above reported resolution ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1026

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 3; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 1463

Assembly Bill No. 2626

Assembly Bill No. 1119

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1147

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1717

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 9; noes 1; absent 1.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 970

Assembly Bill No. 1716

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

CRITTENDEN, Chairman

Above reported bills ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred

Assembly Bill No. 1889

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8, absent 5.

KEATING, Vice Chairman.

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Assembly Bill No. 159

Assembly Bill No. 913

Assembly Bill No. 476

Assembly Bill No. 2105

Assembly Bill No. 912

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10, absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which were referred:

Senate Bill No. 308

Assembly Bill No. 2300

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bills ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1302

Has had the same under consideration, and reports the same back with the recommendation: Amend, and do pass as amended.

(Signed out)

METZGER, Chairman

COLLIER

PARKMAN

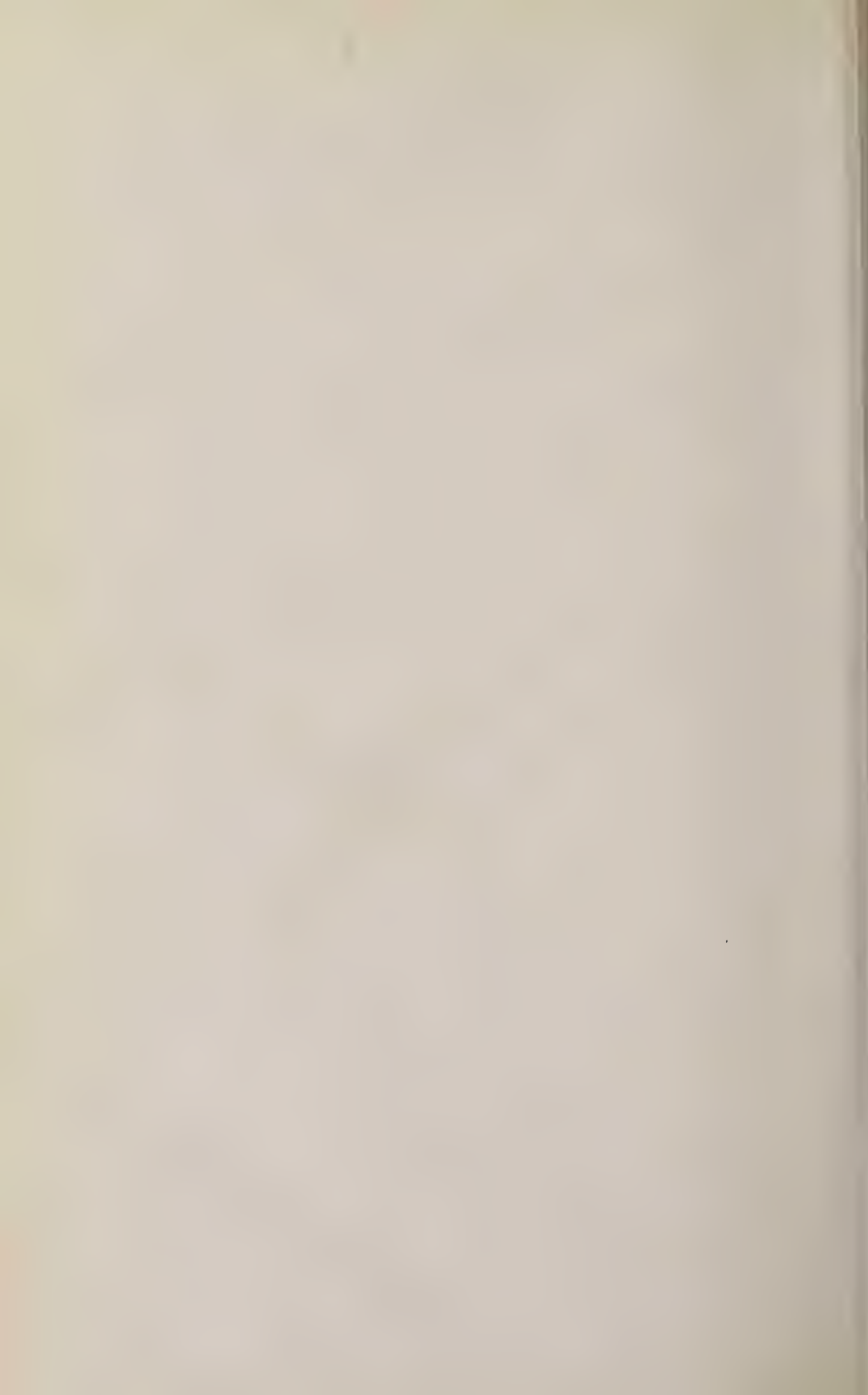
SWAN

KEATING

Above reported bill ordered to second reading.

ADJOURNMENT

At 6 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., June 5, 1941.



CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL**EIGHTY-FIFTH LEGISLATIVE DAY**
ONE HUNDRED FIFTY-FIRST CALENDAR DAY**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Thursday, June 5, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Bigger, Reed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Japhet, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Myster, Meland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tinkle, Wagy, and Ward—36.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Deuel, on motion of Senator Rich;

Senator Kenny, on motion of Senator Rich; both of whom are in Washington, D. C., on official business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to State Highway Commissioner L. G. Hitchcock and Superior Court Judge Donald Geary, both of Santa Rosa.

On request of Senator Dillinger, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William Dillinger of Placerville.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eva H. Francis, teacher, and the following students of the Stanford Junior High School, Sacramento: Lillian Belef, Lois Berkeley, Ruth Best, Tom Brainard, Barbara Brandt, Jacquelyn Davenport, Harold Doyle, Betty Fisher, Helen Fisher, Gloria Greenman, Shirley Griffin, Dorothy Haskell, Sam Hereda, Lois Higgs, Norma Hinton, Elizabeth Kimber, Clarissa Kimber, Bob Long, John Lo Forte, Marie Lowe, Paul Manolis, Don Nepstead, Ernest Neves, Ed Newman, Barbara Jo Oldham, Marion Parks, Carl

Peterson, James Reid, Ted Richards, Alberta Riggins, Leo Romaneski, Lena Rossi, Herbert Saul, Dewey Shay, Mary Sowerwine, Dorothy Stone, Virginia Watson and Robert Webber.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 2, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 556
Assembly Bill No. 786
Assembly Bill No. 1080

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 205
Assembly Bill No. 470
Assembly Bill No. 648
Assembly Bill No. 650
Assembly Bill No. 808
Assembly Bill No. 841
Assembly Bill No. 895
Assembly Bill No. 1052
Assembly Bill No. 1272
Assembly Bill No. 1287

Assembly Bill No. 1342
Assembly Bill No. 1434
Assembly Bill No. 1438
Assembly Bill No. 1630
Assembly Bill No. 1795
Assembly Bill No. 2100
Assembly Bill No. 2164
Assembly Bill No. 2382
Assembly Bill No. 2457
Assembly Bill No. 2634

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 56
Assembly Bill No. 625
Assembly Bill No. 680
Assembly Bill No. 800
Assembly Bill No. 822
Assembly Bill No. 926
Assembly Bill No. 988

Assembly Bill No. 1392
Assembly Bill No. 1693
Assembly Bill No. 1765
Assembly Bill No. 2326
Assembly Bill No. 2519
Assembly Bill No. 2611

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 955
Assembly Bill No. 1456
Assembly Bill No. 1824

Assembly Bill No. 1935
Assembly Bill No. 2054
Assembly Bill No. 2637

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 396

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 1071—An act to add Sections 30.5 and 38.1 to the Public Utility District Act, relating to the incurring of indebtedness by public utility districts and the manner of refinancing thereof, validating certain indebtedness heretofore incurred by public utility districts, and relating to making delinquent service charges a lien against the land for which such service was furnished, and be collectible as an assessment against such land.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2524—An act to amend Sections 799, 800 and 801 of the Penal Code, relating to time of commencing criminal actions.
And appointed Messrs. Houser, Frederick F. Carstensen and Potter as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 811—An act to add Section 114 to Chapter 1 of Division 1 of the Business and Professions Code, relating to licenses for persons who have served in the armed forces.

And appointed Messrs. Collins, Sam L. Dilworth and Waters as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 344
Senate Bill No. 519
Senate Bill No. 536
Senate Bill No. 559

Senate Bill No. 560
Senate Bill No. 796
Senate Bill No. 1020

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 723
Assembly Bill No. 946
Assembly Bill No. 1570
Assembly Bill No. 1620
Assembly Bill No. 1621
Assembly Bill No. 1626

Assembly Bill No. 2033
Assembly Bill No. 2325
Assembly Bill No. 2641
Assembly Bill No. 2652
Assembly Bill No. 930

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 4

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2654

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 723—An act to add Section 6363 to the Revenue and Taxation Code, Section 5.24 to the Retail Sales Tax Act of 1933, and Section 4.16 to the Use Tax Act of 1935, relating to the exemption of medicines and drugs.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 946—An act to add Section 6879 to the Public Resources Code, relating to State lands, to permit drilling of oil and gas wells under certain conditions.

Referred to Committee on Natural Resources.

Assembly Bill No. 1570—An act to require cooks, bus boys, waiters, waitresses, dish washers, dish dryers and domestic servants to obtain certificates that they are free from communicable diseases.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1620—An act to amend School Code Section 6.465, relating to the providing of textbooks to junior college students.

Referred to Committee on Education.

Assembly Bill No. 1621—An act to add Section 5.588 to the School Code, relating to the annual teachers institutes.

Referred to Committee on Education.

Assembly Bill No. 1626—An act to amend Section 2 of an act entitled "An act to define and limit the power of municipalities in assessing, levying or collecting taxes on motor vehicle carriers who are subject to the jurisdiction of the Railroad Commission of the State of California," approved July 25, 1939, relative to the power of municipalities in assessing, levying or collecting taxes on motor vehicles.

Referred to Committee on Local Government.

Assembly Bill No. 2033—An act to amend Section 9704 of the Elections Code and Sections 752 and 760 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to officers of fifth class cities, the election and qualification of such officers and the dates of meetings of boards of trustees.

Referred to Committee on Local Government.

Assembly Bill No. 2325—An act to add Section 124.5 to the Vehicle Code, relating to the service of members of the California Highway Patrol.

Referred to Committee on Transportation.

Assembly Bill No. 2641—An act to amend Sections 13552, 13600, 13601, 13606, 13607, 13613, 13652, 13655, 13727 and 13728 of the Health and Safety Code, relating to spotting, sponging and pressing establishments.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2652—An act to add Sections 115 and 116 to the Cemetery Brokerage Act, relating to persons licensed as cemetery brokers and cemetery salesmen entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Referred to Committee on Business and Professions.

Assembly Bill No. 930—An act to amend Section 10 of the Annexation of Uninhabited Territory Act of 1939, relating to the liability of annexed territory for indebtedness and contracts.

Referred to Committee on Local Government.

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment of Article XI of the Constitution of the State, by adding Section 4 thereto, relating to county consolidation.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2654—An act to amend Section 73b of the Code of Civil Procedure, relating to sessions of the superior court held in cities other than the county seat.

Referred to Committee on Judiciary.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 529

Senate Bill No. 1092

Senate Bill No. 801

Senate Bill No. 1122

Senate Constitutional Amendment No. 13

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered to unfinished business file

ASSEMBLY CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 484

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 484—An act to add a new section, to be numbered 53, to the Retail Sales Tax Act of 1933 and a new section, to be numbered 6384, to the Revenue and Taxation Code, both relating to the taxable status of certain sales to contractors; to defer final assessment and determination of sales and use taxes in certain instances, to define certain terms relating to said taxes, to declare the legislative intent with respect thereto, and providing that this act shall take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 484?

Amendment No. 1

On page 3, line 23, of the printed bill, as amended in the Senate May 27, 1941, strike out the period after "kind", and insert ", or on or before the date on which the assessment or determination becomes final whichever is the later."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 484 by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kuebel, Luckey, Mayo, McBride, Metzger, Myhand,

Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 205

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 401

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 110

Assembly Bill No. 928

Assembly Bill No. 1554

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

TICKLE, Chairman

Above reported bills ordered to second reading.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred:

Assembly Bill No. 1701

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

BROWN, Vice Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 937

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 4, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 972

Assembly Bill No. 1876

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

TICKLE, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Senator Tickle:

Senate Resolution No. 130

Resolved, That the following named person be, and he is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite his name, payable weekly, beginning June 5, 1941, and the Controller is hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same.

	<i>See days</i>
	<i>per week</i>
Bob Seawell, Assistant Sergeant at Arms	\$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Brown, Carter, Crutenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judd, Kappel, Lachey, McBride, Metzger, Myhand, Parkman, Powers, Quinn, Seawell, Slater, Swan, Sweng, and Tickle—25
 NOES—None.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 970—An act to amend Sections 911 and 916 of, and to add two new sections, to be numbered 914.5 and 916.5, to Article 1 of Chapter 5 of Division 5 of the Agricultural Code, relating to agricultural seeds.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1 of the printed bill, strike out all of line 16, and insert "lowing:
 Austrian field cress (*Rachicula austriaca*)
 Blueweed (*Helianthus ciliaris*)
 Camel thorn (*Alhagi camelorum*)
 Canada thistle (*Cirsium arvense*)
 Gaura (including wavy leaved gaura (*Gaura sinuata*), scarlet gaura (*G. coccinea*), scented gaura (*G. odorata*), and hairy gaura (*G. villosa*))
 Hoary cress (including *Lepidium draba*, and var. *repens*, and *Hymenophysa pubescens*)
 Horsenettle (including *Carolina* horsenettle (*Solanum carolinense*) and white horsenettle (*Solanum elaeagnifolium*))
 Klamath weed (*Hypericum perforatum*)
 Leafy spurge (*Euphorbia esula*)
 Perennial peppergrass (*Lepidium latifolium*)
 Perennial sow thistle (*Sonchus arvensis*)
 Quackgrass (*Agropyron repens*)
 Russian knapweed (*Centaurea repens*)."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 17 to 24, inclusive.

Amendment No. 3

On page 2 of the printed bill, strike out all of lines 1 to 3, inclusive.

Amendment No. 4

On page 2 of the printed bill, strike out all of line 7, and insert "example, the following:

Alkali mallow (*Sida hederacea*)
 Bermuda grass (*Cynodon dactylon*)

Dodder (including clover dodder (*Cuscuta epithymum*), field dodder (*C. pentagona*), flax dodder (*C. epithymum*), large-seeded alfalfa dodder (*C. indecora*), and small-seeded alfalfa dodder (*C. planiflora*))

Johnson grass (*Holcus halepensis*)

Nut grass (including *Cyperus esculentus* and *C. rotundus*)

Powery weed (*Gla. axillaris*)

Puncture vine (*Tribulus terrestris*)

Russian thistle (*Salsola kali*)

Sandbur grass (*Cenchrus pumilus*)

Wild morning glory or bind weed (*Convolvulus arvensis*)

Yellow star thistle (*Centauria solstitialis*) "

Amendment No. 5

On page 2 of the printed bill, strike out all of lines 8 to 17, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 308—An act to amend Section 54 of the Fish and Game Code, relating to game management.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Fish and Game:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "54", and insert "51".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "54", and insert "51".

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 17, inclusive, and insert

"51. If the commission is satisfied, after investigation, that the tract is suitable for the purpose of a game management area and that the establishment of such an area thereon will not conflict with the public interest, the commission may issue a game management area license upon the payment of a license fee of ten dollars (\$10). Such license shall be issued for a term of one year from [July 1 to June 30] January 1st to December 31st, or, if issued after the beginning of such term, for the remainder thereof.

The license shall authorize the licensee to shoot, or permit to be shot, legally propagated birds of the species mentioned in the application, upon the premises for which the license is issued.

The licensee shall propagate and rear, or otherwise acquire, and release upon the premises birds of the species referred to in the license in such numbers as the commission shall determine. Such birds at the time of release, shall be full winged and otherwise in condition to go wild."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 415—An act to amend Section 109 of the State Employees' Retirement Act, relating to a retirement system for employees and officers of the State of California, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

Senate Bill No. 1051—An act to add Section 862.5a to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, relating to powers of sixth class cities to acquire and develop park and recreational

facilities, and to issue revenue bonds therefor, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments.

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 6 inclusive and insert:

"An act creating the Palm Springs Winter Park Authority, vesting the powers and duties thereof, providing for the powers and duties of the State Department of Natural Resources in connection therewith and authorizing the Department of Natural Resources to cooperate with the authority in authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, construction and maintenance of ski quonets and all facilities necessary or convenient for the Winter sports, providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act, appropriating such proceeds and of revenues received from the operation of the projects to the uses and purposes set forth herein."

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 23, inclusive; and on page 2, strike out lines 1 to 18, inclusive, and insert:

CHAPTER 1. POLICY

SECTION 1.1. It is hereby declared to be the policy of the State of California to foster and develop the greatest possible use of the natural facilities of State parks and to provide for the acquisition, construction, completion, maintenance and operation of all works and property necessary or convenient therefor. There is in the State Park System Mount San Jacinto State Park, which is owned by the State and which is ideally situated for Winter sports, including skiing, tobogganing, sledding and skating, and which affords unlimited opportunities for facilities erected in a snow area immediately adjacent to the desert recreational area of Palm Springs. These conditions are special and peculiar to this park and do not exist in any other park in the State Park System. Mount San Jacinto State Park is now practically inaccessible and in order to raise funds for its improvement and to make effective the purposes hereinabove declared, it is essential that a special authority be created to raise the necessary funds in the manner in this act provided to acquire, construct and complete essential improvements to this State park and to operate and maintain the same as in this act provided and thereby make available to the people of the State of California the Winter recreational facilities of Mount San Jacinto State Park.

CHAPTER 2. DEFINITIONS

SEC. 2.1. When the terms defined in this chapter are used in this act, they have the meanings ascribed to them in this chapter unless the context of this act expressly provides to the contrary.

SEC. 2.2. "Authority" as used in this act means the Palm Springs Winter Park Authority created by this act.

SEC. 2.3. "Department of Natural Resources" as used in this act means the Department of Natural Resources of the State of California, or any successor in office.

SEC. 2.4. "State Park Commission" as used in this act means the State Park Commission of the State of California, or any successor in office.

SEC. 2.5. "Bonds" as used in this act means the written evidence of any obligation incurred by the authority payable out of revenues as provided in this act in order to secure funds with which to carry out the purposes of this act irrespective of the form of such obligations, whether in the form of bonds, notes, debentures, interest-bearing certificates or other forms prescribed by the authority.

SEC. 2.6. "Indenture" as used in this act means an agreement entered into by the authority pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the authority or by other instrument.

SEC. 2.7. "Improvement," "project," or "works, properties or other structures" as used in this act means any improvement of any kind or character authorized by this act and acquired, constructed or completed in whole or in part by or for the authority, whether consisting of physical properties or any interest therein or rights thereto, but in any proceedings for the issuance of bonds for the purpose of acquiring, constructing or completing any project the authority may define the project to be so acquired, constructed or completed, and in that event the term "project" shall then apply only to the project so defined in such proceedings by the authority.

SEC. 2.8. The term "bondholder" or "holder of bonds" or any similar term shall mean any person who shall be the bearer of any outstanding revenue bond or bonds, registered to bearer, or not registered, or the registered owner of any such outstanding revenue bond or bonds which shall at the time be registered other than to bearer.

SEC. 2.9. The term "revenues" as used in this act shall mean all fees, tolls, rates, rentals or other income and revenue actually received or receivable by or for the account of the authority from the operation of the project, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from the sale of any securities and any consideration in any way derived from any properties owned, operated or at any time maintained by the authority.

SEC. 2.10. The term "City of Palm Springs" means the City of Palm Springs, a municipal corporation of the State of California and situated in the County of Riverside in said State.

SEC. 2.11. The term "city council" means the city council and governing board of the City of Palm Springs.

SEC. 2.12. The term "person" as used in this act includes any individual, firm, copartnership, association, corporation, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, as defined in this act.

SEC. 2.13. The term "public corporation" as used in this act means any county, city and county, city, town, municipal corporation, district of any kind or class, or political subdivision of this State and also any agency or authority of this State.

SEC. 2.14. As used in this act:

(a) The present tense includes the past and future tenses; and the future, the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural, and the plural the singular.

(d) "Shall" is mandatory and "may" is permissive.

CHAPTER 3. PALM SPRINGS WINTER PARK AUTHORITY CREATION AND ORGANIZATION

SEC. 3.1. There is hereby created the Palm Springs Winter Park Authority, composed of the Director of Natural Resources of the State of California, the Chairman of the State Park Commission of the State of California, two members appointed by the city council of the City of Palm Springs and one member appointed by the board of supervisors of Riverside County. The members appointed shall serve for a term of four years from the date of their appointment and until their successors have been appointed as above specified; provided, that any member appointed to serve in lieu of an appointed member on account of death, resignation or disability of such member, shall serve only for the unexpired term of such member. In the event the office of Director of Natural Resources of the State of California, Chairman of the State Park Commission of the State of California, or either of them hereafter be discontinued or abolished by law, then the Governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office. In the event the city council of Palm Springs shall fail within six months from and after the date of enactment of this act, to appoint any member of the authority as herein provided, the Governor of the State of California shall make such appointment. In the event the board of supervisors of Riverside County shall fail, within six months from and after the date of enactment of this act, to appoint a member of the authority as herein provided, the city council of Palm Springs shall make such appointment, and if the city council of Palm Springs fails to make such appointment within ninety (90) days thereafter, the Governor of the State of California shall make such appointment. In the event the city council shall fail to fill any vacancy in the authority within sixty (60) days after such vacancy is created, the same shall be filled by appointment by the Governor of the State of California. In the event the board of supervisors of Riverside County shall fail to fill any vacancy in the authority within sixty (60) days after such vacancy is created, the same shall be filled by appointment by the city council of Palm Springs, and if the city council of Palm Springs fails to make such appointment within thirty (30) days thereafter, the Governor of the State of California shall make such appointment.

SEC. 3.2. The authority is a public agency and public corporation of the State of California.

SEC. 3.3. The territorial jurisdiction of the authority is limited to the following sections in T. 3, 4 and 5 S., R. 3 and 4 E., S. B. B. & M.:

Secs. 28, 29, 30, 31, 32, 33, 34 and 35, T. 3 S., R. 3 E., S. B. B. & M.

Secs. 1 to 36, inclusive, T. 4 S., R. 3 E., S. B. B. & M.

Secs. 3, 4, 5, 6, 7 and 8, T. 4 S., R. 4 E., S. B. B. & M.

Secs. 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 14, N. $\frac{1}{2}$ 15 and N. $\frac{1}{2}$ 16, T. 5 S., R. 3 E., S. B. B. & M.

The territorial limits of the authority shall not be diminished or decreased so long as any bonds issued under this act are outstanding and unpaid.

SEC. 3.4. The members of the authority shall be entitled to reasonable compensation for services rendered to the authority together with their reasonable necessary traveling expenses incurred while on business of the authority, payable exclusively out of the funds of the authority available therefor.

SEC. 3.5. The authority shall appoint a chairman and secretary, and may also appoint or employ a manager, auditor and such other, engineering and clerical assistance as may be deemed necessary or desirable, and shall provide for their compensation out of funds of the authority available for that purpose. The authority may employ a fiscal agent or clerk and may utilize the services of such agents as may be deemed advisable to assist in the collection and distribution of the authority's bonds or the underwriting thereof.

SEC. 3.6. A majority of the members of the authority constitute a quorum for the transaction of business and may act for the authority.

SEC. 3.7. The authority may act at any regular meeting or special meeting called pursuant to such rules and regulations as the authority may adopt and may act without a meeting by an instrument in writing signed by all members of the authority. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

SEC. 3.8. The authority shall maintain an office in the City of Palm Springs, Riverside County, State of California.

SEC. 3.9. The authority may adopt a seal to be impressed upon its instruments, and may provide for the impression of such seal by written or lithographic facsimile thereof. Any executed instrument bearing the seal of the authority shall be prima facie evidence of its execution by the authority and that its execution was duly, regularly and legally authorized by the authority.

CHAPTER 4. GENERAL POWERS

SEC. 4.1. The authority has perpetual succession.

SEC. 4.2. The authority may sue and be sued in all courts of competent jurisdiction.

SEC. 4.3. The authority may acquire by grant, purchase, condemnation, gift, devise or lease, and may hold, use, sell, lease or dispose of any real and personal property necessary for the full exercise, enjoyment or useful for the carrying on of, any of its powers pursuant to the provisions of this act.

SEC. 4.4. The authority may acquire, construct or complete roads, highways, trams, tramways, actual cableways, smoking, bathing, parking areas, ski areas, areas for tobogganing, coasting, snowshoeing, sledding, ice skating, ski huts, hotels, pensions, lodges, restaurants, homes, bathhouses and all other works, properties and structures necessary, convenient or useful for the development of winter sports, and any other recreational facilities within the territorial limits of the authority as defined in Section 3.3. It may also acquire or construct and operate and maintain water supplies, and power and drainage systems, necessary, convenient, or useful to the proper purposes of the authority, but only where water supply, power or drainage facilities are not then available from established private utilities operating under the jurisdiction of the California Railroad Commission, provided, that such facilities for auxiliary or standby service may be required, constructed, operated and maintained to supplement service from such established private utilities. It may operate and maintain said improvements and also all cars, engines, machinery, cables, tramways, buses, and other transportation facilities necessary or convenient to make accessible to the public the winter snow area of Mount San Jacinto, and may exercise all rights and privileges necessary or incidental thereto; provided, that no hotels, pensions, lodges, or restaurants shall be acquired or constructed in Secs. 3, 4, 5, 6, 7 and 8, T. 4 S., R. 4 E., S. B. B. & M.

SEC. 4.5. The authority, subject to the approval of the State Park Commission, may fix rates, tolls, charges, rents or other charges for the use of any facilities acquired, constructed, operated or maintained by the authority and may alter, change or modify the same, subject also to any contractual obligation which may be entered into by the authority with respect to the fixing of such rates, charges, rentals or tolls.

SEC. 4.6. The authority, subject to the approval of the State Park Commission, may enter into covenants to maintain minimum rates or charges, or rates or charges sufficient to service the outstanding obligations of the authority, if any. It may also, subject to the approval of the State Park Commission, enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any obligations of the authority.

SEC. 4.7. The authority may enter into contracts with the State Park Commission covering the care, maintenance and control of any of its properties in Mount San Jacinto State Park, the construction, operation, maintenance of recreational facilities thereon, and particularly with reference to the construction, operation, maintenance and repair of tramways, upshis, ski tows and all other recreational facilities, including ski houses, ski huts, hotels, restaurants and other accommodations for the public making use of the facilities acquired, constructed or completed by the authority in Mount San Jacinto State Park. Such contract may further provide for the care, maintenance and control of all winter recreational facilities, including transportation facilities acquired, constructed or completed by the authority and the payment of the expenses thereof from any fund available to the authority

or to the State Park Commission and may further provide for the granting to said authority of easements across State park property for such rights of way as may be necessary for the construction, operation, and maintenance of the transportation facilities acquired, constructed, or completed under this act. Nothing herein or in said contract shall obligate the State to appropriate any moneys for the payment of any expenses of the authority, but nothing herein shall prevent the State from making appropriations for the purposes hereof, as the Legislature may deem proper.

SEC. 4.8. The authority may exercise the right of eminent domain for the condemnation of private property or any right or interest therein for its use. It may take any property necessary for the purposes set forth in this act, but lands belonging to the State of California, and private property already appropriated to public use, which use is available to the authority from an established private utility under the Rules and Regulations of the California Railroad Commission shall not be subject to condemnation hereunder. The use of any property, or rights or interests therein, necessary or useful for the purposes of the authority, within the territorial jurisdiction of the authority as defined in Section 3.3 is hereby declared to be a superior and permanent right and necessity, and a more necessary use and purpose than the use or purpose to which such property has already been appropriated or dedicated, except a public use or purpose already served by an established private utility or utilities operating under the jurisdiction of the California Railroad Commission, but lands belonging to the State of California shall not be subject to condemnation hereunder.

SEC. 4.9. Whenever the authority shall determine to exercise the right of eminent domain, it shall first adopt a resolution declaring that the public interest and necessity require the acquisition, construction or completion of any property, real, personal or mixed, rights, franchises or easements. Such resolution shall be conclusive evidence:

(a) Of the public necessity of such acquisition, construction or completion;

(b) That such property, franchises, rights, privileges or easements are, and that the acquisition of the fee or other interest therein is, necessary therefor; and

(c) That such proposed acquisition, construction or completion is planned or located in a manner which will be most compatible for the greatest public good and the least private injury.

It shall not be necessary in any eminent domain proceeding under this act to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution of public interest and necessity describing the property sought to be taken and directing such eminent domain proceeding.

SEC. 4.10. The authority has, and is hereby granted all rights of way deemed by the authority necessary or advisable upon which to construct, locate and maintain the transportation facilities, tramways, up skis or other transportation facilities which may be acquired, constructed or completed under this act through, over, under, on or across any property of this State, including all highways now or hereafter owned, opened or dedicated to or for public use and howsoever acquired, and through, over, under, on or across streets, lanes, alleys and roads now or hereafter opened or dedicated to or for public use and howsoever acquired which are now or may be within the County of Riverside or any incorporated city or town, public or municipal corporation, district or political subdivision of this State within the County of Riverside; provided, however, that no existing public highway shall be closed nor shall tolls be collected for the use thereof unless appropriate proceedings are first taken for the vacation or abandonment of such highway by the authorities in charge thereof; and provided further, that this grant shall not apply to property of the State of California located within the territorial limits of Mount San Jacinto State Park, excepting upon the express consent of the State Park Commission. In the event the use by the authority of any existing public highway necessitates changes therein or expenditures thereon, the cost thereof shall be borne by the authority. The authority is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to the State or any agency or political subdivision thereof to construct or maintain roads, highways or other crossings over any public or private lands.

SEC. 4.11. The authority may contract with any department or agency of the United States of America or of the State of California upon such terms and conditions as the authority finds is for the authority's best interests.

SEC. 4.12. The authority may make contracts, leases and agreements with any person or public corporation and may generally perform all acts necessary for the full exercise of the powers vested in it.

SEC. 4.13. The authority may sell, lease, convey or otherwise dispose of any of its rights, interests or properties after the purposes for which they were acquired have been fully satisfied. It may sell, lease or otherwise dispose of, at any time, any surplus materials or other property not needed for its requirements or for the purpose of carrying out this act.

SEC. 4.14. The authority is authorized to give publicity to and to advertise the winter recreational facilities of Mount San Jacinto State Park, and to promote the use thereof and the development of the project constructed by the authority.

SEC. 4.15. The authority may adopt such rules and regulations as may be necessary to enable it to exercise the powers and perform the duties conferred or imposed upon it by this act.

CHAPTER 5. REVENUE BONDS

SEC. 5.1. The authority may issue revenue bonds for the acquisition, construction or completion of any works, property or infrastructure necessary or convenient to carry out the objects and purposes of this act; provided, that the total amount of bonds outstanding shall not be in excess of three million dollars (\$3,000,000) at any one time.

SEC. 5.2. Each separate improvement shall be designated as a "project" and the purpose, nature and extent thereof shall be described in general terms prior to the issuance of any bonds.

SEC. 5.3. The validity of the authorization and issuance of any revenue bonds by the authority is not dependent on any approval by any state or local body.

(a) Proceedings taken by the authority for the acquisition, construction or completion of any improvement or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction or completion of any improvement.

(c) The failure to complete any improvements for which bonds are authorized to be issued.

SEC. 5.4. The authority shall issue revenue bonds in its name. These bonds shall constitute obligations of the authority only, and neither the payment of the principal or interest of any such bond constitutes a debt, liability or obligation of the State of California, or of the City of Palm Springs. Any bonds issued by the authority shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation of the State.

SEC. 5.5. The authority shall determine the name, form and number of the issuance of revenue bonds.

SEC. 5.6. The authority may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rate, conversions, terms, registration transfer and interchange of such bonds and coupons and the terms and conditions upon which the same shall be created, issued, secured, sold, paid, redeemed, funded and refunded. Reference to the face of the bonds to such indenture by its date of adoption, or the printed date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the face of the bonds and their appurtenant coupons. Each holder or assignee holder of the bonds or coupons, whether the coupons are detached or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

SEC. 5.7. An indenture pursuant to which bonds are issued may include such covenants and agreements on the part of the authority as the authority deems necessary or advisable for the better security of the bonds issued thereunder.

SEC. 5.8. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay or cause to be paid periodically the principal of all such bonds and the interest thereon on the date or dates of the place or places, and in the manner mentioned in such bonds and in the coupons appurtenant thereto in accordance with such indenture.

SEC. 5.9. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to continuously operate all improvements acquired, constructed, or completed, in whole or in part, from the proceeds of the bonds in an efficient and economical manner.

SEC. 5.10. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to make all needed and necessary repairs, renewals and replacements to any improvements and to keep them at all times in good repair, working order and condition.

SEC. 5.11. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

SEC. 5.12. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any improvements acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 5.13. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts or prohibits any right, power or privilege of the authority to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of such improvement, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

SEC. 5.14. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to fix, prescribe and collect rates, tolls, rentals or other charges in connection with the services and facilities furnished from the improvements acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the improvements, and with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement.

SEC. 5.15. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to hold in trust the revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the indenture.

SEC. 5.16. An indenture may include a clause limiting the power of the authority to apply the proceeds of the sale of any issue of bonds for the acquiring, constructing, or completing of any improvement or any part thereof, or more than one of such improvements.

SEC. 5.17. An indenture may include a clause limiting the power of the authority to issue additional bonds for the purpose of acquiring, constructing or completing any improvement or any part thereof.

SEC. 5.18. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on any improvement, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

SEC. 5.19. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the authority then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 5.20. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the authority of any of the covenants, conditions, or obligations contained in any indenture.

SEC. 5.21. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the authority and the vote or written assent of the holders of a specified principal amount of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the authority may agree that bonds held by the authority, by any department, political subdivision or agency of the State of California, or by any public corporation, municipality, district or political subdivision shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 5.22. The indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable.

SEC. 5.23. The authority may designate a bank or trust company, qualified to do business in this State, as a trustee for the authority and the holders of bonds issued hereunder, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

SEC. 5.24. The authority shall fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues collected for or on account of the authority. The authority shall prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

SEC. 5.25. The authority may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the authority, at or prior to the issue thereof. The authority may provide for successive issues or may provide for one maximum issue.

Sec. 5.26. Bonds may be issued as coupon bonds or as registered bonds. The authority may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the authority may determine.

Sec. 5.27. Bonds shall bear interest at a rate of not to exceed six (6) per cent per annum, payable annually or semiannually or in part annually and in part semiannually. Prior to the issuance of bonds the authority may fix limitations or restrictions on the payment of interest.

Sec. 5.28. Bonds may be callable upon such terms, conditions and upon such notice as the authority may determine, and upon the payment of the premium fixed by the authority in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

Sec. 5.29. The authority may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

Sec. 5.30. The authority may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signatures of officers of the authority, and by additional authentication by a trustee or fiscal agent appointed by the authority. If any of the officers whose signatures or authentications appear upon the bonds or coupons come to be officers before the delivery of the bonds or coupons, their signatures or authentications are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

Sec. 5.31. Bonds shall bear dates prescribed by the authority. Bonds may be serial bonds or sinking fund bonds with such maturities as the authority may determine. No bond by its terms shall mature in more than 50 years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date bonds authorized shall be determined from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Sec. 5.32. The authority may fix terms and conditions for the sale, or other disposition of any authorized issue of bonds. The authority may sell bonds at less than their par or face value but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) per cent per annum, payable semiannually, according to standard tables of bond values.

Sec. 5.33. The authority may provide for the security of bonds. The authority may also provide for the payment of bonds out of any appropriations or other funds contributed to the authority by the State of California, the United States of America, or by any department or agency of either thereof. However, nothing in this act shall obligate the State of California to make any appropriation for that purpose.

Sec. 5.34. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

Sec. 5.35. The authority may provide in the proceedings for the issuance of bonds that the bonds and the interest thereon constitute such lien upon the revenues of any project acquired, constructed or completed from the proceeds thereof as may be provided for in the indenture.

Sec. 5.36. Pending the actual issuance or delivery of revenue bonds, the authority may issue temporary or interim bonds, certificates or receipts of any denomination whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

Sec. 5.37. All bonds, and the interest or income therefrom, are exempt from all taxation in this State other than gift, inheritance and estate taxes.

Sec. 5.38. The bonds issued under this act are subject to investigation and certification by the California Districts Securities Commission under the California Districts Securities Commission Act as such act reads or is hereafter amended to read. If the commission determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the commission certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds and as security for the deposit of public funds in banks in the State of California in the same manner as is provided in the California Districts Securities Commission Act.

Sec. 5.39. The authority may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the authority. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

SEC. 5.40. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

SEC. 5.41. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 5.42. Prior to the issuance of any bonds, the authority may commence in the Superior Court of the State of California, in and for the County of Riverside, a special proceeding to determine the right to issue the bonds and their validity. Such proceeding shall be instituted and prosecuted in the same manner as provided by Sections 68 to 71, inclusive, of the California Irrigation District Act, as those sections now read or may hereafter be amended to read, and these sections apply to and govern all such proceedings instituted under this act. Such proceeding is a proceeding in rem and the judgment rendered therein is conclusive against all persons whomsoever and against the State of California.

CHAPTER 6. ACQUISITION, CONSTRUCTION AND COMPLETION OF PROJECT

SEC. 6.1. Whenever in the judgment of the authority it is advisable that any project be acquired, constructed or completed, in whole or in part, it shall cause a report thereon to be made which shall include:

(a) An estimate of the probable cost of the acquisition, construction and completion, including all incidental expenses, engineering, legal and administrative, during construction;

(b) An estimate of the probable sources of income and the amount thereof;

(c) An estimate of the cost of maintenance and future operation upon completion, including the cost of all repairs, administrative and overhead charges.

The expense of the preparation of such report shall be paid by the authority out of any funds available, including the proceeds of revenue bonds thereafter issued.

SEC. 6.2. If the report is approved by the authority, the authority may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction or completion of the project, authorizing such acquisition, construction or completion, and may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the authority to be sufficient for such purpose.

SEC. 6.3. The authority has full charge of the acquisition, construction and completion of all projects authorized by it and may proceed with such work forthwith.

SEC. 6.4. The authority may construct any project and acquire all property necessary therefor on such terms and conditions as it deems advisable. The authority, without awarding a contract for the construction of any project, may do the work directly and may purchase materials, hire labor and do all other things necessary for the doing of the work. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the authority, the portion of the cost thereof to be borne by the authority may be turned over to the Government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the project. Construction contracts entered into by the authority shall not be subject to the provisions of the State Contract Act and shall be governed solely by the provisions of this act, except that the provisions of an act entitled "An act to secure the payment of claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as now or hereafter amended, are hereby expressly made applicable to any project under this act. Any such contracts may be entered into in such manner and upon such terms as the authority deems advisable.

SEC. 6.5. Title to all property acquired by the authority, and the revenues and income therefrom, is in the name of the City of Palm Springs. The title to any moneys, revenues, sinking funds, reserve funds and other funds of the authority and the income thereof pledged to the payment of the principal of and interest on any bonds issued hereunder is subject to the trusts hereby created in favor of the bondholders. All such property, and the income therefrom, are exempt from all taxation by the State or by any county, city and county, city, municipality, district, political subdivision or public corporation thereof. Notwithstanding the vesting of title as herein provided, the management, operation and control of all improvements

required, constructed or completed by the authority shall continue to be vested in the authority and the power, right, franchises and duties of the authority with respect thereto shall not be interrupted, except that with respect to any property or improvement in Mount San Jacinto State Park the right of possession, control, maintenance and operation thereof by the authority shall be subject to reversion on such terms and conditions as may be agreed upon between the authority and the State Park Commission pursuant to any agreement hereunder. The authority and the State Park Commission under which such improvements within said State park were acquired, constructed or completed.

SEC. 6.6. So long as any, but not more than one, of the following are outstanding and unpaid, the operation, maintenance, control, custody, possession, use, enjoyment and improvement of any project acquired, constructed or completed under the provisions of this act are vested in the authority, to-wit: (1) the provisions of Sections 4.5 and 4.6 hereof and to the provisions of any contract between the authority and the State Park Commission entered into under the provisions of Section 4.7 hereof; provided, that the authority may enter into any agreement with the State Park Commission pursuant to which the State Park Commission shall be issued in whole or in part, with such duties as may be agreed upon hereunder, the authority, and the State Park Commission, shall incur such expenses and relieve the authority from any obligation assumed to the holders of its revenue bonds and its liability on proceedings for the issuance of such bonds.

SEC. 6.7. The authority may use for the payment of the acquisition and construction or completion of any project and funds made available to the authority to be expended for the accomplishing of the purposes set forth in this act or the proceeds of revenue bonds issued and sold by the authority. If the authority shall request the Department of Public Works to construct or complete any project, the authority shall pay, from funds available to it hereunder, the actual expenses of the Department of Public Works incurred in connection therewith.

SEC. 6.8. The authority may insure against any accident to or destruction of any project or any part thereof. Any money collected on such insurance shall be used for the purpose of repairing or rebuilding the property damaged, destroyed or destroyed, or for the retirement of any revenue bonds issued in connection therewith which may be outstanding undepended, as may be agreed upon by the authority and the indenture authorizing the issuance of the bonds.

SEC. 6.9. The authority may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

SEC. 6.10. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, or other protection of such character as may be specified, and for the payment of the premiums thereon.

CHAPTER 7. RATES, TOLLS, CHARGES AND FEES

SEC. 7.1. The authority, subject to the approval of the State Park Commission as provided in Sections 4.5 and 4.6 of this act, shall fix the rates of toll and other charges for all transportation facilities furnished and Winter sport and other recreational facilities acquired, constructed or completed under the terms of this act, for the use thereof by any persons utilizing such facilities. Subject to such contractual obligations as may be entered into by the authority and the holders of the revenue bonds issued under this act, the authority, subject to the approval of the State Park Commission, is authorized to change rates of toll, charges and fees from time to time as conditions warrant. All tolls, rates and charges shall be at all times fixed to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding hereunder, as the same become due. The bond redemption and interest payments shall constitute a first, direct and exclusive charge and lien on all such tolls, rates and charges and other revenues and interest thereon, and sinking funds created therefrom, received from the use and operation of the project for the acquisition, construction or completion of which such revenue bonds were issued, and all such tolls, rates, charges and other revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. Such rates, tolls, charges and fees as minimum rates, tolls, charges and fees subject to increase or decrease only in accordance with the terms of the indenture under which the revenue bonds are issued.

SEC. 7.2. The authority may lease concessions for such period of time, not exceeding twenty five (25) years, as may be agreed upon by the contracting parties, but no such lease of concessions within the territorial limits of Mount San Jacinto State Park shall be entered into without the approval of the State Park Commission.

SEC. 7.3. Every contract entered into by the authority for the use of any project or part thereof acquired, constructed or completed from the proceeds of the sale of revenue bonds shall incorporate by reference the provisions of any indenture pur-

suant to which the bonds have issued. Every such contract or lease shall also refer to the provisions of this act with respect to the obligation of the authority to fix rates, tolls, charges and fees to meet the payments provided for in this act and in the proceedings for the issuance of revenue bonds, and all payments required to be made to the authority under such contract shall be subject to increase if and when the authority is required to increase rates to meet its obligations hereunder and under any indenture providing for the issuance of bonds.

CHAPTER 8. COMPETITIVE PROJECTS

SEC. 8.1. The authority may include, in an indenture for the issuance of revenue bonds, a clause that no competitive projects will be acquired or constructed by the authority in, near or adjacent to Mount San Jacinto State Park so long as any of the bonds of the authority are issued under any such indenture and then outstanding. Such limitation shall be valid and binding upon the authority, the State Park Commission and the State of California.

SEC. 8.2. The authority may also include in the indenture for the issuance of bonds a clause that no project acquired, constructed or completed from the proceeds of revenue bonds issued by the authority shall be used without charge therefor or be furnished free of charge to any person, including the State of California or any political subdivision thereof, or any public corporation or individual, other than employees of the authority or of the State of California or other public body actually engaged in rendering service to the authority in connection with the project.

SEC. 8.3. The State of California hereby agrees that, as long as any of the bonds issued hereunder for the acquisition, construction or completion of any tramway, cableway, or other means of transportation up and along the slopes of Mount San Jacinto are outstanding and unpaid, it will not directly or indirectly construct or permit the construction of any tramway, cableway or railroad whatsoever, or any road or highway or other means of transportation to Mount San Jacinto State Park which can reasonably be shown to be in competition with the facilities of the authority. The provisions of this section shall be binding upon the County of Riverside, the State of California Highway Commission, and upon all agencies, departments or instrumentalities of this State, and the prohibition of this section shall restrict and limit the powers of the Legislature of the State of California in respect of the matters herein mentioned as long as any of such bonds are outstanding and unpaid, and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds; provided, however, that nothing contained in this section is in any way limiting the authority of the State of California or any of its agencies, departments, or instrumentalities from constructing necessary fire trails, fire breaks, truck trails and the like, which shall not be open to public travel.

CHAPTER 9. RIGHTS OF BONDHOLDERS

SEC. 9.1. The holder of any bond issued pursuant to this act may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the authority or upon any State department, official or employee, or assumed by any thereof, their officers, agents or employees, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of tolls, rates, charges, fees and all other revenues derived from the operation and use of any project, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this act. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this act.

SEC. 9.2. While any revenue bonds issued by the authority remain outstanding, the powers, duties and existence of the authority, of the Department of Natural Resources, and of any other agency or official of the State having powers or duties under this act shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of the bonds.

CHAPTER 10. CONTRIBUTIONS AND COOPERATION

SEC. 10.1. The authority may accept contributions or appropriations from the United States of America, the State of California, or any department or agency of either thereof, or from any county, city and county, city, political subdivision, agency, district or other public corporation of this State.

SEC. 10.2. The authority may enter into any contract, arrangement or agreement with any other public agency and may cooperate with any other public agency for the development of the recreational facilities of Mount San Jacinto State Park.

SEC. 10.3. Any public corporation of this State may cooperate and enter into contracts with the authority for the acquisition, construction, completion, maintenance, operation, repair, joint or otherwise, and in whole or in part, of any project for the improvement of the Winter recreational facilities of Mount San Jacinto State Park. In connection with any such cooperation or contract, any such public corporation may make public contributions to the authority as in the

judgment of the governing board of the public corporation, or necessary or proper for its undertaking, and the authority may reimburse such public corporation for any such advance or contribution from the proceeds of the sale of revenue bonds or any other funds available to the authority. Any agreement made by the authority for such reimbursement of advances or contributions made by it shall be valid and enforceable against the authority. Any such public corporation shall also authorize, aid and assist the authority to carry out any activity which such public corporation is by law authorized to perform and carry out on its own behalf, in respect to the recreational facilities afforded to its own inhabitants by the action of the authority.

CHAPTER 11. FINES.

SEC. 11.1. The proceeds from the sale of all bonds authorized under the provisions of this act may be paid upon the demand of the authority either to the Treasurer of the State of California to the credit of the construction fund or a special trust fund for the account of the authority, or may be paid over to the bank or trust company designated as the fiscal agent and depository of the authority, as in this act provided.

SEC. 11.2. There is hereby created in the State Treasury a fund to be known as the "Palm Springs Winter Park Authority Construction Fund," in the event the proceeds of the sale of bonds authorized under this act shall be paid to the Treasurer of the State of California. Such construction fund shall at all times be kept separate and apart from all other funds and shall be held by the State Treasurer as a special fund for the account of the authority. The moneys in the construction fund are hereby made available and appropriated for, and shall be paid out and disbursed solely for the construction of projects pursuant to the provisions of this act, including surveys, preparation of plans and specifications, and for the payment of all other costs and expenses, prior to and during construction, including the acquisition of necessary rights of way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering, legal and administrative costs as provided by the authority in the proceedings for the issuance of such bonds. The Controller of the State of California is hereby authorized and directed to draw warrants upon the moneys in the construction fund upon the demand of the authority, and such demand shall be conclusive upon the Controller and shall not require further audit, nor shall the Controller be liable for drawing any warrant upon the construction fund upon the demand of the authority.

SEC. 11.3. In the event the proceeds of the sale of bonds are deposited in a special construction fund in the State Treasury, such moneys may be deposited as demand deposits in such depository or depositories as may be authorized by law to receive deposits of State funds.

SEC. 11.4. If any surplus shall exist in the construction fund after the payment in full of all costs of acquisition, construction and completion of the project for which the revenue bonds were issued, the same shall, upon the demand of the authority, be paid to or for the account of the authority subject to any agreement which may be made by the authority in any indenture for the issuance of the revenue bonds with respect to the application of such surplus.

SEC. 11.5. In lieu of depositing the proceeds of sale of said bonds with the State Treasurer, the authority may, in any indenture or proceedings for the issuance of bonds, designate a trustee or fiscal agent, which shall be a bank or trust company, or banks or trust companies, duly qualified to do business in this State, to receive the proceeds of such revenue bonds and to hold the same to the credit of a fund to be designated as the "Palm Springs Winter Park Authority Construction Fund," which fund shall be kept segregated and set apart from all other funds and shall be paid out and disbursed solely upon the application and demand of the authority.

SEC. 11.6. The authority may provide for the payment of interest becoming due and payable on the revenue bonds prior to and during the period of actual construction of the project for which the bonds are issued, and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two (2) years after the completion of the construction, and for the payment of all costs and expenses of administration during a period of one year after the completion of construction of the project shall be made out of the construction fund as the need therefor shall arise, and any moneys in the construction fund are hereby made available for such purposes.

SEC. 11.7. Moneys in the construction fund, whether held in the State Treasury or in any fiscal agency or depository of the authority, not required to meet acquisition or construction costs or expenses payable from the construction fund, or interest on the bonds, may be invested in bonds and other obligations eligible for investment of surplus State moneys; subject to such limitations as may be provided in the proceedings authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the construction fund for the benefit of the authority.

SEC. 11.8. All revenues received from the operation of the project acquired or constructed or completed by the authority may be paid over by the authority either to the State Treasurer or to any fiscal agent or depository appointed by the authority.

SEC. 11.9. If the revenues are paid over by the authority to the State Treasurer, the same shall be held by the State Treasurer in a special fund and applied exclusively for the account of the authority. Said special fund is hereby designated "Palm Springs Winter Park Authority Revenue Fund." The moneys in the revenue fund shall be deposited by the State Treasurer in time or demand deposits in such depository or depositories as may be authorized by law to receive deposit of State funds, to the credit of the revenue fund, or may be invested in such bonds or obligations as are by law legal investments for State moneys, subject to such limitations and restrictions as may be provided in the indenture under which bonds of the authority are issued and outstanding. Any income or interest received upon such deposits or investments shall be added to the revenue fund and accrue to the benefit of the authority. The moneys in the revenue fund held by the State Treasurer are hereby appropriated and made available for the payment of the principal of and interest on all bonds issued by the authority under the provisions of this act, as and when such principal and interest shall become due, and for the creation of any reserve fund or other special fund provided by the authority in the proceedings for the issuance of said bonds, and also for the payment of all costs and expenses for the maintenance and operation of the project, engineering, legal and administrative costs and for all repairs and replacements and other costs and expenses of the authority. Moneys in the revenue fund held by the State Treasurer shall be withdrawn upon demand of the authority and the Controller is hereby authorized and directed to draw warrants against such revenue bonds upon the demand of the authority. The Controller shall not be liable for the auditing of such warrants or the withdrawal of any moneys from the revenue fund on the demand of the authority.

SEC. 11.10. In lieu of deposit of the revenues received from the project with the State Treasurer, the authority may deposit all such revenues at any bank or trust company appointed depository or fiscal agent of the authority in the proceedings for the issuance of the bonds, and if such fiscal agent or depository is so appointed the authority shall provide for the collection of all revenues and for the receipt and disbursement thereof by the fiscal agent. The authority may, in its absolute discretion, fix the terms and conditions upon which the trustee or trustees or fiscal agent or depository shall receive, hold and disburse such revenues, and may prescribe the duties and powers of such fiscal agent, trustee or trustees or depository in the indenture or other proceedings for the issuance of the bonds.

SEC. 11.11. In the event the proceeds of the sale of the bonds or any revenues of the authority are deposited with the State Treasurer, such funds shall be kept separate and distinct from all other funds in the State Treasury and no moneys in the construction fund or the revenue fund may be loaned or in any way used other than pursuant to the provisions of this act.

SEC. 11.12. Any expenses incurred by the Department of Public Works in the making of surveys or the construction of projects pursuant to the provisions of this act at the instructions of the authority may be paid out of the construction fund and there is hereby made available for the payment of such expenses and appropriated out of the construction fund all amounts necessary to meet such expenses.

SEC. 11.13. All expenses incurred by the State Park Commission in the operation and maintenance of projects under the supervision of the authority pursuant to any agreement between the authority and the State Park Commission shall be payable out of the revenue fund and there is hereby made available and appropriated out of the revenue fund such amount as may be necessary to pay such expenses incurred pursuant to such agreement by the State Park Commission.

CHAPTER 12. GENERAL AUTHORITY

SEC. 12.1. The authority, and its officers and agents, the Department of Natural Resources, the Department of Public Works, the State Park Commission, the State Board of Forestry, and all other State officials and departments, may perform such acts and enter into such agreements with the authority, not inconsistent with law, as may be necessary or desirable in connection with the duties and powers conferred upon the authority by this act, in the matter of acquiring, constructing, completing, maintaining, operating, repairing or insuring or replacing any project acquired, constructed or completed under this act, for the safeguarding of funds and revenues required for the purposes of this act, and for the payment of the revenue bonds issued pursuant to this act.

CHAPTER 13. CONSTRUCTION AND INTERPRETATION

SEC. 13.1. This act shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this act set forth.

SEC. 13.2. The Legislature hereby declares that the acquisition, construction and completion of Winter and other recreational facilities in Mount San Jacinto State Park are essential due to the special and peculiar conditions relating to that park which are not common to any other State park in the State of California. No general law can be made applicable to the carrying out of the objects and purposes of this act, and the facts and circumstances relative to the improvement of

the Mount San Jacinto State Park require the adoption of a special act and the creation of a special authority, and that act is intended to accomplish that purpose.

SEC. 13.3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity or enforceability of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

SEC. 13.4. This act shall not operate to rescind or repeal any other act of the State of California providing for the issuance of revenue bonds or the creation of any other authority for any other purpose.

CHAPTER 14. SHORT TITLE

SEC. 14.1. This act shall be known and cited as the "Palm Springs Winter Park Authority Act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 1026—An act to amend the Agricultural Code by adding a new section thereto to be numbered 796.3, by amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1463—An act to amend Section 92 of the Agricultural Code, relating to district agricultural fairs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2626—An act to amend Section 239 of the Agricultural Code, relating to bovine tuberculosis indemnities.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1119—An act to amend Section 123 of the Agricultural Code, relating to shipments of nursery stock.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1147—An act to amend Section 1083 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1717—An act to amend Sections 736.1 and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 736.1 and", and insert "Section".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out all of lines 1 to 27, inclusive.

Amendment No. 3

On page 2 of the printed bill, as amended, strike out all of lines 1 to 31, inclusive.

Amendment No. 4

On page 3 of the printed bill, as amended, strike out all of lines 1 to 9, inclusive.

Amendment No. 5

On page 3, line 10, of the printed bill, as amended, strike out "SEC. 2", and insert "SECTION 1".

Amendment No. 6

On page 3 of the printed bill, as amended, strike out all of line 18, and insert "mean prices at which fluid milk and fluid cream, or any".

Amendment No. 7

On page 3, line 23, of the printed bill, as amended, strike out "or", and insert "and".

Amendment No. 8

On page 3 of the printed bill, as amended, strike out line 26, and insert "at which fluid milk and fluid cream shall be sold by".

Amendment No. 9

On page 3 of the printed bill, as amended, strike out all of line 34, and insert "prices at which fluid milk and fluid cream or any com-".

Amendment No. 10

On page 4 of the printed bill, following line 1, insert

"In establishing minimum wholesale and minimum retail prices for such cream the director shall comply with the standards prescribed in Section 736.12 of this code for establishing minimum wholesale and minimum retail prices, and, in any marketing area wherein a stabilization and marketing plan for fluid cream is not established, shall use as the cost of such cream, delivered at plants of distributors engaged in the distribution of fluid cream in the marketing area, the average of the prices for such fluid cream paid by them to representative wholesale cream jobbing distributors."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1716—An act to amend Sections 735.3, 735.4, 736.3, 736.13, 736.14, 737.5, 737.7 and 737.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 2 of the printed bill, strike out lines 12 and 13, and insert "in the manufacture of butter and cheese other than cottage cheese."

Amendment No. 2

On page 2 of the printed bill, strike out lines 20 and 21, inclusive, and insert " (c) "Fluid cream" means any and all cream defined in this code as cream and which conforms to the health and sanitary regulations of the place where such cream is to be sold or disposed of for human consumption".

Amendment No. 3

On page 2 of the printed bill, strike out lines 42 to 46, inclusive, and insert "Any retail store that is not engaged in processing and packaging fluid milk or fluid cream, (2) any establishment where fluid milk or fluid cream is sold only for consumption on the premises, that is not engaged in processing and packaging fluid milk or fluid cream, (3) any person owned or controlled by one or more retail stores, or owned or controlled by one or more establishments where fluid milk or fluid cream is sold for consumption on the premises which person is not actively and directly engaged in the processing and packaging of fluid milk or fluid cream, (4) any producer who delivers fluid".

Amendment No. 4

On page 9 of the printed bill, strike out lines 3 to 32, inclusive, and insert "not more than two mills (\$.002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.007) for each 10 gallons of fluid milk received by distributor, including the production of distributors who are also producers.

If the program is instituted by distributors the director is hereby empowered to require distributors to pay assessments of not more than two mills (\$.0002) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.0007) for each 10 gallons of fluid milk received by distributors, including the production of distributors who are also producers.

If the program is instituted by both producers and distributors, the director is hereby empowered to require both producers and distributors to pay assessments for the purpose of providing funds for formulating, administering and carrying on such program. The assessments to be paid by distributors shall not exceed three mills (\$.0003) per pound milk fat, or if the program is instituted upon a gallonage basis not more than seven mills (\$.0007) for each 10 gallons of fluid milk received by distributors including the production of distributors who are likewise producers. Assessments of not more than two mills (\$.0002) per pound milk fat, or if the program is instituted upon a gallonage basis, not more than seven mills (\$.0007) for each 10 gallons of fluid milk produced by producers and received by distributors, shall likewise be paid by producers. In no instance shall the combined assessments exceed four mills (\$.0004) per pound milk fat, or if the program is instituted upon a gallonage basis not more than 14 mills (\$.0014) for each 10 gallons of fluid milk."

Amendment No. 5

On page 12 of the printed bill, strike out line 36, and insert "minimum retail price is in effect shall file with the".

Amendment No. 6

On page 15, line 52, of the printed bill, as amended, strike out "resale".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1889—An act to add Section 288.1 to the Penal Code, relating to punishment for crimes against children.

Bill read second time, and ordered to third reading.

Assembly Bill No. 159—An act to amend Section 919 of the Fish and Game Code, relating to bait nets.

Bill read second time, and ordered to third reading.

Assembly Bill No. 476—An act to add Section 170.1 of the Fish and Game Code, relating to fish and game refuges and preserves.

Bill read second time, and ordered to third reading.

Assembly Bill No. 912—An act to amend Section 159 of the Fish and Game Code, relating to Fish and Game District 3H.

Bill read second time, and ordered to third reading.

Assembly Bill No. 913—An act to amend Section 1270 and to repeal Section 1270.5 of the Fish and Game Code, relating to deer seasons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2105—An act to add Section 39 to the Fish and Game Code, relating to the powers of the commission to determine and fix the bag limits for migratory birds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2300—An act to amend Section 2 of the Fish and Game Code, relating to definitions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Fish and Game:

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, strike out "part", and insert "meat".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1019—An act to add a new section to the Probate Code to be numbered 1020.1 and to repeal Sections 530, 530.1 and 1201a of the Probate Code, all relating to assignments and transfers of an interest in the estate of a decedent by heirs, devisees and legatees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1274—An act to amend Sections 158, 162, 178, 179, 183 and 226 of, and to add Section 195.5 to, the Vehicle Code, relating to the registration of vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1071—An act to amend Sections 26472, 26520 and 26541 of, and add Section 26540.2 to the Health and Safety Code, relating to adulterating, mislabeling, misbranding, false advertising and sale of foods and the powers of the State Department of Public Health in relation thereto.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1309—An act to add Section 155.5 to the Welfare and Institutions Code, relating to the Whittier State School.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1075—An act to amend Sections 4, 4A, 5A, 6, 7, 9 and 13 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries under the State Board of Health," approved May 23, 1925, relating to the regulation of canneries and costs of inspection thereof.

Bill read second time.

Motion to Amend

Senator Biggar moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 10, of the printed bill, strike out "thou".

Amendment No. 2

On page 2, line 11, of the printed bill, strike out "sand cases", and insert "case".

Amendment No. 3

On page 2, line 11, of the printed bill, strike out "or per man hour,".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2015—An act to amend Section 72 of the Agricultural Code, relating to the Division of Exhibits in the Department of Finance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1635—An act to repeal and add Section 4101.5 of the Revenue and Taxation Code, relating to property taxation, and the redemption of property, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1057—An act to repeal Chapter 14, comprising Sections 8500 to 8578, inclusive, of, and to add Chapter 14, comprising Sections 8500 to 8677, inclusive, to, Division 3 of the Business and Professions Code, relating to the regulation of structural pest control.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1181—An act to add Section 136d to the Bank Act, relating to the disposition of property held as trustee or in safe keeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1302—An act regulating the installation and maintenance of plumbing and disposal systems in the unincorporated areas of the State of California.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1 of the printed bill, after line 4, insert "ordinances or laws regulating the construction, installation, alteration and use of public and house connection sewers and also shall not apply to"

Amendment No. 2

On page 1 of the printed bill, after line 22, insert "Nothing herein contained shall be construed as affecting ordinances or laws regulating the construction, installation, alteration and use of public and house connection sewers."

Amendment No. 3

On page 2 of the printed bill, after line 46, insert "House connection sewer shall mean that part of the horizontal piping beginning twelve (12) inches from the exterior wall of the building and extending to its connection with the public sewer."

Amendment No. 4

On page 3 of the printed bill, after line 3, insert "Public sewer shall mean any sewer other than a house connection sewer, which has been accepted by the county authorities."

Amendment No. 5

On page 4, line 8, of the printed bill, strike out "three", and insert "every plumbing system in, under, or within one foot, meas".

Amendment No. 6

On page 4, line 12, of the printed bill, strike out "three", and insert "drainage line of any plumbing system from a point one foot".

Amendments read and adopted.

Bill ordered printed, and to third reading.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 4, 1941

To the Honorable Members of the Senate

GREETINGS: Will the Senate advise and consent to the following appointment to the State Board of Prison Directors:

Henry B. Cramer, vice Hugh Lovett Spears, deceased; for the term ending January 12, 1948.

Henry B. Cramer, 50 years of age, is a native son of California. He was educated in the public schools of San Diego. He has been in the baking business since his youth, having taken over the bakery established by his father in 1891. He is now serving as president of the Interstate Bakers Corporation.

Mr. Cramer is a member of the Native Sons of the Golden West, the American Legion, and he is a Thirty-second Degree Mason.

Mr. Cramer is widely and favorably known for his interest in civic activities in his community and for his advocacy of business administration of State institutions.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 4, 1941

*To the Honorable Members of the Senate**State of California, Sacramento, California*

GREETINGS: Pursuant to the amendment to Article IV of Section 25½ of the Constitution, as adopted by the people on November 5, 1940, I herewith submit for confirmation by the Senate the following members of the Fish and Game Commission:

Edwin L. Carty, for the term ending January 15, 1943;

Germain J. Buleke, for the term ending January 15, 1944;

Nate F. Milnor, for the term ending January 15, 1945;

Lee F. Payne, for the term ending January 15, 1946;

W. B. Williams, for the term ending January 15, 1947.

Edwin L. Carty

Edwin L. Carty was born in Santa Barbara, California, in 1897, and attended the public schools of this State and the University of California at Davis.

For the past 26 years he has been a ranch owner and operator and a licensed real estate broker. He has been active in the Ventura County Rod and Gun Club, the Southern Council of Conservation Clubs, the States Sportsmen Council, and for the past 35 years has been an active participant in fishing and hunting activities throughout the Western States.

Mr. Carty's present address is Oxnard, Ventura County, California.

Germain J. Buleke

Germain J. Buleke was born in West Flanders, Belgium, in 1902, and was educated in public schools and college at Bruges, Belgium. He came to the United States in 1920 and has been a naturalized citizen since 1926.

Mr. Buleke has been employed as a longshoreman in San Francisco, and from 1937 to 1939 served as President of the International Longshore and Warehousemen's Union. He is presently secretary-treasurer of the San Francisco District Industrial Union Council.

He has been widely known for his activities among groups of sportsmen and his hobbies are hunting and fishing. From August to December, 1940, he served voluntarily as Acting Executive Officer to the Fish and Game Commission.

Mr. Buleke's address is 1595 Thomas Avenue, San Francisco.

Nate F. Milnor

Nate F. Milnor was born in Warrensville, Pennsylvania, in 1882 and attended public schools in that State.

From 1903 to 1907 he was associated with the Singer Sewing Machine Company as its foreign travel representative; from 1907 to 1912 he was superintendent of sales for the Oliver Typewriter Company of New York; from 1912 to 1920 he was general sales manager of the Columbia Phonograph Company of New York.

Since 1921 Mr. Milnor has been a resident of California, where he founded and served as president of the mercantile establishments in California, Mexico and Hawaii which bear his name.

Mr. Milnor has been an active sportsman and has participated in hunting and fishing activities in many parts of the world.

His home is in Mono County.

Lee F. Payne

Lee F. Payne was born in Los Angeles in 1901 and attended public schools in that city and the University of California at Los Angeles.

For the past 24 years he has been a newspaperman, for the past six years serving as managing editor of the *News of Los Angeles*.

Mr. Payne has been a fresh water fisherman since 1912 and has actively studied conservation since 1930. He has a very large private library on the study of fish.

In addition he has been interested in the breeding of upland game birds and since 1937 has carried on his own breeding pen operations with particular reference to gambel quail and chukar partridges.

His home is in Los Angeles.

W. B. Williams

W. B. Williams was born near Boonville, Mississippi, in 1891. He attended public schools in Texas and first served as an employee of the Texas Central Railroad. Subsequently he engaged in retail business in Hamlin, Texas, until 1924, at which time he came to California and organized the retail business at Alturas, Modoc County, which he now operates.

Mr. Williams is prominently identified with many community enterprises, including church, lodges, chamber of commerce and his county tax association.

Mr. Williams has been a member of the National Rifle Association and is widely known for his hunting, fishing and shooting activities. He has taken great interest in conservation problems and has voluntarily assisted the Department of Natural Resources in that field.

Respectfully submitted.

CLEBERT L. OLSON, Governor of California

Referred to Committee on Rules

MOTION TO HAVE COMMITTEE ON RULES INVESTIGATE STATUS OF THE MUTUAL NEWS SERVICE

Senator Swing moved that the Committee on Rules investigate the status of Earl G. Waters, representing the Mutual News Service.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 257—An act to amend Section 380.51 of, and to add Sections 333.5 to, the Agricultural Code, relating to brands.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 257?

Amendment No. 1

On page 1, line 4, of the printed bill, as amended, after "animal," insert "An animal may be branded on the neck by the owner, provided the animal already bears a brand recorded by the owner."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 257 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tinkle, and Wagy—30.

NOTES—None.

Above bill ordered enrolled.

Senate Bill No. 54—An act to amend Sections 271 and 290, and to repeal Section 168, of the Fish and Game Code, relating to Silver Lake Game Refuge.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 54?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "Sections 271 and 290, and to repeal Section 168," and insert "Section 271".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 and 2.

Amendment No. 3

On page 1, line 3, of the printed bill, strike out "SEC. 2", and insert "SECTION 1".

Amendment No. 4

On page 1 of the printed bill, strike out lines 12 to 26, inclusive, and strike out all of page 2.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 54 by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagye—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 101—An act to amend Section 4274 of the Political Code, relating to compensation for public services in counties of the forty-fifth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 101?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4274", and insert "4275".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "fifth", and insert "sixth".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4274", and insert "4275".

Amendment No. 4

On page 1, line 3, of the printed bill, as amended, strike out all of line 3, and insert "4275. In counties of the forty-sixth class the following".

Amendment No. 5

On page 1, lines 5 and 6, of the printed bill, as amended, strike out "salaries, to wit", and insert "sums".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 101 by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, and Wagye—30.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 102—An act to amend Section 4281 of the Political Code, relating to compensation of county and township officers in counties of the fifty-second class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 102?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4281", and insert "4279".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "of county and township officers", and insert "for public services".

Amendment No. 3

In line 3 of the title of the printed bill, as amended, strike out "fifty-second", and insert "fiftieth".

Amendment No. 4

On page 1, line 1, of the printed bill, as amended, strike out "4281", and insert "4279".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out all of line 3, and in line 4, strike out "officers", and insert "4279. In counties of the fiftieth class the following".

Amendment No. 6

On page 1, line 6, of the printed bill, as amended, strike out "salaries to wit", and insert "sums".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 102 by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 188—An act to amend Section 688 of the Code of Civil Procedure, relating to property subject to execution.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 188?

Amendment No. 1

In line 1 of the title of the printed bill, following "of", insert "and to add Section 688.1 to".

Amendment No. 2

On page 1 of the printed bill, following line 25, insert

"SEC. 2. Section 688.1 is hereby added to the Code of Civil Procedure, to read as follows:

688.1. Upon motion of a judgment creditor of a plaintiff or plaintiffs in an action or special proceeding made in the court in which the action or proceeding is pending, the court, judge, or justice thereof may, in his discretion, order that the judgment creditor be granted a lien upon the cause of action and upon any judgment subsequently procured in such action or proceeding, and, during the pendency of said action, may permit said judgment creditor to intervene therein. Such judgment creditor shall have a lien to the extent of his judgment upon all moneys recovered by his judgment debtor in such action or proceeding, and no compromise, settlement, or satisfaction shall be entered into by or on behalf of said debtor without the consent of said judgment creditor, unless his lien is sooner satisfied or discharged. The clerk or justice of the court shall indorse upon the judgment recovered in such action or proceeding a statement of the existence of the lien, the date of the entry of the order creating the lien, and the place where entered, and any abstract issued upon the judgment shall contain, in addition to the matters set forth in Section 674 of the Code of Civil Procedure, a statement of the lien in favor of such judgment creditor."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 188 by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—27.

NOES—Senators Foley, and Swan—2.

Above bill ordered enrolled.

Senate Bill No. 3—An act to amend Sections 50 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the

definition of unladen weight and the payment of weight fees for commercial vehicles.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 3?

Amendment No. 1

On page 1 of the printed bill, as amended, between lines 14 and 15, insert "Removable boards or rails installed on or attached to the body or chassis of a commercial vehicle and used occasionally for convenience in transporting property do not constitute a part of the unladen weight of a vehicle."

Amendment No. 2

On page 2, line 18, of the printed bill, as amended, strike out "3,000", and insert "3,300".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 23 to 28, inclusive, and insert "less than 6,000".

Also:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 16 to 18, inclusive, and insert "or chassis of a commercial vehicle weighing unladen 3,300 pounds or less do not constitute a part of the unladen weight of the vehicle."

Amendment No. 2

On page 2, line 27, of the printed bill, as amended, strike out "limited hereunder to"; strike out all of line 28; and in line 29, strike out "exceeding 26,000 pounds", and insert "equipped with not more than two axles".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out line 31; and in line 32, strike out "and load of not exceeding 26,000 pounds", and insert "equipped with not more than two axles".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out line 34; and in line 35, strike out "and load in excess of 26,000 pounds", and insert "equipped with three or more axles".

Amendment No. 5

On page 2, line 41, of the printed bill, as amended, after "weights", insert "and axles".

Also:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "50", insert ", 81".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, after "unladen weight", insert ", the definition of street or highway".

Amendment No. 3

On page 1 of the printed bill, as amended, after line 20, insert "Sec. 15. Section 81 of the Vehicle Code is hereby amended to read as follows: 81. "Street" or "Highway." "Street" or "highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

"Street" or "highway" is also a privately owned or maintained way or place of whatever nature within the boundaries of any private airport while open to the use of the public for purposes of vehicular travel."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 3 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of an act entitled "An act to define collection agencies;

to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1005?

Amendment No. 1

On page 2 of the printed bill, as amended, strike out line 45, and insert "the partner, director or trustee thereof signing the application is a qualified officer of the State."

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 46 to 50, inclusive, and in line 51, strike out "of such applications", and insert "The applicant shall state that the applicant, if an individual, or the signer thereof, if the applicant is a partnership, voluntary association or corporation, is to be actively in charge of the business for which such license is sought."

Amendment No. 3

On page 3, line 6, of the printed bill, as amended, strike out "applicant", and insert "person who signed such application".

Amendment No. 4

On page 3, line 7, of the printed bill, as amended, strike out "the filing of such application", and insert "the date of execution thereof".

Amendment No. 4a

On page 3, line 9, of the printed bill, as amended, strike out "the appl. "; and in line 10, strike out "cant," and insert "such person".

Amendment No. 4b

On page 3, line 17, of the printed bill, as amended, strike out the comma, and insert a semicolon.

Amendment No. 5

On page 3 of the printed bill, as amended, strike out lines 25 to 43, inclusive.

Amendment No. 6

On page 3, line 46, of the printed bill, as amended, strike out "After May 1, 1941, no", and insert "No".

Amendment No. 6a

On page 3, line 48, of the printed bill, as amended, strike out the comma.

Amendment No. 7

On page 3, line 50, of the printed bill, as amended, strike out ", except that", and insert a period; and strike out lines 51 and 52.

Amendment No. 8

On page 4 of the printed bill, as amended, strike out lines 1 to 4, inclusive.

Amendment No. 9

On page 4, line 12, of the printed bill, as amended, strike out "as hereinafter provided", and insert "and passes the examination herein provided for. Any other person may take such examination upon filing with the Secretary of State an application, in such form as may be required by rules established hereunder, which shall show among other things that he possesses the qualifications herein required."

Amendment No. 10

On page 4, line 16, of the printed bill as amended, strike out "provide", and insert "require".

Amendment No. 11

On page 4, line 24, of the printed bill, as amended, strike out "and have passed an"; and strike out line 25.

Amendment No. 12

On page 4, line 31, of the printed bill, as amended, strike out "as herein named".

Amendment No. 13

On page 5 of the printed bill, as amended, strike out lines 38 to 47, inclusive, and insert "Subject to the provisions of this act, any application herein provided for may be executed by any person who has passed such examination."

Amendment No. 14

On page 6, line 21, of the printed bill, as amended, strike out "Such bonds may be"; also strike out lines 22 to 24, inclusive, and insert "such".

Amendment No. 15

On page 6 of the printed bill, as amended, strike out line 27, and insert "and for any renewals thereof, as provided in Section 2852 of the Civil Code, unless terminated or".

Amendment No. 16

On page 6, line 28, of the printed bill, as amended, after "canceled", insert "by action of the surety as provided by law or".

Amendment No. 17

On page 6, line 33, of the printed bill, as amended, strike out "and any surety company may file with"; strike out lines 34 to 37, inclusive; and in line 38, strike out "in Section 10 hereof".

Amendment No. 18

On page 6, line 41, of the printed bill, as amended, strike out the period and insert "and shall forthwith advise any licensee for whom such company acted as surety of the fact of such cancellation, by collect telegram addressed to the licensee at the main office thereof, as shown by his records, whereupon the license of such licensee shall become suspended, subject to the right of such licensee, within 30 days thereafter, to file with the Secretary of State the bond heretofore provided for, and upon the filing of such new bond the right of such licensee to conduct a collection agency shall forthwith be restored."

Amendment No. 19

On page 6 of the printed bill, as amended, strike out all of lines 42 to 51, inclusive, and insert "Upon the filing of notice with the Secretary of State by any surety company of its withdrawal as the surety of any licensee pursuant to Section 2851 of the Civil Code the Secretary of State shall forthwith give notice to the licensee of such withdrawal which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee, at the main office thereof, as shown by the records of the Secretary of State."

Amendment No. 20

On page 7 of the printed bill, as amended, strike out lines 1 to 4, inclusive, and insert "The license of any such licensee shall be void upon the termination of the bond of such surety company as provided in said section unless, prior to such termination, a new bond has been filed with the Secretary of State."

Amendment No. 21

On page 8, line 32, of the printed bill, as amended, strike out "of licensee", and insert "under which any licensee does business,".

Amendment No. 22

On page 8, line 36, of the printed bill, as amended, strike out "a fee of ten dollars (\$10).", and insert "a fee of ten dollars (\$10). Such license, if not deposited with the Secretary of State within such time, shall become and remain suspended until it has been so deposited."

Amendment No. 23

On page 8, line 40, of the printed bill, as amended, strike out "Any licensee", also strike out lines 41 and 42.

Amendment No. 24

On page 9 of the printed bill, as amended, strike out lines 3 to 11, inclusive, and insert "In case of the death of an individual licensee who leaves an established business as part of or all the assets of his estate or the dissolution of a licensed partnership by death or operation of law, the Secretary of State shall issue a license to a representative designated by the executor or administrator of such estate or by a majority of the surviving partners, respectively, notwithstanding the provisions of Sections 3 and 3a of this act, upon the filing by such representative of the bond herein provided for and upon payment of a fee of ten dollars (\$10). Such license shall be effective for a period of one year from the date thereof and shall not be renewed. The authority of such licensee is hereby limited to such activities as may be necessary to wind up the business of the former licensee."

Amendment No. 25

On page 9 of the printed bill, as amended, strike out lines 13 to 16, inclusive; and in line 17, strike out "an original application" and insert "may be made by any licensee hereunder. Such application shall state the location and address of such branch office and the name and address of the person to be in charge thereof, who must have passed the examination provided for in Section 3a unless the original

license of such licensee was issued prior to May 2, 1941. Such application shall be accompanied by the bond required by Section 4. The fee required by Section 4 shall be paid for filing such application."

Amendment No. 26

On page 9, line 17, of the printed bill, as amended, strike out "Tiere branch office of a licensee"; and strike out lines 18 to 29, *in toto*, and insert:

"The person actively in charge of the main office or any branch office of any licensee whose original license was issued after May 1, 1941, must have passed the examination provided for in Section 3a. Whenever such person ceases to be in such charge the licensee shall so notify the Secretary of State in writing within 10 days from such cessation. If such notice is given the licensee shall remain in force for a reasonable period to be determined by rules adopted pursuant to the provisions of this act, provided, however, that at such time the licensee fails to so notify the Secretary of State within such 10 days, at the end of such time the license shall be *ipso facto* suspended; provided, however, that the license shall be reinstated upon the filing of an affidavit by the licensee, if an individual, or by a partner, trustee or director of the licensee, if a partnership, voluntary association or corporation, respectively, to the effect that the person formerly in charge of such office has been reexamined by another person who has passed such examination.

No person shall be eligible to be in charge of any such office if he was a former licensee under this act and suffered a revocation of his license after a hearing upon a complaint or upon written charges by the Superintendent of Collection Agencies or if he was a partner, trustee or director of a partnership, voluntary association or corporation, respectively, which was a former licensee under this act and which suffered a revocation of its license after such a hearing."

Amendment No. 27

On page 10, line 9, of the printed bill, as amended, strike out "upon his own motion and".

Amendment No. 28

On page 11 of the printed bill, as amended, strike out lines 17 and 18, and insert "to review by the superior court under the provisions of Chapter 1, Title 1, Part 3 of the Code of Civil Procedure. The party desiring such review shall file his petition therefor in the superior court within 20 days after service upon him of the order. A judgment of revocation of license by the superior court shall be subject to appeal or review in accordance with the provisions of law as to appeal from or review of judgments of superior courts."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1005 by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 660—An act to amend Section 820 of the Agricultural Code, relating to tomatoes.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 660?

Amendment No. 1

On page 1, line 10, of the printed bill, as amended, strike out "20", and insert "10".

Amendment No. 2

On page 1, line 16, of the printed bill, as amended, strike out "and wrapped."

Amendment No. 3

On page 1 of the printed bill, as amended, between lines 18 and 19, insert:

"When tomatoes are packed in containers which have straight sides, each layer shall consist of the same number of tomatoes except that when packed in standard container No. 27 with wide cleats on each end extending one-half inch or more over the inside edge of the end piece, and such cleats interfere with the packing of the top layer, the top layer may consist of one row less in length than the bottom layer or layers. However, in no case may the count of the bottom layer or layers be less than the top layer."

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 4 to 6, inclusive, and insert "real description of the pack in the top layer. If a bridge pack is used the designation "Bridge Pack" shall be imprinted in plain letters one inch in height and in plain sight on the lid of the container."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 660 by the following vote:

AYES. Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES. None.

Above bill ordered enrolled.

Senate Bill No. 828—An act to amend Section 4157 of the Public Resources Code, relating to the operation of steam-operated donkey, stationary engine, locomotive or loader in any forest or brush covered land and excluding the use and operation of internal combustion engines from the provisions of said section.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 828?

Amendment No. 1

On page 1, line 14, of the printed bill, strike out the period and the quotation marks, and insert "nor to steam locomotives being used in the business of a common carrier by railroad."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 828 by the following vote:

AYES. Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, McBride, McCormack, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES. None.

Above bill ordered enrolled.

Senate Bill No. 1048—An act to amend Sections 5.820, 5.831, and 5.832 of the School Code, and to repeal Section 5.833 of said code, all relating to the California State Teachers Retirement System.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1048?

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, after "at", strike out the comma.

Amendment No. 2

On page 1, line 13, of the printed bill, as amended, after "of", insert a comma.

Amendment No. 3

On page 2, line 14, of the printed bill, as amended, strike out "Amador", and insert "Alpine".

Amendment No. 4

On page 2, line 30, of the printed bill, as amended, after "than", insert "the member selected by the State Board of Education".

Amendment No. 5

On page 2, line 34, of the printed bill, as amended, strike out "Two members", and insert "One member".

Amendment No. 6

On page 2, line 36, of the printed bill, as amended, after "shall", insert ", except as otherwise herein provided,".

Amendment No. 7

On page 2, line 40, of the printed bill, as amended, strike out the period, and insert "to fill the vacancy if it shall have occurred in that class. In the event a vacancy occurs in the office held by a member selected by the State Board of Education, the said board shall fill such vacancy. In the event a vacancy occurs in the office held by an appointive member of the Retirement Investment Board, the Governor shall fill such vacancy for the unexpired term by the appointment of an active member of the Teachers Retirement System."

Amendment No. 8

On page 3, line 1, of the printed bill, as amended, strike out "committee", and insert "committees".

Amendment No. 9

On page 3, line 46, of the printed bill, as amended, strike out "5.382", and insert "5.832".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1048 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luekey, Mayo, Metzger, Mixer, Myland, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1058 An act to amend Section 4271 of the Political Code, relating to compensation for public services in counties of the forty-second class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1058?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4271", and insert "4272".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "second", and insert "third".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4271", and insert "4272".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 3 and 4, and insert "4272. In counties of the forty-third class the following shall receive as com-".

Amendment No. 5

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "salaries per diem and mileage, to wit", and insert "sums".

Amendment No. 6

On page 2 of the printed bill, as amended, strike out lines 3 to 24, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1058 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luekey, Mayo, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Above bill ordered enrolled.

APPOINTMENTS OF COMMITTEES ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swing, Carter and Keating as a Senate Committee on Conference concerning Assembly Bill No. 2524 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Breed, Kuchel and Fletcher as a Senate Committee on Conference concerning Assembly Bill No. 811 to meet a like committee of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Gordon, Jespersen and Ward as a Senate Committee on Conference concerning Senate Bill No. 3 to meet a like committee of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Collier moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1138 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Crittenden, ordered printed in the Journal:

COPY

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO, CALIFORNIA, May 29, 1941

Honorable Harrison W. Call, Assembly Chamber

State Capitol, Sacramento, California

SUBJECT: Assembly Bill No. 1325, as amended in Assembly May 28, 1941

REQUEST: No. 3867

DEAR MR. CALL:

You have requested that we compare Assembly Bill No. 1325, as amended May 28, 1941, with Senate Bill No. 1078, in its enrolled form, and advise you as to the differences existing between these two bills.

We have proffered the provisions of Assembly Bill No. 1325, as amended in Assembly May 28, 1941, against the provisions of Senate Bill No. 1078 in enrolled form. Following are the differences we have found between these two bills:

Assembly Bill No. 1325

Page 9, lines 9 to 12:

"For the purpose of this Section 13.16d, real property, contracts for the sale of real property, loans, and all other assets (whether like or unlike the foregoing) shall be valued at their fair market value."

Assembly Bill No. 1325

Page 6, at line 44:

"—provision quoted as being in Senate Bill No. 1078 is not contained, the paragraph commencing with "The court..."

Very truly yours,

Senate Bill No. 1078

Page 8, lines 1 to 6:

"For the purpose of this Section 13.16d, real property, contracts for the sale of real property, loans, and all other assets (whether like or unlike the foregoing) shall be valued at what may reasonably be expected to be realized therefrom in the orderly and proper conduct of a going business."

Senate Bill No. 1078

Page 8, lines 37 to 39:

"During the pendency of a proceeding under this Section 13.16d hearing upon any application under Section 13.12 may be stayed, in the discretion of the court; and the court..."

FRED B. WOOD, Legislative Counsel
By NORMAN MELLER, Assistant Counsel

Copy to authors, pursuant to Joint Rule No. 37.

MOTION TO SET SPECIAL ORDER

Senator Seawell moved that the reconsideration of the Governor's veto to Senate Bill No. 1078 be made a special order of business for Thursday, June 12, 1941, at 3 p.m.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 40

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FISKE, Assistant Clerk

Above resolution ordered to unfinished business file

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Jespersen moved that Assembly Bill No. 419 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Fletcher asked for, and was granted, unanimous consent to retain Senate Bill No. 413 on third reading file until the next legislative day.

President Pro Tempore of the Senate Presiding

At 3.20 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 1343 An act to amend Sections 8931, 8938, 8939 and 9100 and to repeal Section 9053 of, and to add Section 9055, to the Health and Safety Code, and to repeal Chapter 106 of the Statutes of 1909, relating to cemetery districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Judah, Kuehel, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tickle moved that Assembly Bill No. 2321 be taken from the inactive file, and placed on the second reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Seawell asked for, and was granted, unanimous consent to retain Assembly Bill No. 1511 on third reading file until the next legislative day.

REQUEST FOR UNANIMOUS CONSENT

Senator Kuehel asked for, and was granted, unanimous consent to retain Assembly Bill No. 2090 on third reading file until the next legislative day.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 301.—An act to amend Section 17086 of the Business and Professions Code or to amend Section 10 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to close-out sales.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Foley moved a call of the Senate.

Motion carried. Time, 3.38 p.m.

The President pro tempore directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1025.—An act to amend the Agricultural Code by adding a new section thereto to be numbered Section 796.2, by amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuebel, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1032.—An act to amend the Agricultural Code by amending Sections 795, 828, 828.5, 828.85, 829.1 thereof, by adding new sections thereto, to be numbered 795.1, 795.2, 796, 796.1, 828.83, and by repealing Sections 796 and 797 thereof; and to provide standards for oranges, grapefruit, lemons and other citrus fruits and for the enforcement thereof, to provide for mandatory standard containers for citrus fruits and the marking thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuebel, Luckey, McCormack, Metzger, Mixter, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1112—An act to add Sections 762.5 and 763.5 to, and to amend Sections 762, 763 and 765, of the Agricultural Code, and to amend Section 1 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the State Board of Health," approved May 23, 1925, relating to raw tomatoes, and the delivery, inspection, grading, and canning thereof and the rights and obligations of parties contracting in relation thereto.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jepsersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsersen, Judah, Keating, Kuebel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Senator DeLap Presiding

At 3.50 p.m., Hon. T. H. DeLap, of the Seventeenth District, presiding.

Assembly Bill No. 1571—An act to amend Section 658 of the Fish and Game Code, relating to the taking of salmon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Gordon, Jepsersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An act to amend Section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read third time.

Motion to Amend

Senator Quinn moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 17, of the printed bill, as amended May 23d, strike out "or crustaceans".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1120—An act to add Section 219.1 to the Penal Code, relating to the unlawful wrecking of motor vehicles operated by a common carrier and prescribing the punishment therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Mayo asked for, and was granted, unanimous consent to retain Assembly Bill No. 1117 on third reading file until the next legislative day.

President Pro Tempore of the Senate Presiding

At 4.05 p.m., Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

MOTION TO RE-REFER ASSEMBLY JOINT RESOLUTION NO. 51

Senator Tickle moved that Assembly Joint Resolution No. 51 be re-referred to Committee on Elections.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2036

Senator Collier moved that Assembly Bill No. 2036 be re-referred to Committee on Elections.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2494—An act to add Sections 11650, 11651, 11652 and 11653 to the Elections Code, relating to abuse of the initiative, referendum, and recall.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jaspersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 468—An act to amend Section 1161 of the Civil Code, relating to the recording of instruments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jaspersen, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 481—An act to add Section 2475 to the Business and Professions Code, relating to persons authorized to practice medicine and surgery under the jurisdiction of the Department of Institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Dillinger, Foley, Garrison, Jaspersen, Jones, Keating, Kitchel, Lusk, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Ward, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 788

Senator Tickle moved that Assembly Bill No. 788 be re-referred to Committee on Business and Professions.

The roll was called, and the motion lost by the following vote:

AYES—Senators Breed, Brown, DeLap, McCormack, Phillips, Rich, Swing, and Tickle—8.

NOES—Senators Carter, Crittenden, Jones, Lusk, Quinn, Garrison, Jaspersen, Judah, Keating, Kitchel, Lusk, Mayo, McBride, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, and Ward—21.

THIRD READING OF ASSEMBLY BILLS, RESUMED:

Assembly Bill No. 1315—An act to amend Section 672 of the Welfare and Institutions Code, relating to the establishment and maintenance of public schools in detention homes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kitchel, Lusk, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 957—An act to amend Section 1 of an act entitled "An act to promote the utilization of the water of streams in this State and for that purpose authorizing the storage of the same underground and the damming of streams and the flowage of lands in effecting such storage for beneficial use," approved May 23, 1919, relating to storage of water underground.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kitchel, Lusk, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 788—An act to amend Section 12200 of the Business and Professions Code, relating to terms of county sealers.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 8, of the printed bill, after "removed", insert "at the will of the appointing power, or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 855—An act to amend Section 28 $\frac{1}{2}$ of the California Irrigation District Act, relating to recall elections.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2631—An act to add Part 1.5, comprising Sections 5700 to 5784, inclusive, to Division 8 of the Harbors and Navigation Code, relating to the formation of harbor improvement districts in more than one county, providing for the issuance of bonds and the levying of taxes therefor, and for the management, maintenance and control thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2197—An act to repeal Part 2 of Division 13 of the Health and Safety Code, and to add a new Part 2 to said Division 13, relating to auto courts, and auto and trailer camps.

Bill read third time.

Motion to Amend

Senator Judah moved the adoption of the following amendment:

Amendment No. 1

On page 11 of the printed bill, as amended, between lines 44 and 45, insert "18721.5. This part does not apply to any hotel or apartment house which is subject to the provisions of Part 1 of this division."

Amendment read and adopted.

Bill ordered printed, and to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1297

Senator Collier moved that Assembly Bill No. 1297 be re-referred to Committee on Agriculture.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1067—An act to amend School Code Sections 5490 and 5491, and to repeal School Code Section 5492, relating to the employment of lecturers in public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Dillinger, Fletcher, Foley, Garrison, Gooden, Jorgensen, Keating, Kuebel, Luckey, Mayo, McPrade, Meyer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tiede, and Waggoner—32.

NOES—Senator Judah—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 457—An act to amend Section 1063 of the Fish and Game Code, relating to grades of fish and fish products.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Dillinger, Fletcher, Foley, Garrison, Keating, Kuebel, Luckey, Mayo, McPrade, Meyer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Tiede, and Waggoner—23.

NOES—Senators Bigger, Cunningham, Gooden, Jorgensen, Judah, Phillips, Rich, Slater, Swan, Swing, and Waggoner—12.

Motion to Reconsider

Senator Fletcher moved to reconsider the vote whereby Assembly Bill No. 457 was passed.

Postponement of Reconsideration

On motion of Senator Fletcher, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 457 was passed, was continued until the next legislative day.

Assembly Bill No. 799—An act to amend Section 1179 of the Fish and Game Code, relating to nongame birds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Dillinger, Fletcher, Foley, Garrison, Gooden, Jorgensen, Judah, Keating, Kuebel, Luckey, Mayo, McPrade, Meyer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tiede, Waggoner, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 571

Senator Myhand moved that Assembly Bill No. 571 be re-referred to Committee on Agriculture. Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 311—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles, including those operated by constables and deputy constables.

Bill read third time.

Motion to Amend

Senator Myhand moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, after "ambulance", insert "specially constructed and maintained exclusively for ambulance purposes."

Amendment No. 2

On page 1, line 23, of the printed bill, as amended, strike out "Director of the Department of Motor Vehicles", and insert "Chief of the California Highway Patrol".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out line 4, and insert "Chief of the California Highway Patrol;"

Amendments read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 5.37 p.m., on motion of Senator Foley, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 301 refused passage by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, McBride, Mixter, Quinn, Swan, and Swing—15.

NOES—Senators Breed, Brown, Collier, DeLap, Gordon, Keating, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Tickle, Waggy, and Ward—21.

Motion to Reconsider

Senator Foley moved to reconsider the vote whereby Assembly Bill No. 301 was refused passage.

Postponement of Reconsideration

On motion of Senator Foley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 301 was refused passage, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1283—An act to amend Sections 525, 543 and 553 of, to repeal Section 604 of, and to add Section 525.5 to the Vehicle Code, relating to the regulation of traffic.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1289

Senator Breed moved that Assembly Bill No. 1289 be re-referred to Committee on Transportation.

Motion carried.

Motion to Reconsider

Senator Kuchel moved to reconsider the vote whereby Assembly Bill No. 1289 was re-referred to Committee on Transportation.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Kuchel moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1289 was re-referred to Committee on Transportation.

Previous Question

Senator Gordon moved the previous question.

Motion carried.

The question being on the motion to reconsider the vote whereby Assembly Bill No. 1289 was re-referred to Committee on Transportation.

Reconsideration refused.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2128 - An act to amend Sections 39, 382 and 623 of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 50 and 51; and on page 3, strike out lines 1 and 2, and insert

- | | |
|--|---------|
| "(a) For a duplicate certificate of ownership or registrations card or equipment identification receipt | \$0 50 |
| (b) For any duplicate license plate or plates or substitute plate or plates, or equipment identification plates for the same vehicle | \$1 00 |
| (c) For a duplicate operator's or chauffeur's license | \$0 50" |

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 999 - An act to add Section 473B to the Political Code, relating to approval of rules and regulations by the Attorney General.

Bill read third time.

Motion to Amend

Senator Rich moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 13 and 14, insert

"Marketing agreements, marketing orders, marketing programs, or similar orders, which are not effective until approved in writing by two-thirds of the persons affected, and such rules or regulations authorized or provided for in such agreements, orders or programs as relate to changes in prices or allotments and which are expressly by such agreements, orders or programs exempted from the provisions of this section, issued or made effective by the Director of Agriculture pursuant to the provisions of the California Marketing Act of 1937, the California Agricultural Products Marketing Act of 1937, the Agricultural Prorate Act, or the Processed Food Stuff Marketing Act, shall not be construed as rules, regulations or orders within the meaning of this section."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 711—An act to add Section 311a to and to amend Sections 311, 312, 313 and 314 of the Penal Code, relating to public morals.

Bill read third time.

Motion to Amend

Senator Myhand moved the adoption of the following amendment:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out ", 312, 313 and 314", and insert "and 312".

Amendment read and adopted.

Bill ordered printed, and to third reading

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly respectfully requests that you return Assembly Bill No. 1192, an implied Appropriation Bill which was passed in error prior to final approval of the Budget.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

MOTION TO RETURN ASSEMBLY BILL NO. 1192 TO THE ASSEMBLY

Senator Seawell moved that Assembly Bill No. 1192 be returned to the Assembly for further action.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 106—An act to add Chapter VII, consisting of Sections 440 to 444, inclusive, to Part 1 of Division 4 of the School Code, relating to giving the assent of the State to an Act of Congress of the United States entitled "An act to promote the mining of potash on the public domain," approved February 7, 1927, and providing for the disposition of moneys received by the State thereunder;

Senate Bill No. 235—An act to add Article 4.5, comprising Sections 6551 to 6558, inclusive, and Sections 6594 and 6600.5 to Chapter 6 of Division 3 of the Business and Professions Code, relative to minimum price schedules for barbers;

Senate Bill No. 285—An act to amend Section 6062 of the Business and Professions Code, relating to admissions to the practice of law;

Senate Bill No. 446—An act to repeal Section 171 of the Fish and Game Code, relating to Fish and Game District 1U;

Senate Bill No. 458—An act to amend Section 714 of the Probate Code, relating to actions on rejected claims;

Senate Bill No. 470—An act to amend Section 493 of the Fish and Game Code, relating to fishing hours;

Senate Bill No. 471—An act to amend Section 1230 of the Fish and Game Code, relating to predatory mammals;

Senate Bill No. 474—An act to amend Section 458 of the Fish and Game Code, relating to export of deer or game birds;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 538—An act to amend School Code Section 6320, relating to the ordering of State textbooks by heads of State institutions;

Senate Bill No. 875—An act to amend Sections 9 and 26 of the California Water Storage District Act, relating to voting in California water storage districts.

Senate Bill No. 1013—An act to amend Section 11227 of the Health and Safety Code, relating to fire protection districts in unincorporated areas and the inclusion of contiguous territory therein.

Senate Bill No. 1181—An act to add Section 3725 to the Agricultural Code, relating to reports by railroad corporations as to animals killed by trains.

Senate Bill No. 1321—An act to amend Section 4202 of the Political Code, relating to compensation for public services in counties of the twenty-third class. And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of June, 1941, at 3 p.m.

RICH, Chairman

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2606

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1163

Has had the same under consideration, and reports the same back with amendment with the recommendation: Amend, and re-refer to committee.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 763

Assembly Bill No. 2380

Assembly Bill No. 2541

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 641

Assembly Bill No. 643

Assembly Bill No. 1193

Assembly Bill No. 1633

Assembly Bill No. 1869

Assembly Bill No. 2421

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 1962

Assembly Bill No. 2152

Assembly Bill No. 2218

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 1060

Assembly Bill No. 1966

Assembly Bill No. 1162

Assembly Bill No. 2221

Assembly Bill No. 1729

Assembly Bill No. 2323

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Senate Bill No. 1342

Assembly Bill No. 1875

Assembly Bill No. 2643

Assembly Bill No. 2206

Assembly Bill No. 2440

Assembly Bill No. 2386

Assembly Bill No. 817

Assembly Bill No. 2640

Assembly Bill No. 1189

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

POWERS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Local Government, to which was referred:

Assembly Bill No. 2402

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

POWERS, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Senate Bill No. 1344

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1132

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 8; absent 1.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

RECESS

At 6.07 p.m., on motion of Senator Swing, the Senate recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Senate reconvened

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Slater moved a call of the Senate.

Motion carried.

Time, 8.32 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Bill No. 195—An act to add Section 17 to the Unemployment Relief Appropriation Act of 1940, relating to the record of hardship and destitution due to and caused by unemployment and the administration thereof, providing terms and conditions upon which such relief may be granted, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

And reports that the same has been correctly enrolled and presented to the Governor on the fifth day of June, 1941, at 11 a.m.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 165

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Field, Potter and Lowrey as a Committee on Conference concerning:

Senate Bill No. 3—An act to amend Sections 50 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight and the payment of weight fees for commercial vehicles.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1175

Assembly Bill No. 2657

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1175—An act to provide that Sections 100 to 130, inclusive, of the Welfare and Institutions Code shall constitute and

comprise Article 1 of Chapter 1 of Division 1 of said code, to add an article heading to said article, to add Article 2, comprising Sections 135 to 138, to Chapter 1 of Division 1 of the Welfare and Institutions Code, relating to the administration of aid for welfare purposes, and to make an appropriation therefor, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2657—An act to amend Section 2187 of the Welfare and Institutions Code, relating to aid to the aged, to take effect immediately.

Referred to Committee on Welfare and Institutions.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2493—An act to amend Section 164 of the Vehicle Code, relating to license plates for vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Myhand, Quinn, Rich, Slater, Wagy, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2342—An act to add Section 511.5 to the Vehicle Code, relating to speed limits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Luckey, Mayo, McBride, Mixter, Myhand, Quinn, Rich, Slater, Swan, Tickle, Wagy, and Ward—23.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 9.10 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Constitutional Amendment No. 61—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 22 to Article V, relating to the compensation of State officers.

Resolution read.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 9.13 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 355—An act to amend Section 256 of the Probate Code, relating to estates of illegitimate children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Beggart, Breed, Brown, Collier, Cunningham, Dillinger, Eaten, Gordon, Jespersen, Judah, Keating, Luekey, Mayo, McBride, Mixer, Mjmland, Quinn, Rich, Slater, Swan, Wags, and Ward—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1336—An act to amend Section 92 of the Civil Code.

Bill read third time.

Motion to Amend

Senator Kuchel moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, after "Code", (insert) ", relating to causes for divorce".

Amendment No. 2

On page 1, line 3, of the printed bill, strike out "Causes for divorce".

Amendment No. 3

On page 1, line 4, of the printed bill, after "Divorces", insert "may be granted".

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO SET SPECIAL ORDER

Senator Mixer moved that all special Appropriation Bills on file be made a special order of business for Friday, June 6, 1941, at 9 p.m.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 93—An act to amend Sections 52.1, 53 and 57 of the Unemployment Insurance Act, relating to the amount of wages required to be earned in the base period.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Brown, Carter, Crittenden, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Mayo, McCormack, Powers, Quinn, Seawell, Slater, and Swan—18.

NOES—Senators Beggart, Breed, Collier, Cunningham, DeLap, Kuchel, Luekey, McBride, Mixer, Parkman, Phillips, Rich, Swing, Tickle, Wags, and Ward—16.

Motion to Reconsider

Senator Crittenden moved to reconsider the vote whereby Senate Bill No. 93 was refused passage.

Postponement of Reconsideration

On motion of Senator Crittenden, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 93 was refused passage, was continued until the next legislative day.

Senate Bill No. 413—An act to amend Section 783 of the Fish and Game Code, relating to lobster size limit.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—Senators Carter, Collier, Foley, Garrison, and Seawell—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1340—An act declaring unlawful the filing with a telegraph company of unauthorized "form" messages, and providing penalties therefor.

Bill read third time.

Motion to Amend

Senator Carter moved the adoption of the following amendments:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "form".

Amendment No. 2

On page 1, line 7, of the printed bill, as amended, strike out " "form" ".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1000—An act to add Chapter 5, comprising Sections 17200 to 17202, inclusive, to Part 2 of Division 7 of the Business and Professions Code, relating to unfair competition.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Seawell, and Swan—11.

NOES—Senators Biggar, Breed, Brown, Carter, DeLap, Gordon, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagy, and Ward—22.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Constitutional Amendment No. 61 adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's reduction to:

Senate Bill No. 1338

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's veto to

Assembly Bill No. 2633

Copy of Governor's objections attached hereto

ARTHUR A. O'HINIMUS, Cl. of Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

CONSIDERATION OF GOVERNOR'S VETO

Assembly Bill No. 2633—An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately.

Governor's Message Stating His Objections

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 2, 1941

To the Honorable Members of the Assembly
Sacramento, California

GRIETINGS: I am returning herewith, without my signature, Assembly Bill No. 2633, entitled: "An act making an appropriation for the contingent expenses of the Assembly and declaring that this act shall take effect immediately."

My objections to this bill are as follows:

"This bill appropriates \$60,000 for contingent expenses of the Assembly to be expended for such purposes and in such manner as the Assembly shall by resolution direct, including expenses of committees, whether to meet and act during the session or after final adjournment."

There has already been appropriated for Assembly contingent expenses for this session of the Legislature the sum of \$70,000, of which there is unexpended the sum of \$37,001.73, as of May 29th, according to the records of the State Controller. The \$60,000 appropriated by this bill, together with the amounts already appropriated, would total \$130,000, which far exceeds any amounts ever appropriated at previous sessions of the Legislature for similar purposes.

The appropriations for the last regular session totaled \$40,000, and the appropriations made for the expenses of the five special sessions of the Legislature, covering unprecedented amounts for numerous special investigating committees, totaled \$64,618.80.

In my message regarding Assembly Bill No. 638 I stated:

"This additional amount of \$25,000 which I have approved together with the amount remaining from previous appropriations, I know is ample to cover all necessary expenditures from the Assembly Contingent Fund. It is inconceivable that the normal contingent expenses that could be incurred by the Assembly during the remainder of this regular session could possibly exceed the sum of \$25,000 more than the amount now in the fund, even though the session were to last another 60 days. If at a later date a still further appropriation to this fund should become necessary, I will willingly approve the same."

The thirty seven odd thousand dollars still remaining for Assembly contingent expenses is ample to cover any expenditures that should be made by this Legislature for such purposes.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

The question being: Shall Assembly Bill No. 2633 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 11.08 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.10 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 205—An act to amend Sections 19420, 19433, 19483, 19485, 19530, 19532, 19537, 19562, 19592, 19597, 19620, 19621, 19624 and 19626 of, and to add Sections 19480.5, 19510.5, 19532.5, 19538, 19567, 19598 and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 18, of the printed bill, as amended in the Senate June 4, 1941, strike out "5", and insert "6".

Amendment No. 2

On page 2, line 21, of the printed bill, strike out "6", and insert "7".

Amendment No. 3

On page 4, line 31, of the printed bill, strike out "9", and insert "8".

Amendment No. 4

On page 4, line 34, of the printed bill, strike out "8", and insert "6".

Amendment No. 5

On page 4, line 37, of the printed bill, strike out "7", and insert "5".

Amendment No. 6

On page 4, line 40, of the printed bill, strike out "five cents (\$0.05).", and insert "ten cents (\$0.10)."

Amendments read.

Motion to Table

Senator Swing moved that the above amendments be laid on the table.

Roll Call Demanded

Senators Garrison, Carter and Foley demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, DeLap, Fletcher, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—26.

NOES—Senators Carter, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, and Swan—8.

The roll was called, and the bill passed by the following vote:

AYES—Senators Riggall, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Sewell, Slater, Swan, Swing, Tickle, Wagz, and Ward—32

NOES—Senator Garrison—1

MOTION TO PRINT COMMUNICATION IN JOURNAL

Senator Garrison moved that a communication from the Chairman of the California Horse Racing Board be printed in the Journal.

Motion lost.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 11.45 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 811—An act to add Section 114 to Chapter 1 of Division 1 of the Business and Professions Code, relating to licenses for persons who have served in the armed forces.

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Senate be concurred in.

FLETCHER

KUCHEL

BREED

Senate Committee on Conference

WATERS

SAM L. COLLINS

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Riggall, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Wagz, and Ward—31.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 82—An act to amend Section 467 of the Streets and Highways Code, relating to State highways;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

BREED

MAYO

LUCKEY

Senate Committee on Conference

F. N. HOWSER

WELCH

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 747—An act to amend Section 3254 of the Welfare and Institutions Code, relating to the duties of the Department of Institutions; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on May 23, 1941, be further amended as follows:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, after "Institutions", insert "with respect to the Industrial Home for the Adult Blind".

Amendment No. 2

On page 1, lines 7 and 8, of the printed bill, as amended, strike out ", and married couples".

PHILLIPS
PARKMAN
POWERS

CARLSON
POTTER
CROWLEY

Senate Committee on Conference.

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.50 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were offered:

Senate Concurrent Resolution No. 47: By Senator Fletcher—Relating to preparation of automobile license plates calling attention to the Cabrillo Centennial.

Without reference to committee.

Senate Concurrent Resolution No. 48: By Senators Phillips and Jespersen—Relative to self-help cooperatives.

Without reference to committee.

ADJOURNMENT

At 11.55 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., June 6, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-SIXTH LEGISLATIVE DAY

ONE HUNDRED FIFTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Friday, June 6, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Biggar, Reed, Brown, Carter, Collier, Crittenden, Cunningham, Delap, Dillinger, Fletcher, Foley, Gattison, Gibson, Jaspersen, Jacob, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Meyer, Myland, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tinkle, Wagy and Ward—37.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Deuel, on motion of Senator Rich.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Slater, the privilege of the floor of the Senate Chamber for this day was unanimously extended to George R. Cadan of Santa Rosa.

On request of Senator Biggar, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. J. B. Levensaler of Lakeport.

On request of Senator Kuchel, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Blanche Huseby and Martin S. Larson, both of Harmony, Minnesota, and Mrs. Josephine Haug of Sacramento.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Frances Kelly, Mary E. Burke and Charles Meyers, all of San Francisco.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Elliott Costello of Sacramento.

On request of Senator Luckey, the privilege of the floor of the Senate Chamber for this day was unanimously extended to C. F. Reynolds, Manager Callexico Chamber of Commerce, Callexico.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 308

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1340

And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 1856

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

PARKMAN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which was referred:

Assembly Bill No. 2647

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

PARKMAN, Chairman

Above reported bill ordered to second reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Slater moved that Assembly Bill No. 1501 be taken from the inactive file, and placed on the second reading file.

Motion carried.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Fletcher moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 457 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill No. 1344 An act to amend Section 2302 of, and to add Section 2305 to, the Elections Code, relating to delegates to National conventions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

PRINTER'S NOTE.—There being no 7 point strike-out type available, the material which should appear in strike-out type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "2302", and insert "2304".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "2302", and insert "2304".

Amendment No. 3

On page 1 of the printed bill, strike out lines 3 to 16, inclusive, and insert "2304. Each candidate for delegate whose name is filed upon a nomination paper together with the names of other candidates, in order to have his name printed upon the ballot in a group with other names, shall file the delegate's statement of preference, pursuant to Section 2302 and shall add to it the following:—

DELEGATE'S STATEMENT

"I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as Delegate to their National party convention, I shall support and vote at the convention for _____ as nominee of my party for President of the United States until at least one ballot has been taken, and I shall continue thereafter to support and vote for him as such nominee until and unless he releases me from this further pledge.

"And I hereby enroll myself in the expression of preference for _____ for presidential nominee, as one of the group of the following named candidates for Delegate:

Etc.
(the blanks immediately following the word "Delegate" being filled in by the printed or typewritten names of all the candidates for Delegate, including the signer, whose names appear upon the same nomination paper, pursuant to this article.)

(Signed) _____"

Amendment No. 4

On page 1 of the printed bill, strike out lines 20 to 25, inclusive, and insert

"2305. Every candidate for Delegate who files a delegate's statement of preference pursuant to Section 2304 shall be bound to support and vote at the National party convention for the person for whom the preference is expressed as the nominee of the candidate's party for President of the United States. He shall vote for the person preferred for as many ballots as shall be designated in his statement, and subsequently thereto shall continue to vote for such person until and unless the latter releases him from this obligation. The release shall not extend to relieve the Delegate from voting for the person for whom he expressed such preference until at least one ballot has been taken."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1342—An act to amend Section 4014a of the Political Code, relating to township officers.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 763—An act to amend Sections 111, 1551, 2005, 2182, 3077, 3078, 3079, 3085, 3086 and 3089, and to repeal Sections 2141, 2142 and 3076 of the Welfare and Institutions Code, relating to the organization, powers and duties of the State Department of Social Welfare.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

PRINTER'S NOTE. There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In the title of the printed bill, strike out lines 1, 2, 3 and 4, and insert "An act to amend Section 3076 of the Welfare and Institutions Code, relating to the Chief of the Division of the Blind in the State".

Amendment No. 2

On page 1, line 1, of the printed bill, strike out "111", and insert "3076".

Amendment No. 3

On page 1 of the printed bill, strike out line 3, and insert "3076. There shall be in the Department of Social Welfare a division devoted exclusively to carrying out the provisions of this chapter. This division shall be headed by a chief, who is a trained social worker experienced in work for the blind. [He shall be appointed by and hold office at the pleasure of the Governor.] *Blindness shall not be grounds to disqualify a person from holding this position.*"

Amendment No. 4

On page 1 of the printed bill, strike out lines 7 to 25, inclusive, and strike out all of pages 2, 3 and 4.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1163—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 4, line 25, of the printed bill, as amended, strike out "of minors".

Amendment No. 2

On page 4, line 35, of the printed bill, as amended, strike out "adult".

Amendment No. 3

On page 4, line 36, of the printed bill, as amended, after "family", insert "18 years of age and over".

Amendment No. 4

On page 5 of the printed bill, as amended, between lines 35 and 36, insert "(d) Any person, although eligible for relief as a resident under this act, may, with his consent, be returned to the State of his former residence upon verification and authorization for such return by such other State."

Amendment No. 5

On page 6, line 23, of the printed bill, as amended, strike out "employment", and insert "suitable employment or work on relief projects".

Amendment No. 6

On page 6, line 26, of the printed bill, as amended, after "section", insert "suitable".

Amendment No. 7

On page 6, line 38, of the printed bill, as amended, strike out "on or after July 1, 1941, for relief", and insert "for relief, on or after July 1, 1941,".

Amendment No. 8

On page 7, line 18, of the printed bill, as amended, strike out "client", and insert "recipient".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 110—An act to amend Section 4986 of the Revenue and Taxation Code, relating to the cancellation of taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 928—An act to add Section 5.5 to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, and to add Section 9652.5 to the Revenue and Taxation Code, relating to computation of gross receipts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1554—An act to amend Section 2 of the Retail Sales Tax Act of 1933; to amend Sections 2 and 21 of the Use Tax Act of 1935; to add Section 6009.1 to, and to amend Sections 6015 and 7054 of, the Revenue and Taxation Code, relating to the definition of retailer, storage and use, and to the administration of the tax, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1701—An act to add Article 2.5, comprising Sections 5135 to 5138, inclusive, to Chapter 2 of Division 5 of the Public Resources Code, relating to local art galleries and museums, authorizing counties and cities to accept title to real property therefor and to permit buildings therefor to be erected on public lands, providing for the delegation of authority thereover, and permitting the appropriation of moneys therefor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 937—An act to amend Sections 23, 29, 29.5, 40, 43, 49 and 63 of, to repeal Section 31 of, and to add Sections 2.5, 31, 36.5, 40.5 and 70.5 to the Gift Tax Act of 1939, relating to the taxation of transfers of property, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Tickle moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 5, of the printed bill, as amended, strike out "or existing", and insert "solely for charitable, educational, public or other like work".

Amendment No. 2

On page 2, lines 6 and 7, of the printed bill, as amended, strike out "that it is organized solely for charitable, educational, public or other like work under the laws".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 972—An act to amend Sections 7455 and 7677 of the Revenue and Taxation Code and Sections 2 and 4 of the Motor Vehicle Fuel License Tax Act, relating to delinquency of the motor vehicle fuel license tax, including recoveries on bonds of delinquent distributors.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "and 7677", and insert ", 7677 and 7705".

Amendment No. 2

On page 2, line 5, of the printed bill, as amended, insert

"SEC. 2.5. Section 7705 of the Revenue and Taxation Code is hereby amended to read as follows:

7705. If any weekly installment of tax is not paid [at 5 p.m.] on the Tuesday when required to be paid, a penalty of 5 per cent shall be added thereto. In addition, if any weekly installment of tax remains unpaid [at 5 p.m.] on the first day of the second calendar month following the month during which the last of the distributions occurred on which the weekly installment was levied, a penalty of 10 per cent of the installment, exclusive of penalties, shall be added thereto.

The weekly installment shall be deemed not paid or unpaid on any particular day:

(a) If not paid prior to 5 p.m. of that day, when paid in person.

(b) If the envelope in which the remittance is inclosed bears a post-office cancellation mark dated later than 12 p.m. of that day, when paid by mail."

Amendment No. 3

On page 2, lines 8 and 9, of the printed bill, as amended, strike out "distributor before April 1, 1931, and after this act becomes effective every".

Amendment No. 4

On page 2, line 16, of the printed bill, as amended, strike out "from and after April 1, 1931,".

Amendment No. 5

On page 4 of the printed bill, as amended, strike out line 1, and insert "not paid on".

Amendment No. 6

On page 4, line 3, of the printed bill, as amended, strike out "delinquency; the", and insert "delinquency". The weekly installment shall be deemed not paid on the Tuesday on which required to be paid if not paid prior to 5 p.m. of that day, if paid in person, or, if paid by mail, if the envelope in which the remittance is inclosed bears a post-office cancellation mark dated later than 12 p.m. of that day. The".

Amendment No. 7

On page 4 of the printed bill, as amended, strike out lines 30 to 51, inclusive; and on page 5, strike out lines 1 and 2, and insert

"Every person, firm, association or corporation before becoming a producer or broker shall apply for a license on forms prescribed by the State Board of Equalization. Each such application shall be accompanied by a license fee of ten dollars (\$10) payable to the State Board of Equalization.

Upon the receipt of such application, accompanied by such license fee, the State Board of Equalization shall issue to every such applicant, except as otherwise provided herein, a license to engage in such business from the date of the issuance thereof, until and including the following December 31st, unless sooner extended or revoked. Before January 1st of each year an applicant shall be fined and a license obtained by each such producer or broker for the succeeding calendar year. If any producer or broker shall fail to apply for the license license required and to pay the fee hereby specified prior to January 1st of each year, then there shall be added to the amount of such fee a penalty of 25 per cent on account of such delinquency. Any license so issued shall not be transferable and may be resumed by the State Board of Equalization as hereinafter provided. All license fees collected under the provisions of this section shall be credited to the "Motor Vehicle Fuel Fund" hereinafter created.

In the event that an application for a distributor's, producer's or broker's license shall be filed hereunder by an applicant formerly holding under this act any license which, prior to the time of filing such application, shall have been refused for cause by said board, or in the event that said board shall determine that such application is not filed in good faith or not made by the real person in interest, then and in any of said events, said board may refuse to issue a license to the applicant. Before such refusal, however, said board shall grant the applicant a hearing and shall give the applicant at least 10 days' written notice of the time and place thereof. Such notice may be served personally or by mail. If by mail, service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure and addressed to the applicant at his address as the same appears in the records of said board."

Amendment No. 8

On page 7, lines 9 and 10, of the printed bill, as amended, strike out "Sections 1 and 2 of this act", and insert "The provisions of this act amending the Revenue and Taxation Code".

Amendment No. 9

On page 7, lines 13 and 14, of the printed bill, as amended, strike out "Sections 2 and 4", and insert "the provisions".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 1876—An act to amend Sections 8 and 9 of, to repeal Section 8½ of, and to add Sections 8½ and 9½ to, the Retail Sales Tax Act of 1933, and to amend Section 6053 of, to repeal Section 6052 of, and to add Sections 6052.7 and 6055 to, the Revenue and Taxation Code, relating to the tax imposed thereby, and providing for the collection of the amount of the tax by the retailer from the purchaser.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate May 30, 1941, strike out "Sections", and insert "Section"; strike out "and 9"; and strike out "; to repeal Section 8½ of,".

Amendment No. 2

In lines 3 and 4 of the title of the printed bill, as amended in the Senate May 30, 1941, strike out "and to add Sections 8½ and 9½ to,".

Amendment No. 3

In lines 6 and 7 of the title of the printed bill, as amended in the Senate May 30, 1941, strike out "; to repeal Section 6052 of, and to add Sections 6052.7 and 6055 to,".

Amendment No. 4

On page 1 of the printed bill, as amended in the Senate May 30, 1941, strike out all of lines 3 to 18, both inclusive, and insert

"SEC. 8. Except as otherwise provided, the tax imposed by this act on the retailer shall be collected by him from the purchaser as a part of the selling price of the property sold and it shall be unlawful for a retailer to fail or refuse to include in such selling price and collect from his purchaser the amount due to the State by the retailer on account of such tax, or to absorb, either directly or indirectly, whether by an adjustment of price or whether by any other means or device whatsoever, any or all of the tax imposed by this act, or to refund, remit or rebate to the purchaser, either directly or indirectly, whether by means of an adjustment of price, or whether by any other means or device whatsoever, any or all of the tax imposed by this act, or to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this act will be assumed, absorbed, refunded, remitted or rebated or that it will not be added to and included in the selling price of the property sold, or if so added or included that it or any part thereof will be refunded. For the purpose of enabling the retailer to collect from the purchaser the amount due from the retailer on account of such tax, the board shall by regulation prescribe a schedule or schedules of the amounts to be collected by the retailer from the purchaser by way of tax reimbursement in respect to any sale the gross receipts from which are taxable under this act so as to eliminate fractions of one cent, and the schedule or schedules prescribed by the board for this purpose may include brackets which require both more or less than the prescribed rate of tax on such gross receipts, with due regard to the purpose of enabling the retailer to collect from the purchaser approximately the amount of the tax imposed hereunder on the retailer. The provisions of this section shall not apply with respect to any transaction with a governmental agency or with respect to any transaction as to which it would be unlawful under the Constitution or laws of the United States of America or under the Constitution of this State to require the purchaser to reimburse the retailer for the tax imposed under this act. Any person violating any of the provisions of this section shall be guilty of a misdemeanor."

Amendment No. 5

On page 2 of the printed bill, as amended in the Senate May 30, 1941, strike out all of lines 1 to 50, both inclusive.

Amendment No. 6

On page 3 of the printed bill, as amended in the Senate May 30, 1941, strike out all of lines 1 to 52, both inclusive.

Amendment No. 7

On page 4 of the printed bill, as amended in the Senate May 30, 1941, strike out all of lines 1 to 16, both inclusive, and insert

"SEC. 2. Section 6053 of the Revenue and Taxation Code is hereby amended to read as follows:

6053. Except as otherwise provided, the tax imposed by this part on the retailer shall be collected by him from the purchaser as a part of the selling price of the property sold and it shall be unlawful for a retailer to fail or refuse to include in such selling price and collect from his purchaser the amount due to the State by the retailer on account of such tax, or to absorb, either directly or indirectly, whether by an adjustment of price or whether by any other means or device whatsoever, any or all of the tax imposed by this part, or to refund, remit or rebate to the purchaser, either directly or indirectly, whether by means of an adjustment of price, or whether by any other means or device whatsoever, any or all of the tax imposed by this part, or to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this part will be assumed, absorbed, refunded, remitted or rebated or that it will not be added to and included in the selling price of the property sold, or if so added or included that it or any part thereof will be refunded. For the purpose of enabling the retailer to collect from the purchaser the amount due from the retailer on account of such tax, the board shall by regulation prescribe a schedule or schedules of the amounts to be collected by the retailer from the purchaser by way of tax reimbursement in respect to any sale the gross receipts from which are taxable under this part so as to eliminate fractions of one cent, and the schedule or schedules prescribed by the board for this purpose may include brackets which require both more or less than the prescribed rate of tax on such gross receipts, with due regard to the purpose of enabling the retailer to collect from the purchaser approximately the amount of the tax imposed hereunder on the retailer. The provisions of this section shall not apply with respect to any transaction with a governmental agency or with respect to any transaction as to which it would be unlawful under the Constitution or laws of the United States of America or under the Constitution of this State to require the purchaser to reimburse the retailer for the tax imposed under this part. Any person violating any of the provisions of this section shall be guilty of a misdemeanor."

Amendment No. 8

On page 4, line 17, of the printed bill, as amended in the Senate May 30, 1941, after "SEC.", strike out "10", and insert "3".

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Revenue and Taxation.

Assembly Bill No. 1132—An act to add Article 3, comprising Sections 1801 to 1806, inclusive, to Chapter 3 of Division 4 of the Elections Code of the State of California, relating to elections, and the amendment of freeholders' charters.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2402—An act to amend Section 4157 of and add Section 4157.5 to the Political Code, relating to the powers and duties of county sheriffs.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, lines 9 and 10, of the printed bill, as amended, strike out "when authorized by the board of supervisors."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2643—An act to amend Section 4248 of the Political Code, relating to compensation for public services in counties of the nineteenth class.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2440—An act to add Section 8.5 to an act entitled "An act to provide for the establishment of master and official plans in cities, cities and counties, and counties and for the adoption of ordinances pursuant thereto; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and the composition and effects thereof; providing for the appointment of planning commissions by cities, cities and counties, and counties, and for the creation of regional planning districts and the establishment of regional planning commissions; prescribing the powers and duties of such commissions; providing for the levy of a special tax for the support of a planning commission and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; making certain acts misdemeanors; and repealing other acts in conflict herewith," approved June 17, 1929, relating to local planning by the State Planning Board.

Bill read second time, and ordered to third reading.

Assembly Bill No. 817—An act to amend Sections 1, 2, 4, 5 and 6 and to repeal Section 3 of an act entitled "An act to create the office of public defender, to provide for the election of such officers, and

prescribing their duties and compensation," approved May 24, 1921, relating to the office of public defender.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1189—An act to amend Section 8, and to repeal Section 9, of the Community Recreation Enabling Act of 1939, relating to the qualifications of employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1875—An act to amend Sections 1, 2 and 3 of an act entitled "An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees; providing for the creation of a retirement board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for joint contributions to said fund by officers and employees and the city; and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act," approved May 19, 1937, relating to municipal retirement systems.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2206—An act to provide for the formation of, government of, issuance of bonds by and assessment in motor vehicle parking districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2386—An act to add Section 15.5 to an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, fire wardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, relating to the establishment of systems for the retirement and pension of certain county and county fire protection district officers and employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2640—An act to amend Section 737qq of the Political Code, relating to salaries of superior court judges in Santa Clara County.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1060—An act to amend School Code Section 5.750, relating to absences from duty of employees of school districts.

Bill read second time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 24, of the printed bill, as amended in the Assembly May 8, 1941, after "district", strike out the period, and insert "provided, however, that such

rules and regulations do not conflict with rules and regulations of the State Board of Education."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1162—An act to add Section 5.534 to the School Code, relating to the service in the armed forces of the United States of America or of the State of California, or in the medical, nursing or ambulance service of the American Red Cross, of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1729—An act to amend Section 2.446 of, and to add Section 2.447 to, the School Code, relating to school districts.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1966—An act to add Sections 5.129 and 5.344 to the School Code, relating to the continuance of documents authorizing service in the public schools and held by persons serving in the military service of the United States or of the State of California, or in the medical, nursing or ambulance service of the American Red Cross, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2221—An act to amend Section 5.430 of the School Code, relating to school principals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2323—An act to amend Section 2.81 of the School Code, relating to school districts situated partly in two counties.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1962—An act to add Sections 1.51, 1.52 and 1.53 to the School Code, relating to student body funds and organizations.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1.52 and 1.53", and insert "and 1.52".

Amendment No. 2

On page 1 of the printed bill, strike out lines 23 to 28, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2152—An act to add Section 2.1365 to the School Code, relating to the Department of Education.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "2.1365", and insert "2.1364-1".

Amendment No. 2

On page 1, line 9, of the printed bill, as amended, strike out "2.1365", and insert "2.1364-1".

Amendment No. 3

On page 1, line 11, of the printed bill, as amended, strike out "2.1365", and insert "2.1364-1".

Amendment No. 4

On page 1, line 12, of the printed bill, as amended, after "purposes", insert "of like or different character".

Amendment No. 5

On page 1, line 15, of the printed bill, as amended, strike out "when the State travel", and insert "; provided, that when such traveling is outside the State, such traveling".

Amendment No. 6

On page 1, line 17, of the printed bill, as amended, strike out the period, and insert a colon.

Amendment No. 7

On page 1, line 19, of the printed bill, as amended, strike out the comma.

Amendment No. 8

On page 1, line 20, of the printed bill, as amended, strike out "on", and insert "of".

Amendment No. 9

On page 1, line 21, of the printed bill, as amended, strike out "thereof".

Amendment No. 10

On page 1, line 27, of the printed bill, as amended, strike out the comma.

Amendment No. 11

On page 1 of the printed bill, as amended, following line 28, insert "The amount expended under the provisions of this section for travel outside the State shall not exceed one thousand five hundred dollars (\$1,500) in any one fiscal year."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2218—An act to amend Sections 3.362, 4.871, 4.873, 4.884 and 4.885 of, and to add Sections 4.871a and 4.884a to the School Code, relating to the support of the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2 of the printed bill, as amended, beginning in line 39, strike out "Department", and insert "Board".

Amendment No. 2

On page 2, line 49, of the printed bill, as amended, strike out "Department", and insert "Board".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 641—An act to amend Section 7102 of the Welfare and Institutions Code, pertaining to the purpose of the State Inebriate Colony.

Bill read second time, and ordered to third reading.

Assembly Bill No. 643—An act to amend and renumber the title of Chapter 4, Part 4, of Division 6, of the Welfare and Institutions Code, as added by Chapter 994 of the Statutes of 1939, relating to State inebriate colonies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1193—An act to amend Section 27 of, repeal Section 23 of, and add Section 23 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1633—An act to add Section 222 to the Welfare and Institutions Code, relating to the payment of county warrants issued for aid to indigents, needy children, to the needy blind and the needy aged.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1869—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2421—An act to add Section 2163.5 to the Welfare and Institutions Code, relating to real property as defined for the purposes of aid to the aged.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2380—An act to amend Sections 2020, 2182 and 2184 of, and to add Section 2165a to the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 41 to 43, inclusive, and insert "of law involved in the case."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2541—An act to add Section 58.5 to the Unemployment Insurance Act, relating to the amount of benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "1938", and insert "1940".

Amendment No. 2

On page 1, line 9, of the printed bill, as amended, strike out the period, and insert "provided, however, that additional weeks of benefits shall cease to be valid seven calendar years after the wages upon which they are based were earned."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 12 to 14, inclusive, and insert

"Additional weeks of benefits shall be paid at the same weekly rate awarded to the claimant each time a new benefit year is established."

Amendment No. 4

On page 1, line 22, of the printed bill, as amended, strike out the period, and insert "unless a valid claim for benefits was filed during either such year, in which case the claimant shall be entitled to no extra weeks of benefits."

Amendment No. 5

On page 1 of the printed bill, as amended, strike out line 23.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2606—An act to amend Sections 2139 and 2148 of, and to add Section 2149 to, the Business and Professions Code, and to amend Sections 11000, 11160, 11161, 11475, 11476, 11477, 11479, 11570 and 11571 of the Health and Safety Code, relating to the diagnosis of foot conditions and ailments, the prescribing or recommending of foot appliances or shoes and the practice of chiropody, including the use of electric devices and narcotic drugs in such practice.

Bill read second time, and ordered to third reading.

Assembly Bill No. 419—An act to add Section 1432.1 to the Penal Code, relating to the procedure in a justice's court when a complaint is filed against the justice of said court.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2321—An act to amend Section 4246 of the Political Code, relating to the compensation for public services in counties of the seventeenth class.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 820—An act to Amend Section 204c, 204e and 261a of the Code of Civil Procedure, relating to jury commissioners and employees of the superior court.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 820?

Amendment No. 1

On page 7, line 20, of the printed bill, as amended, strike out "500,000", and insert "600,000".

Also:

Amendment No. 1

On page 2, line 34, of the printed bill, as amended, strike out "each", and insert "one at a salary of one thousand two hundred dollars (\$1,200) per annum, and the other".

Also:

Amendment No. 1

On page 2, line 40, of the printed bill, as amended May 20, 1941, strike out "and expenses".

Amendment No. 2

On page 2, line 44, of the printed bill, as so amended, following the comma, insert "and expenses in this section provided for shall be paid in monthly installments out of the General Fund".

Amendment No. 3

On page 2, line 44, of the printed bill, as so amended, between "and", and "shall", insert "both salaries and expenses".

Amendment No. 4

On page 2, line 45, of the printed bill, as so amended, strike out "salary".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 820 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—22

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 26—An act to amend Section 995 of the Penal Code, relating to causes for which indictment or information must be set aside.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 26 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, Tickle, Wagy, and Ward—28

NOES—Senators DeLap, Dillinger, Garrison, Mixer, and Slater—5.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 889—An act to repeal Sections 1060 and 1061 of, and to add Sections 1060.1, 1060.2, 1060.3, 1060.4, 1060.5, 1060.6, 1060.7, 1060.8, 1060.9, 1060.10, 1060.11, 1060.12, 1060.13, 1060.14 and 1062b to, and to amend Section 1062a of, the Code of Civil Procedure, relating to declaratory relief.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 889 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Crittenden:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Respectfully submitted.

SENATOR CRITTENDEN

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, JUNE 6, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman
MYHAND
TICKLE
BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—35.
NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1345: By Senator Crittenden—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Referred to Committee on Finance.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 812—An act to amend Sections 18636, 18673, 18674, 18676, 18680, 18711, 18731, 18737 and 18746 of the Business and Professions Code, relating to the regulation of boxing and wrestling.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 812?

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "18636, 18673, 18674, 18676, 18680, 18711, 18731, 18737 and 18746 of" and insert "18603, 18636, 18637, 18674, 18676, 18680, 18681, 18690, 18691, 18711, 18731, 18734, 18735, 18737, 18741, 18746, 18749, 18763 and 18781 of, and to add Sections 18738.5, 18752 and 18781.5 to,".

Amendment No. 1.5

On page 1, line 1, of the printed bill, as amended, after "SECTION 1.", insert "Section 18603 of the Business and Professions Code is hereby amended to read as follows:

18603. An amateur boxing contest or sparring match is one in which no contestant has received or will receive, directly or indirectly, any money, prize, reward or compensation either for the expenses of training for such contest or for taking part therein, except as provided in this chapter.

SEC. 2."

Amendment No. 2

On pages 1 and 2 of the printed bill, as amended, make the following changes:

Page	Line	Strike out	Insert
1	10	2	3
2	1	3	4
2	10	4	5
2	20	5	6

Amendment No. 3

On page 2 of the printed bill, as amended, between lines 17 and 18, insert:

"Sec. 6.5. Section 18681 of said code is hereby amended to read as follows:

18681. Licenses issued under this chapter are to be suspended or returned to the commission upon such cause as it deems sufficient. If any license is suspended or revoked said board shall publicly state its reasons for so doing and cause the entry of said reasons to be made on the Minute Book of the commission. Such action shall be final, except that the proprietor at such action is subject to action upon questions of law only, by the superior court at the county wherein such license was to be exercised. The action of the commission shall stand unless and until reversed by the court.

Sec. 7. Section 18690 of said code is hereby amended to read as follows:

18690. Before any license is granted to any club, to conduct, hold or give a boxing contest or a sparring or wrestling match, after there is a contest having any test or sparring match, the applicant therefore must be a bond of two thousand dollars (\$2,000) with good and sufficient surety with the commission, conditioned for the faithful performance by the club of the provisions of this chapter and the payment of the taxes herein imposed.

Before any license is granted to any club to conduct, hold or give an amateur boxing contest or a sparring match the applicant therefore shall file a bond in not less than one thousand dollars (\$1,000) with good and sufficient surety with the commission, conditioned for the faithful performance by the club of the provisions of this chapter and the payment of taxes herein imposed.

Sec. 7.5. Section 18691 of said code is hereby amended to read as follows:

18691. In case of default in a performance by any club licensed under this chapter, the commission may impose upon the delinquent club a penalty in the sum of not more than one thousand dollars (\$1,000) for each offense, which may be recovered by the Attorney General in the name of the people of the State of California in the same manner as other penalties are recovered by law and which shall be paid into the State Treasury to the credit of the appropriation for the Veterans' Home of California."

Amendment No. 4

On pages 2 and 3 of the printed bill, as amended, make the following changes:

Page	Line	Strike out	Insert
2	38	6	8
3	12	7	9

Amendment No. 5

On page 3 of the printed bill, as amended, between lines 19 and 20, insert:

"Sec. 10. Section 18734 of said code is hereby amended to read as follows:

18734. No person under the age of 18 years shall participate as a contestant in any boxing contest, or sparring or wrestling match.

Every contestant in an amateur boxing contest or sparring match shall be a registered amateur in the district in which he resides, and shall be examined by a physician immediately before the contest.

Sec. 11. Section 18735 of said code is hereby amended to read as follows:

18735. No person shall appear as contestant in any amateur boxing contest or sparring match who prior thereto has received any compensation or reward in any form for displaying, exercising or giving any example of his skill in or knowledge of athletic exercises, or for rendering services of any kind to any athletic organization or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his athletic skill or knowledge."

Amendment No. 6

On page 3, line 20, of the printed bill, as amended, strike out "S", and insert "12".

Amendment No. 7

On page 3, line 22, of the printed bill, as amended, after "match," insert "other than an amateur boxing contest or sparring match."

Amendment No. 8

On page 3 of the printed bill, as amended, between lines 26 and 27, insert:

"During every amateur boxing contest or sparring match each contestant shall wear gloves weighing not less than eight ounces, if such contestant weighs in ring

attire less than 160 pounds, or 10 ounces if such contestant weighs 160 pounds or more.

SEC. 13. Section 18738.5 is hereby added to said code, to read as follows:

18738.5. No contestant in an amateur boxing contest or sparring match shall use any bandage on his hand or arm except soft surgical bandages not over two inches wide and 10 yards in length for each hand or one winding of surgeon's adhesive tape not over one and one-half inches wide placed directly on the hand to protect that part of the hand near the wrist and this may cross the back of the hand twice, but not extend within one inch of the knuckles.

SEC. 14. Section 18741 of said code is hereby amended to read as follows:

18741. (a) No amateur boxing contest or sparring match shall be more than four rounds, of not more than [three] two minutes each, or three rounds of three minutes each, in length.

(b) The interval between each round shall be one minute."

Amendment No. 9

On page 3, line 27, of the printed bill, as amended, strike out "9", and insert "15".

Amendment No. 10

On page 3 of the printed bill, as amended, after line 33, insert

"SEC. 16. Section 18749 of said code is hereby amended to read as follows:

18749. A medal or trophy may be awarded to each contestant in any amateur boxing contest, or sparring match not to exceed in value the sum of thirty five dollars (\$35), which medal or trophy shall have engraved thereon the name of the winner and the date of the event. But no portion of any admission fee or fees charged or received for any amateur boxing contest or sparring match shall be paid or given to any contestant in such amateur boxing contest, or sparring match either directly or indirectly, nor shall any gift be given to or received by such contestant for participating in such boxing contest, or sparring match, except the medal or trophy.

SEC. 17. Section 18752 is hereby added to said code, to read as follows:

18752. No amateur boxing contest or sparring match shall be held in conjunction with vaudeville shows, dances, or entertainments of any sort.

SEC. 18. Section 18763 of said code is hereby amended to read as follows:

18763. At every amateur boxing contest or sparring match held in this State, any [sheriff, constable, marshal, policeman or other peace officer of the city, county or other political subdivision, where such exhibition is being held] representative of the commission shall stop such contest whenever it appears to him that the contestants are unevenly matched, that the contestants, or either of them, has been seriously injured, or that there is danger that the contestants, or either of them, will be seriously injured, if such contest continues. Such person may call to his assistance in enforcing his order to stop the contest, as many peace officers or male citizens of the State as may be necessary.

SEC. 19. Section 18781 of said code is hereby amended to read as follows:

18781. Any contestant who continues to participate in an amateur boxing contest or sparring match after an order to stop the contest is given by a [peace officer] representative of the commission, or who violates any of the regulations herein prescribed for governing amateur boxing contests or sparring matches, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and be imprisoned in the county jail not less than 30 days nor exceeding one year.

SEC. 20. Section 18781.5 is hereby added to said code, to read as follows:

18781.5. Unless the written permission of the commission is first obtained, it is a misdemeanor for any person, firm, association, club or corporation staging or holding any amateur boxing contest or sparring match to pay or cause to be paid to any coach, trainer or manager of any amateur boxer participating in such boxing contest, or sparring match any sum of money other than the actual traveling expenses incurred by such coach, trainer or manager and amateur boxer in traveling from their respective places of residence to the place of such boxing contest, exhibition or sparring match and return thereto, and a sum of money which shall not exceed five dollars (\$5) per day for the actual time spent in traveling, as reimbursement for the other expenses actually incurred by such coach, trainer or manager in attending such amateur boxing contest or sparring match."

Also:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "18735," insert "18736,".

Amendment No. 2

On page 2, lines 38 and 39, of the printed bill, as amended, strike out "; corporation treasurers, ten dollars (\$10)".

Amendment No. 3

On page 4 of the printed bill, in Amendment, between lines 40 and 41, insert:

"Sec. 11.5. Section 18736 of the Code is hereby amended to read as follows:

18736. No boxing contest or sporting event shall be allowed in which the difference in weight of the respective contestants exceeds 12 pounds. This provision shall not apply to boxers who weigh more than 1170 1/3 pounds."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 812 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuehl, Luckey, Mayo, McBrat, Miller, Myland, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Telle, Wager, and Ward—35.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 964—An act to amend Section 688 of the Political Code and to add two new sections, to be numbered 688.1 and 688.2, to the Political Code, relating to claims and actions against the State of California.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 964?

Amendment No. 1

Strike out line 2 of the title of the printed bill, and insert "add a new section, to be numbered 688.1."

Amendment No. 2

On page 1, lines 4 and 5, of the printed bill, strike out the comma following "contract"; and strike out "except claims on express contract based on contracts awarded under the State Contract Act"; and strike out the comma following "Act".

Amendment No. 3

On page 1, line 28, of the printed bill, strike out "one year", and insert "two years".

Amendment No. 4

On page 2, line 19, of the printed bill, strike out "one year", and insert "two years".

Amendment No. 5

On page 3 of the printed bill, strike out lines 26 to 52, both inclusive; and on page 4, strike out lines 1 to 14, both inclusive.

Amendment No. 6

On page 4, line 15, of the printed bill, strike out "688.2", and insert "688.1".

Amendment No. 7

On page 4 of the printed bill, strike out lines 41 to 48, both inclusive.

Also:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 688 of the Political Code and to".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 24, both inclusive; on page 2, strike out lines 1 to 51, both inclusive; and on page 3, strike out lines 1 to 31, both inclusive.

Amendment No. 3

On page 3, line 32, of the printed bill, strike out "SEC. 2", and insert "SECTION 1".

Amendment No. 4

On page 4 of the printed bill, following line 48, insert
"Sec. 2. Nothing in this act contained shall apply to pending litigation."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 964 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.
 NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1092—An act to repeal Section 511 of the Public Resources Code, relating to publications issued by the Department of Natural Resources.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1092?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "repeal", and insert "amend".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert
 "SECTION 1. Section 511 of the Public Resources Code is hereby amended to read as follows:

511. For the purpose of disseminating information relating to the activities, powers, duties, or functions of the Department of Natural Resources, the department, with the approval of the Department of Finance, may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the Director of Natural Resources will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other State departments and State officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications, exclusive of money received by any separate division of the department from the sale of publications, shall be paid into the State Treasury to the credit of the Department of Natural Resources Printing Revolving Fund, which fund is continued in existence, and which fund is appropriated for the use of the department, in addition to such other funds as may be appropriated, for the printing and distribution of any publication pertaining to the activities of the department.

No moneys may be expended out of any appropriation from the General Fund in the State Treasury for the purpose of this section."

Amendment No. 3

On page 1 of the printed bill, strike out line 2.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1092 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 529—An act to add Section 4056g to the Political Code, relating to officers, deputies, assistants and employees of the counties, and their rights and privileges in relation to their several county offices and employments during, and after termination of, their service in the Armed Forces or training and service in the Land or Naval Forces of the United States.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 529?

Amendment No. 1

On page 1, line 16, of the printed bill, after "therein", insert ". but in no case later than six months after the date (1) of termination of any war in which the United States is engaged or (2) of a proclamation by the Governor finding and proclaiming that the emergency in the National defense no longer exists."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 529 by the following vote:

AYES—Senators Bigger, Breed, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, Mixter, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1122—An act to add Chapter 7 to Part 3 of Division 13 of the Health and Safety Code, including the addition of Section 19800 to said code, relating to refrigerants, refrigerators, and refrigerating plants and regulations governing the same.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1122?

Amendment No. 1

On page 1, line 13, of the printed bill, as amended, after "and", insert "if the refrigerator has a refrigerating unit which contains more than 20 pounds of refrigerant and is of a type which can not readily be transported without disconnecting the piping or other part thereof containing refrigerant.".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1122 by the following vote:

AYES—Senators Bigger, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Myhand, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Tickle, and Wagy—29

NOES—None.

Above bill ordered enrolled.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 25 $\frac{1}{2}$ of Article IV, relating to boxing, sparring and wrestling matches or exhibitions.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 13?

Amendment No. 1

On page 2 of the printed measure, after line 23, insert

"No tax shall be levied or collected in respect to any admissions to a boxing contest or wrestling match or exhibition wherein all the proceeds or net earnings of which inure exclusively to the benefit of any post of the American Legion or any other duly recognized organization of veterans of any war of the United States and not to the benefit of any individual member thereof."

The roll was called, and the Senate concurred in Assembly amendment to Senate Constitutional Amendment No. 13 by the following vote:

AYES—Senators Breed, Collier, Crittenden, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—27.

NOES—Senators Bigger, Cunningham, and Judah—3.

Above resolution ordered enrolled.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Foley moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 301 was refused passage.

The roll was called, and Assembly Bill No. 301 reconsidered by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Mayo, McBride, Myhand, Parkman, Powers, Quinn, Shelley, Slater, and Swan—23.

NOES—Senators Breed, Collier, Keating, Kuchel, Luckey, Rich, Seawell, Swing, Wagy, and Ward—10.

Reconsideration of Assembly Bill No. 301

Assembly Bill No. 301—An act to amend Section 17086 of the Business and Professions Code or to amend Section 10 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to close-out sales.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jespersen, Judah, Kenny, Mayo, McBride, Mixer, Myhand, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—23.

NOES—Senators Breed, Collier, Keating, Kuchel, Luckey, Parkman, Powers, Tickle, Wagy, and Ward—10.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Crittenden moved that the Senate, at this time, reconsider the vote whereby Senate Bill No. 93 was refused passage.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 12.10 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 1340—An act declaring unlawful the filing with a telegraph company of unauthorized messages, and providing penalties therefor.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "with", insert "or transmission by".

Amendment No. 2

On page 1 of the printed bill, as amended between lines 13 and 14, insert:

"SEC. 15. Any telegraph company which accepts a message in the name of any person, officer or corporation for true reason, to a public official to influence his vote or official action on any matter without specific authorization from the sender to use his or its name, is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500). For any injury resulting from the transmission of such a message the telegraph company shall be liable to the person, firm or corporation injured for threefold the damage sustained, plus costs of suit and a reasonable sum for attorney's fees. Such suit may be brought in the county in which the plaintiff resides or in which the message was delivered."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 401—An act to add Section 555 to the Labor Code, relating to days of rest of officers and employees of cities of the first class.

Bill read third time.

Motion to Re-refer Senate Bill No. 401

Senator Myhand moved that Senate Bill No. 401 be re-referred to Committee on Labor.

Motion lost.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Waggy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 12.38 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 93 refused reconsideration by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Mayo, McCormack, Seawell, Shelley, Slater, and Swan—19.

NOES—Senators Breed, Collier, Cunningham, DeLap, Kuebel, Luckey, McBride, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Swing, Tickle, Waggy, and Ward—18.

RECESS

At 12.40 p.m., on motion of Senator Rich, the Senate recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1342

And reports the same correctly engrossed.

RICH, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 2595

Has had the same under consideration, and reports the same back with the recommendation: **Do pass.**

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 969

Senate Bill No. 945

Has had the same under consideration, and reports the same back with amendments with the recommendation: **Amend, and do pass as amended.**

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)**Senate Bill No. 969**—An act relating to and providing for the completion of the preparation of a Water Code, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 2, of the printed bill, strike out "----- dollars," and insert "seven thousand three hundred fifty dollars (\$7,350)."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Senate Bill No. 945—An act to amend Section 689 of, and to add Section 689.5 to, the Political Code, relating to collections by the State Department of Finance from other State agencies.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 3 of the title of the printed bill, after "agencies", insert a comma and "making an appropriation and declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 2, line 30, of the printed bill, after "provisions", insert "of paragraph (b)".

Amendment No. 3

On page 2, line 34, of the printed bill, after "Fund", insert "and all moneys received by the Department of Finance under the provisions of paragraph (c) herein shall be accounted for as provided in Section 689.5 of the Political Code".

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 41 to 47, inclusive, and insert "Controller, credited to the Service Revolving Fund, which fund is hereby created, and shall be available for the payment of salaries and wages and other expenses incurred by the Department of Finance in rendering services to State agencies."

and at the same time such money shall be remitted to the State Treasury to become a part of said fund.

SEC. 3. Out of any moneys in the State Treasury not otherwise appropriated there is hereby appropriated the sum of seven hundred fifty nine thousand seven hundred fifteen dollars (\$759,715) for the support of the State Department of Finance, five hundred nine thousand seven hundred fifteen dollars (\$509,715) of which is to be expended for support of the Bureau of Buildings and Grounds during the Ninety-third and Ninety-fourth Fiscal Years and two hundred fifty thousand dollars (\$250,000) shall be paid into the Service Revolving Fund.

SEC. 4. Inasmuch as this act provides an appropriation for the usual current expenses of the State it shall, pursuant to the provisions of Section 1 of Article IV of the Constitution, take effect immediately."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 3, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 389

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; noes 1; absent 2.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

Committee on Military and Veterans Affairs

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Bill No. 847

Assembly Bill No. 1234

Assembly Bill No. 1384

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which were referred:

Assembly Joint Resolution No. 15

Assembly Joint Resolution No. 48

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported resolutions ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 1526

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Military and Veterans Affairs, to which was referred:

Assembly Bill No. 2094

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

QUINN, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2129

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1913

Assembly Bill No. 2044

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

SWING, Chairman

Above reported bills ordered to second reading.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Assembly Bill No. 1817

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred:

Senate Bill No. 1073

Has had the same under consideration, and reports the same back without recommendation.

Committee membership 8; committee vote: Ayes 5; absent 3.

GARRISON, Chairman

Above reported bill ordered to second reading.

Call of the Senate

Senator Seawell moved a call of the Senate.

Motion carried.

Time, 3.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

REPORT

The following report was ordered printed in the Journal:

**Report of Committee Appointed Under Provisions of
Senate Concurrent Resolution No. 16**

To the Senate and Assembly of the State of California

Your committee, with Colonel Archibald Young, Chairman of the Social Welfare Board of California, appointed under the provisions of the above numbered resolution, traveled to Washington, D. C., and in that city on June 2d and 3d conferred with the members of the California Congressional Delegation, Senator Hiram Johnson, and members and staff officials of the Federal Social Security Board concerning the controversy now existing concerning alleged nonconformity of California law and practices with the Federal Social Security Act as amended in 1939.

As a result of these conferences it is the conclusion and the finding of your committee:

First: That unless certain concessions hereinafter to be discussed are made by the State of California the present aged aid subvention to the State of California amounting to approximately \$38,000,000 per annum will be discontinued by the Federal Social Security Board on July 1, 1941. In addition to this the Federal subvention for aid to the blind amounting to approximately \$2,000,000 annually will also be discontinued on said date.

Second: That there are now pending in Congress certain bills, H. R. 3021, H. R. 4041, H. R. 4042, introduced by Congressman Jerry Voorhis of California, the effect of which, if enacted, would be to cause the Federal Social Security Board to recede from its present position, but there is no chance for passage of these bills prior to July 1, 1941, or any immediate date following.

Third: That a test case in the Federal courts on the interpretation of the Social Security Act by the Federal Social Security Board could not be brought to a successful conclusion in time to prevent the loss of these subventions to the State of California.

Fourth: That the minimum concessions by the State of California which will satisfy the Federal Social Security Board and prevent the loss of the Federal subventions are as follows:

(a) Income and Resources

Adoption of language similar to that contained in Assembly Bill No. 2630, Section 1, amended however from \$45 to \$40 per month. The principle herein involved would leave the maximum payment at the present rate of \$40, and if greater need than \$40 is shown in any individual case the income and resources allowed under the present law would not be deducted from the \$40.

(b) Confidential Nature of Records

That the language contained in Section 4 of Assembly Bill No. 2630 would meet the Federal requirements found in Subsection 8 of Section 2 of the Social Security Act making such records available only for the purposes of administration of the act.

(c) Personnel Standards

That no legislation on this subject is necessary at this time, the Federal Social Security Board being satisfied with the present California law as interpreted by opinions of the Attorney General of California.

(d) Single State Agency

The language contained in the second paragraph of Section 6 of Assembly Bill No. 2630 is necessary to satisfy the requirements of the Social Security Board.

(e) Blind Aid

That similar amendments to the laws pertaining to blind aid must be made to Sections 3076 and 3884 of the Welfare and Institutions Code in order to preserve the present subvention.

In conclusion the committee desires to express its gratitude to Honorable Clarence F. Lea, the Chairman of the California Delegation, and all the members thereof, for the many courtesies extended to it.

ROBERT W. KENNY, Chairman
CHARLES H. DEUEL
JEANETTE E. DALEY
THOMAS A. MALONEY

FEDERAL SECURITY AGENCY, SOCIAL SECURITY BOARD

WASHINGTON, D. C., June 3, 1941

Mr. Robert W. Keene, Chairman, Special Legislative Committee,
State Senate, Sacramento, California.

DEAR MR. KEENE: Pursuant to your request, as Chairman of the California Legislative Delegation, to a summary statement of the action discussed at the meeting of your delegation and the Social Security Board in Washington on June 2d, I am enclosing for your consideration the position of the Social Security Board as expressed at that meeting.

As you know, the Old Age Assistance Act for the Blind and Aid to Dependent Children, Title of the Social Security Act, was amended by the Congress in 1939 to provide that effective July 1, 1941, the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming assistance.

Sections 2020 and 3084 of the California Welfare and Institutions Code, relating to old age assistance and aid to needy blind persons, respectively, except from consideration in determining need and income and resources to be granted, income from certain specified sources. It is estimated that something \$15 per month for old age assistance and \$200 per year for aid to needy blind.

It was indicated at the time of my attendance that these two sections of the Welfare and Institutions Code can be harmonized by adding in accord with the above cited amendments to the Social Security Act, and income was had as to possible sections of the California Welfare and Institutions Code in line for the development of Old Age Assistance and Aid to Needy Blind Program which will meet the requirements of the Federal Act under July 1, 1941. The alternatives which were discussed are as follows in the official copy of my letter of March 25, 1941, addressed to Hon. James A. McHugh, Chairman, that Committee.

As was pointed out during my attendance at the meeting, the alternative mentioned in that letter requires the meeting at the end of individuals having other income or resources it results in a certain amount of inequality of treatment of individuals in that it tends to provide a greater amount of the relief funds of individuals in excess of \$400 in income above the minimum as that in possession of other income in possession.

It was also pointed out that Titles 1, 4 and 10 of the Social Security Act require that State public assistance plans must comply with the requirements or designation of a single State agency to administer the plan; "• • • or to supervise the administration of the plan; "• • •". As you know, the California plans provide for the supervision of that administrative staff for the State Department of Social Welfare.

The reports of the Committee of Congress which considered this legislation make it clear that a single State agency plan to effect in all public assistance of the State administered is supervised by a single State agency which is system with final administrative responsibility and uniformity in the uniform application of the plan throughout the State is required for Federal participation in such a plan.

Our discussion revealed that since the beginning of the State Federal Public Assistance Programs in California, the authority of the State Department of Social Welfare effectively to supervise the administration of the California public assistance plans has been in question and amount has varied to question whether the State agency possesses this authority or not in fact. In view of the evidence of past experience it is advisable that appropriate legislation be enacted affirmatively establishing this authority and providing adequate remedies essential to achieving compliance with standards established by the single State agency. Any failure to effectuate adequate compliance whether due to lack of authority or to other causes would make it necessary for this board to question the conformity of such administration with the requirements of the Federal act.

The Social Security Act was further amended in 1939 to provide that effective July 1, 1941, the State plan must provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the public assistance programs. Since the current statutory authority governing this aspect of the California program is inadequate it will be necessary, as was indicated in our discussion, that legislation be enacted to provide safeguards consistent with the above mentioned amendment to the Social Security Act.

In addition, the Social Security Act requires that effective January 1, 1940, the State shall establish and maintain personnel standards on a merit basis to govern the employment of all personnel engaged in the administration of the public assistance programs. Pursuant to this amendment the Social Security Board adopted standards providing, as a requisite to a merit system, adequate rules and regulations and the establishment and maintenance of classification and compensation plans for all positions included in the administration of the public assistance programs.

As the experience of the State has indicated during the past year, the authority of the State agency to establish and maintain a merit system to govern personnel

engaged in the administration of the public assistance programs has on several occasions been questioned. As you will appreciate, the Social Security Board can not accept any plea on the part of the State of lack of authority and the State agency must possess the statutory powers essential for the effectuation of this phase of the State's program.

You will note from the attached copy of the board's standards that while certain exemptions are permitted it is intended that the personnel standards established by the State agency will be applicable to all State and county personnel engaged in the administration of the public assistance programs. Local civil service systems governing personnel in all agencies of the local government, and maintaining standards comparable to those established by the State agency and the board, have been found by the Social Security Board to be in keeping with the above mentioned amendment. However, it has been determined by the board, and the State of California has been so advised, that any local civil service system limited to the selection of personnel engaged only in the administration of the public assistance programs could not be found by the board to meet the requirements of the Social Security Act.

In summary, the provision of the Federal act pertaining to the administration or supervision of public assistance plans by a single State agency; amendments to the act pertaining to the consideration of income and resources in determining need, and to the protection of the confidential nature of public assistance information, and to the establishment and maintenance of personnel standards on a merit system basis, set up requirements for State plans by which the Social Security Board is governed in approving such plans. The authority of this board is derived from the Social Security Act, as amended, and is limited by the terms of the act. Adequate State legislation authorizing inclusion of these required provisions in the State plan is necessary and is prerequisite to the action of this board in approving State plans and in certifying grants in aid to the State.

Sincerely,

OSCAR M. POWELL, Executive Director

March 25, 1941

Hon. Jerry Voorhis, House of Representatives
Washington, D. C.

DEAR MR. VOORHIS: Pursuant to our conversation of March 20th, we are submitting alternative possibilities, as we see them, for revision of Sections 2020 and 3084 of the California Welfare and Institutions Code relating respectively to old age assistance and aid to the blind, in order to bring those laws into conformity with the amendments to Titles I and II of the Social Security Act providing for the consideration of "any other income and resources."

For your convenience, we are quoting below Sections 2020 and 3084 of the Welfare and Institutions Code:

"2020. The amount of aid to which any applicant shall be entitled shall be, when added to the income of the applicant from all other sources, \$35 per month.

"The value of the use and occupancy of premises owned and occupied by applicants shall not be deemed income. Net income from any of the following sources of a combined total value not exceeding \$15 per month shall not be considered for any purpose:

"(a) Income from the applicant's labor or service; or rent from the premises owned by applicants;

"(b) The value of foodstuffs or other merchantable products produced by the applicant;

"(c) The value of firewood or water produced on the premises of the applicant or given to him by another;

"(d) The value of gifts or money, other than contributions by relatives legally responsible by law."

"3084. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. The amount of aid to which any applicant shall be entitled shall be, when added to the income of the applicant from all other sources, \$50 per month. Income from any of the following sources of a combined total value not exceeding \$100 per annum shall not be considered for any purpose;

"(a) Income from applicant's labor or services;

"(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

"(c) The value of firewood and or water produced on the premises of the applicant or given to him by another for the applicant's use.

"(d) The value of gifts other than regular contributions by relatives legally responsible under this act;

"(e) The value of the use and occupancy of premises owned and occupied by the applicant;

"(f) The net income from real and personal property owned by the applicant."

The provision of Section 2020 concerning being considered the value of the home and net income from certain sources of a value not exceeding \$15 will, after July 1, 1941, be out of conformity with Federal requirements. Similarly, the provisions of Section 2084 exempting from institutional income from certain sources not exceeding \$400 per year will be out of conformity. All the above, under Sections 2020 (7) and 2014 (18) of the Social Security Act, the State agency will not be precluded from taking into consideration all income and resources in determining individual need. The administrative provisions of Sections 2020 and 2084 would comply the State agency with no change.

We believe that Sections 2020 and 2084 can be amended to bring the statutes into conformity with Federal requirements without further Federal consideration of assistance. We should like to suggest the following first alternative:

1. Sections 2020 and 2084 would be amended to read somewhat as follows:

The amount of aid to which any applicant shall be entitled shall be determined in conformity with the rules and regulations of the State department giving due regard to his requirements and the conditions existing in his own and in the home and resources available to him from all other sources and shall be sufficient when added to the income and resources available to be available to him, to provide that he is a reasonably self-sufficient member of the family and well being."

Under such a provision, awards would be determined on a temporary basis which is considered by the Board to be the more satisfactory basis, and the method of determining need used by State Boards, including the budget test. The growth, consideration of the requirements of the individual applicant as well as of the income and resources, and provision for the granting of assistance in accordance with the individual need.

You will note that under this proposal an annual provision is made with respect to home ownership. This does not mean that a family could in this regard could be formulated. As a matter of fact, one State month and month, giving a person who is such a provision a temporary provision would be given as the cost of maintaining the home, which cost would be included in the grant of assistance.

2. The following language would be used in the State statute to continue the provision for a fixed allowance of \$400 State assistance 2020: "The income and resources." This would also make it possible in those cases where the individual requirements are determined to be in excess of the fixed maximum, for the award to be made in an amount not to exceed \$400, which when added to the applicant's income and resources would not exceed the individual's actual requirements.

The amount of aid to which any applicant shall be entitled shall be, when added to the income (including the value of currently used resources) of the applicant from all other sources, \$400 per month; provided, however, that if in any case it is found the normal need of an applicant exceeds \$400 per month, such applicant shall be entitled to receive, in no case, not to exceed \$400 per month, which when added to the income (including the value of currently used resources) from all other sources, shall equal his "total need."

It should be clear that the Social Security Board has not recommended the placing of a monetary limitation on the amount of assistance. It should be noted, however, that under this proposal if the needs of an individual were determined to be \$90 and if that individual had income and resources of a value of \$35, he could receive a grant of assistance of \$25, provided that the maximum needs of \$400 per month were applied alike to a person having any income or resources. This is, therefore, not so restrictive as a rigid monetary limitation on the award together with income and resources.

3. The deletion of all but the first paragraph of Section 2020 and the first two sentences of Section 2084 would bring these sections into conformity with Federal requirements. This would provide for less liberal treatment than is now provided.

4. The deletion of all but the first paragraph of Section 2020 and all but the first two sentences of Section 2084, and the substitution of these sections of the sums of \$55 and \$83.33, respectively, for the amounts now specified would bring the sections into compliance. You are aware of course, that under such a substitution, all aged persons having income and resources of less than \$25 per month and all blind persons having income and resources of less than \$83.33 per month would be eligible for assistance. This would, no doubt, increase the cost of the programs.

If you have any questions on any of these alternatives, we shall be glad to discuss them with you further.

Sincerely,

OSCAR M. POWELL, Executive Director

Standards for a Merit System of Personnel Administration in State Employment Security and State Public Assistance Agencies

As part of its responsibility for the development of proper and efficient administration in State social security programs, the Social Security Board has from time to time formulated standards for the guidance of State agencies, indicating objective

criteria of such administration. Proper and efficient administration requires clear definition of functions and assignment of responsibilities, the employment of the most competent available personnel, and the development of staff morale and individual efficiency.

Under the Social Security Act as amended, the Social Security Board has the responsibility of finding that State public assistance plans and Unemployment Compensation Laws approved by it provide after January 1, 1940, for necessary methods of administration, including methods relating to the establishment and maintenance of personnel standards on a merit basis. The board is interested in the development of effective merit systems and exercises no authority over the selection, tenure of office, or compensation of any individual employed in conformity with the provisions of such systems.

These standards have been formulated in the light of the experience of State agencies already operating under merit systems. They incorporate and when in operation will supersede personnel standards previously adopted by the Social Security Board and the United States Employment Service.¹ The board believes that continuing application of these standards will give reasonable assurance of a proper basis for personnel administration, will promote a career service, and will result in increased operating efficiency in the State agencies. In order to assist States in establishing and maintaining their merit systems under these standards, the board will make available technical consultative service.

Rules and regulations to effectuate a merit system in accordance with these minimum standards shall be adopted by the State agencies and submitted as a part of the public assistance plan, of the State Unemployment Compensation Law, and of the plan for the operation of State public employment offices, to be reviewed by the board under the Social Security Act or the Wagner Peyser Act. Any amendments to the rules and regulations shall be submitted in the same manner.

Jurisdiction

These standards are applicable to all personnel, both State and local, engaged in the administration of programs under Titles 1, 3, 4, and 10 of the Social Security Act or under the Wagner Peyser Act, except those hereinafter exempted. The agencies administering these programs are referred to as State agencies.

At the option of the State agency the following positions may be exempted from application of these standards: Members of the unemployment compensation and employment service advisory councils; members of unemployment compensation appeals tribunals and boards of review representing employer and employee interests; members of the State board, and the executive head of the single State agency administering public assistance; members of the State Unemployment Compensation Commission, and the executive head of the State department responsible for the administration of unemployment compensation and employment service functions; a confidential secretary to any of the foregoing exempted officials; attorneys serving as legal counsel; members of local representative public assistance boards paid only for attendance at meetings; State and local officials serving ex officio and performing incidental administrative duties in a social security program.

Merit-System Organization

If a State has a State-wide civil service system operating under standards substantially equivalent to those herein provided, such State civil service system should be applicable to the State social security agencies as defined above.

In the absence of a State civil service system with substantially equivalent standards, there will be established a merit system administered by an impartial body herein referred to as the Merit System Council, the members of which are appointed by the administrative agencies or by the Governor on recommendation of the administrative agencies, for stated overlapping terms, and no member of which is otherwise employed as an official or employee of any of the State agencies affected.

In the interests of economy and of efficient administration a joint merit system should serve all the State social security agencies as defined above unless, because of special circumstances, it is not feasible to establish such a joint system.

Prohibition of Discrimination

Disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of political or religious opinions or affiliations will be prohibited.

Limitation of Political Activity

Participation of any employee of the State agencies, except those hereinbefore exempted, in political activity will be prohibited except that an employee should have the right freely to express his views as a citizen and to cast his vote. Such pro-

¹ "Personnel Standards of the United States Employment Service—July 1, 1938." "Standards for Personnel Administration in State Unemployment Compensation Agencies Adopted by the Social Security Board—December 23, 1938." "Standards for Personnel Administration in State Public Assistance Agencies Adopted by the Social Security Board—December 23, 1938." "Standards for Personnel Administration in State Unemployment Compensation and State Public Assistance Agencies Adopted by the Social Security Board—December 17, 1938."

hibited political activity, and include in addition the restrictions prohibited in the rules of the United States Civil Service Commission.

Classification Plan

A classification plan for all positions in the agency, based upon investigation and analysis of the duties and responsibilities of each position, shall be established and maintained. The classification plan shall include an Appropriation title for each class of position, a description of the duties and responsibilities of positions in the class, and requirements of education, training, experience, and other qualifications suitable for the performance of the duties of the position.

Compensation Plan

A plan of compensation for all classes of positions in the agency will be established and maintained. Such plan will include salary schedules for all classes of positions in which the salary of a position is subject to the compensation and benefits of the work. The salary range for each class will include minimum, intermediate, and maximum rates of pay to provide for salary advancement within the class. In setting of such salary schedule, consideration will be given to the prevailing rates for comparable positions in other departments of the State and in other government agencies. The State administrative salaries shall follow plans for salary increases based upon quality and length of service. Salary lists and rules and regulations uniformly applicable to all positions of the State Government will be given consideration in the formulation of the compensation plan.

Recruitment and Appointment of Personnel

All positions in the State government except those heretofore exempted, will be filled by personnel selected on the basis of merit, and in accordance with standards and procedures set forth in rules and regulations for the merit system adopted by the State agency or the State civil service commission.

Regulations governing the administration of examinations will include the following provisions:

Examinations will be administered by a Merit System Supervisor, appointed upon the recommendation of the State Service Council. Appointing the supervisor will insure impartial and equitable selection of candidates to meet government needs, and insure compliance with the principles of the merit system.

Applicants admitted to examinations will meet the minimum requirements for the positions for which they apply, as set forth in the specifications for the positions.

Examinations for entrance to the service will be conducted on an open competitive basis, with adequate publicity and with a reasonable period for filing applications.

Examinations will be designed to determine the capacity of the applicant for the position for which he is competing and his general background and related knowledge, and will be based on merit. A practical written test will be included, except that where exceptional qualifications of a scientific or professional character are required and recognized, a written examination is impracticable, an unassisted examination may be used.

Examinations will also include a review of training and experience for the more responsible positions; an oral examination for positions requiring frequent contact with the public or which involve supervisory or administrative duties; and a performance test for positions involving the operation of office machines.

The Merit System Supervisor will prepare and maintain registers of eligibles in the order of their final scores and will maintain the registers, make certification of eligibility, and keep all examination records.

All positions, not specifically exempted herein, are to be filled from registers of eligibles, except for emergency and temporary appointments for limited periods. Appointments will be made by selection from a listed number at the highest available eligibles on the appropriate register.

In the absence of an appropriate register, provisional appointments may be made pending competitive examination process; such provisional appointee is certified by the Merit System Supervisor as meeting at least the minimum qualifications established for the class of position; and further provided, that no individual may receive successive provisional or emergency appointments.

Personnel selected from registers to fill permanent positions will serve a fixed probationary period. Personnel appointed will be based upon an evaluation in writing of the performance of the candidate during the probationary period.

An employee of an agency who is reemployed or appointed under a merit system with standards substantially comparable to those will not be required to take a new examination for the position to which he was appointed.

An employee of an agency in which an established merit system has been in operation may obtain status in his present position either through open competitive or qualifying examination as specified in the merit system rules and regulations. Such rules and regulations may permit an employee in the service of the agency on the date of the issuance of these standards to be automatically admitted to the

examination covering the position he held on such date, and may permit him to be retained at the discretion of the State agency, providing he attains a passing grade in such examination.

Promotions

Whenever practicable a vacancy will be filled by promotion of a qualified permanent employee of the agency upon the basis of capacity, and quality and length of service.

Eligibility of an employee for promotion will be determined on recommendation of the agency and certification by the Merit System Supervisor that the employee meets the minimum requirements and is qualified for promotion to the class of position in question.

Furloughs and Separations

Regulations will be established by the agencies governing furloughs, suspensions, and separations, and governing leaves and the conditions for payment of salary at termination of services.

Employees who have completed the required probationary period of appointment and acquire permanent status will not be subject to removal except for cause, unless separated for reasons of curtailment of work or lack of funds. In the event of removal, permanent employees will have the right of appeal to an impartial body through an established procedure provided for in the merit system rules.

Service Ratings

A system of periodic service ratings for the evaluation of performance will be maintained. The manner in which such ratings are to be used in promotions, salary increases, and separations will be provided for by agency regulation.

Personnel Records and Reports

Such personnel records as are necessary for the proper maintenance of a merit system and effective personnel administration will be maintained by the State administrative agency. Periodic reports will be published by the Merit System Council.

Federal Security Agency, Social Security Board.

November 1, 1939.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 308—An act to amend Section 54 of the Fish and Game Code, relating to game management.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagay—26.

NOES—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2487—An act to amend Section 1203.4 of the Penal Code, relating to probation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagay—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 588—An act to amend Sections 581 and 582, and to amend and renumber Sections 581a, 581b and 583 of, and to add Sections 581a, 581e and 581f to, the Code of Civil Procedure, relating to the dismissal and rendition of judgment in civil actions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Broad, Brown, Catter, Colburn, Cunningham, Frazier, Gaffney, Jaspertson, Judah, Keating, Lester, Lusk, Mackay, McLean, McManis, Meyer, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Tickle, and Wagoner—25.

NOES—Senators Carter, Ewing, and Garrison—3.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3:45 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 442—An act to amend Section 170 of, to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Broad, Carter, Colburn, Keating, Keene, Kennel, McBride, Rich, Slater, Swan, and Swanwick—11.

NOES—Senators Brown, Catter, Cunningham, Frazier, Ewing, Garrison, Gordon, Jaspertson, Judah, Lusk, McManis, Miller, Morgan, Parkman, Powers, Quinn, Seawell, Slater, Tickle, and Wagoner—20.

Motion to Reconsider

Senator Kennel moved to reconsider the vote whereby Assembly Bill No. 442 was refused passage.

Postponement of Reconsideration

On motion of Senator Kennel, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 442 was refused passage, was continued until the next legislative day.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Rich,

Resolved, That Senate Bills Nos. 1341, 1342, and 763 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Broad, Brown, Catter, Collier, Cunningham, Frazier, Fletcher, Foley, Garrison, Gaffney, Jaspertson, Judah, Keating, Keene, Kennel, Lusk, Luckey, McBride, McCormack, Meyer, McLean, Morgan, Parkman, Powers, Rich, Slater, Swan, Swanwick, Tickle, and Wagoner—29.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

THIRD READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1342—An act to amend Section 4014a of the Political Code, relating to township officers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1344—An act to amend Section 2302 of, and to add Section 2305 to, the Elections Code, relating to delegates to National conventions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 763—An act to amend Sections 111, 1551, 2005, 2182, 3077, 3078, 3079, 3085, 3086 and 3089, and to repeal Sections 2141, 2142 and 3076 of the Welfare and Institutions Code, relating to the organization, powers and duties of the State Department of Social Welfare.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Senate Bill No. 859

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

MCCORMACK, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 859—An act to add Section 3560.1 to the Harbors and Navigation Code, relating to the possession, control and jurisdiction of the Board of State Harbor Commissioners for the Bay of San

Diego over lands including tidelands and submerged lands within the Bay of San Diego.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

Strike out all of the text of the printed bill and insert:

An act authorizing the State Lands Commission to transfer by deed or other instrument certain tidelands and submerged lands belonging to the State of California situate in or adjacent to the County of San Diego, State of California:

Amendment No. 2

Strike out all of lines 1 to 11 inclusive of the printed bill, and insert:

SECTION 1. The State Lands Commission is hereby authorized and empowered to transfer by deed to the United States of America all or a portion of those tidelands and submerged lands of the State of California being successors of the certain Military Reservation known as "Cannon Beach" which reservation was portion of Lot 40, Township 17 South, Range 2 West, S. B. E. & M., as recorded in deed dated February 9, 1897, recorded in Book 100 of Deeds, Page 14; Records of County of San Diego, and map of which as recorded in Book 18 of Maps, No. 837, Records of County of San Diego, said said lands and conditions as may appear to the State Lands Commission to be in the public interest.

SEC. 2. The State Lands Commission is hereby authorized and empowered to exchange all or a portion of the lands described in Section 1, based on value similar lands of the United States of America, said said lands and conditions as may appear to the State Lands Commission to be in the public interest.

SEC. 3. All such lands or other instruments received or given over to the United States Government shall be in the name and in the name of the people of the State of California, and such receipt of a transfer of the State Lands Commission, approving such transactions or other programs, and be approved by the Governor, countersigned by the Secretary of State, sealed with the Great Seal of the State, and delivered to an authorized agent of the United States of America. The Governor is hereby authorized to execute and in behalf of the State of California a deed or other instrument transferring lands and submerged lands from the United States of America back to the resolution of the State Lands Commission that the requirements herein contained have been satisfied.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred

Senate Bill No. 1264

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership: 11; committees: none; Ayes 11.

MINSTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 1264—An act to make an appropriation for the construction of an additional building at San Quentin Prison.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "\$_____". and insert "sixty thousand dollars (\$60,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Finance**

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 1293

Senate Bill No. 1345

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MINTYER, Chairman

Above reported bills ordered to second reading.

MOTION TO RE-REFER SENATE CONSTITUTIONAL AMENDMENT NO. 14

Senator Shelley moved that Senate Constitutional Amendment No. 14 be re-referred to Committee on Financial Institutions.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 850

Senator Shelley moved that Senate Bill No. 850 be re-referred to Committee on Financial Institutions.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 191

Senator Seawell moved that Senate Bill No. 191 be re-referred to Committee on Financial Institutions.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1209

Senator Kenny moved that Assembly Bill No. 1209 be re-referred to Committee on Elections.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swan moved that Assembly Bill No. 825 be taken from the inactive file, and placed on the second reading file

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Senate Bill No. 30 be taken from the inactive file, and placed on the unfinished business file.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 641

Senator Kenny moved that Senate Bill No. 641 be re-referred to Committee on Military and Veterans Affairs.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Powers moved that Senate Bill No. 940 be taken from the inactive file, and placed on the third reading file by unanimous consent.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Collier moved that Senate Bill No. 930 be taken from the inactive file, and placed on the third reading file by unanimous consent.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Senate Bill No. 1197 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Jespersen moved that Senate Bill No. 974 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Senate Bill No. 11 be taken from the inactive file, and placed on the special appropriations file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 11 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 2280 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Keating moved that Assembly Bill No. 1922 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Keating moved that Senate Bill No. 1308 be taken from the inactive file, and placed on the third reading file by unanimous consent.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 438 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 508 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 707 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 2120 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 357 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 1255 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kuchel moved that Assembly Bill No. 2358 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Cunningham moved that Assembly Bill No. 949 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Cunningham moved that Assembly Bill No. 950 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Cunningham moved that Assembly Bill No. 1933 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Cunningham moved that Assembly Bill No. 1934 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Cunningham moved that Assembly Constitutional Amendment No. 55 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kenny moved that Assembly Bill No. 2431 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO RECONSIDER

Senator Gordon moved to reconsider the vote whereby Senate Bill No. 401 was passed.

Postponement of Reconsideration

On motion of Senator Gordon, the further consideration of the motion to reconsider the vote whereby Senate Bill No. 401 was passed was continued until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Myland moved that Assembly Bill No. 1799 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Kuchel moved that Assembly Bill No. 686 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Shelley moved that Assembly Bill No. 434 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1004

Senator Breed moved that Assembly Bill No. 1004 be re-referred to Committee on Judiciary.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 190

Senator Seawell moved that Senate Bill No. 190 be re-referred to Committee on Financial Institutions.

Motion carried.

MOTION TO WITHDRAW SENATE BILL NO. 972 FROM COMMITTEE

Senator Jespersen moved that Senate Bill No. 972 be withdrawn from Committee on Local Government for purpose of consideration.

The roll was called, and the motion lost by the following vote:

AYES—Senators Carter, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Shelley, and Swan—9.

NOES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Keating, Kuchel, Luckey, McBride, McCormack, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, and Wagy—21.

RESTORATION TO FILE OF ASSEMBLY BILL NO. 2299

Senator Jespersen moved that Assembly Bill No. 2299 be restored to the file for purpose of consideration.

Motion carried.

MOTION TO RECALL ASSEMBLY BILL NO. 2299 FROM ASSEMBLY

Senator Jespersen moved that Assembly Bill No. 2299 be recalled from the Assembly for further action.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1340—An act declaring unlawful the filing with or transmission by a telegraph company of unauthorized messages, and providing penalties therefor.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, Crittenden, Fletcher, Garrison, Jespersen, Judah, Kenny, McCormack, Mixter, Myhand, Quinn, Rich, Shelley, Slater, and Swing—15.

NOES—Senators Breed, Brown, Collier, Cunningham, DeLap, Foley, Gordon, Keating, Kuchel, Luckey, McBride, Parkman, Powers, Seawell, and Wagy—15.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 747—An act to amend Section 3254 of the Welfare and Institutions Code, relating to the duties of the Department of Institutions.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 811—An act to add Section 114 to Chapter 1 of Division 1 of the Business and Professions Code, relating to licenses for persons who have served in the Armed Forces.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 542

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY COUNCIL, SENATE, June 5, 1941

Mr. President: I am pleased to inform your committee both that the Assembly on this day passed:

Assembly Bill No. 143
Assembly Bill No. 1030
Assembly Bill No. 1091
Assembly Bill No. 1124
Assembly Bill No. 1126
Assembly Bill No. 1127
Assembly Bill No. 1129
Assembly Bill No. 1092

Assembly Bill No. 1098
Assembly Bill No. 1122
Assembly Bill No. 1123
Assembly Bill No. 1124
Assembly Bill No. 1125
Assembly Bill No. 1126
Assembly Bill No. 1127
Assembly Bill No. 1129

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RICHARD J. FLYNN, Assembly Clerk

ASSEMBLY COUNCIL, SENATE, June 5, 1941

Mr. President: I am pleased to inform your committee both that the Assembly on this day adopted:

Assembly Constitutional Amendment No. 66
Assembly Concurrent Resolution No. 51

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RICHARD J. FLYNN, Assembly Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 143—An act to add Article 2a to Chapter 1 of Part 4 of Division 3 of the School Code, relating to the providing of special services for the deaf, and making an appropriation therefor.

Referred to Committee on Education.

Assembly Bill No. 1030—An act creating a Commission on Vocational Training, Retaining and Graduate and defining its powers and duties, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1091—An act to add Section 566 to the Streets and Highways Code, relating to State highways.

Referred to Committee on Transportation.

Assembly Bill No. 1124—An act to regulate the sale of olive oil and to prohibit the sale of imitation olive oil, establishing standards for olive oil, prescribing methods of packaging, labeling, and branding olive oil, licensing packers, manufacturers and distributors, providing rules and regulations for the proper sanitation of such establishments, imposing penalties for violations of this act, defining the powers of the State Board of Public Health in relation thereto, and to repeal an act entitled "An act to regulate the sale of imitation olive oil and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1296—An act to amend Section 1305 of the Penal Code, relating to bail.

Referred to Committee on Judiciary.

Assembly Bill No. 1433—An act to add a new section, to be numbered 10a, to the Motor Vehicle Fuel License Tax Act and a new section, to be numbered 7406, to the Revenue and Taxation Code, relating to distributions of motor vehicle fuel to certain contractors, to defer assessment and determination of Motor Vehicle Fuel License Tax in certain instances, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1769—An act to add a new section to the State Civil Service Act, to be numbered 57.5, relating to the officers and employees of the State engaged in the performance of the administration and enforcement of the laws and rules governing persons paroled from the State prisons.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1992—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Referred to Committee on Natural Resources.

Assembly Bill No. 1998—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 2155—An act making an additional appropriation for construction, improvements, and equipment at the University of California.

Referred to Committee on Finance.

Assembly Bill No. 2213—An act to amend Sections 19621, 19622, 19624 and 19626 of the Business and Professions Code, relating to fairs and exhibitions.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2571—An act to amend Section 1182 of the Labor Code, relating to minimum wage to be paid to women.

Referred to Committee on Labor.

Assembly Bill No. 2598—An act to add Section 19624.5 to the Business and Professions Code, and to add Section 87.5 to the Agricultural Code, relating to the Forty-eighth District Agricultural Association.

Referred to Committee on Agriculture.

Assembly Bill No. 2642—An act authorizing cities, cities and counties, and counties organized or governed by charters adopted pursuant to the Constitution of the State of California to exercise powers granted

by any general law of the Legislature of the State of California by ordinance or ordinances passed and adopted pursuant to the provisions of such charter, in lieu of the resolution or resolutions provided for in such general law; ratify and confirm all action heretofore taken by ordinance in lieu of such resolution; and declaring this act to be an urgency measure to take effect immediately.

Referred to Committee on Local Government.

Assembly Bill No. 2649—An act to amend Section 4104 of the Public Resources Code, relating to the building of camp fires or smoking on National forest land.

Referred to Committee on Natural Resources.

Assembly Constitutional Amendment No. 66—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IV thereof, relating to the introduction of bills by members of the Legislature.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 51 Relative to amending Rule 35 of the Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 58.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly.
By J. M. SIMS, JR., Assistant Clerk.

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following resolution was read the first time:

Assembly Joint Resolution No. 58 Relative to memorializing Congress concerning the tariff on tungsten and tungsten products.

Request for Unanimous Consent

Senator Wagy asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 58, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 58

Assembly Joint Resolution No. 58—Relative to memorializing Congress concerning the tariff on tungsten and tungsten products.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators: Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Jepsen, Judah, Kachel, Lackey, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Ruel, Shalley, Sydn, Swing, Wagy, and Ward—24.

NOES—Senators: Garrison, Gordon, Keating, Keeny, McCormack, and Slater—6.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 5, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 22.

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 22—Amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 36, creating a Joint Legislative Budget Committee, defining its powers and duties, and making an appropriation out of the contingent funds therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 22?

Amendment No. 1

On page 1 of the printed measure, strike out lines 22 to 25, inclusive, and insert "other Members of the Assembly appointed by the Speaker."

Amendment No. 2

On page 3, line 5, of the printed measure, strike out the period, and insert "; and be it further

Resolved, That if there is created by statute a Legislative Audit Bureau, a Legislative Research Bureau, or other similar agency, under legislative control, charged with the duty of performing one or more of the functions given the Legislative Budget Committee by this resolution, the committee is hereby authorized and directed to avoid duplicating the work of such bureau or agency while the latter is in existence and functioning."

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 22 by the following vote:

AYES—Senators Breed, Brown, Collier, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, McBride, McCormack, Mixer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—Senator Carter—1.

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, JUNE 6, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 556

Senate Bill No. 592

Senate Bill No. 583

Senate Bill No. 1309

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 556—An act making an appropriation for construction, improvements, equipment and the purchase of land for the California School for the Deaf.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "construction, improve;" and all of lines 2 and 3, and insert "equipment for the California School for the Deaf, and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out all of lines 3 and 4, and insert "seven thousand five hundred dollars (\$7,500) for equipment of the hospital building for the

California School for the Deaf during the Ninety-third and Ninety-fourth Fiscal Years.

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the Constitution of the State of California, take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 583—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Fresno State College.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "construction, improve-"; and strike out all of lines 2 and 3, and insert "equipment for the Fresno State College and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 and 4, and insert "of thirty-six thousand dollars (\$36,000) for equipment of the student activities building for the Fresno State College during the Ninety-third and Ninety-fourth Fiscal Years."

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, of Article IV of the State of California, take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 592—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Chico State College.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 2, of the title of the printed bill, strike out the comma and "equipment, and the purchase of land", and insert "and equipment".

Amendment No. 2

In line 3 of the title of the printed bill, following "College", insert a comma and "and providing that this act shall take effect immediately."

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 3 and 4, and insert "sum of eighteen thousand dollars (\$18,000) for construction, improvements and equipment of a pumping plant for the Chico State College during the Ninety-third and Ninety-fourth Fiscal Years."

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provision of Section 1, Article IV of the Constitution of the State of California, take effect immediately."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1309—An act to add Article 7, comprising Sections 2800 and 2801, to Chapter 5 of Title 1 of Part 3 of the Penal Code, to provide for manufacture of tobacco products in institutions and prisons

of the State of California, the sale of such products to State agencies, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Article 7, comprising sections"; and strike out lines 2 to 6, inclusive, and insert "Section 2713 to the Penal Code, relating to the Tobacco Manufacturing Revolving Fund."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 21, inclusive, and insert

"Section 1. Section 2713 is hereby added to the Penal Code, to read as follows:
2713. Out of any funds in the State Treasury not otherwise appropriated, there is hereby appropriated to the board the sum of fifty-five thousand dollars (\$55,000) for expenditure in accordance with law for the manufacture of tobacco products in the State prisons, of which".

Amendment No. 3

On page 1, line 24, of the printed bill, strike out ", and in supervising."

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 1 to 28, inclusive, and insert "(2) The balance of twenty-five thousand dollars (\$25,000) to be deposited in the San Quentin Manufacturing Revolving Fund, out of which fund shall be paid any expenditures necessary in the purchase of raw materials, meeting the cost of manufacture, and sale of tobacco products. All proceeds from such sales shall be deposited in the San Quentin Manufacturing Revolving Fund."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1293—An act making an appropriation to the Department of Finance for State participation in the Los Banos May Day Festival and Live Stock Show, declaring the urgency hereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1345—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Senator Mixer:

Resolved, That Senate Bills Nos. 1293, 1345, 969, 945, 1073, 859, 556, 583, 592 and 1309 present a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the third time, and placed upon their passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuehl, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 62—An act to repeal Article 2, comprising Sections 4051 to 4060 inclusive, of Chapter 1 of Division 4 of the Public Resources Code, relating to private fire patrons of forest lands, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Beach, Carter, Foster, Gentry, Green, Harbo, Fletcher, Fidey, Gauthier, Gower, Josephson, Judah, Keating, Kopp, Koster, Lusk, Malt, McHugh, Minter, Miskow, Pennington, Powers, Quinn, Rife, Scovell, Seaton, Slater, Swan, Swain, Tamm, Wagoner, and Winters.
 NOES: None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 70—An act to amend Section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read third time.

Motion to Amend

Senator Gordon moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended at Senate June 5, 1941, strike out "back knife clause".

Amendment No. 2

On page 1, line 13, of the printed bill, as amended, strike out the sentence following "fish", and insert "and".

Amendment No. 3

On page 1, line 13, of the printed bill, as amended, after "license", strike out the comma.

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 47—Relative to preparation of automobile license plates calling attention to the Cabrillo Centennial.

Resolution read.

Motion to Amend

Senator Fletcher moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 13, of the printed measure, after "vehicles", strike out "Be requested to", and insert "may".

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1841—An act to amend Section 1043 of the Insurance Code, relating to mutualization, reinsurance and rehabilitation of persons in the possession of the Insurance Commissioner.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 4 to 7, inclusive, and insert "sioner, as conservator or as liquidator, may, under the direction of and subject to the approval of said".

Amendment No. 2

On page 1, line 10, of the printed bill, as amended, after the period, insert "The court after hearing, and good cause appearing therefor, may permit such minimum number of the policyholders, as to it appears proper, of a person whose property and business is in the possession of the commissioner, at such time as it determines advisable, to propose a plan for mutualization, reinsurance or rehabilitation of the business of such person. Such plan as the court may permit to be filed in the proceedings may be considered together with any proposal or plan filed by the commissioner."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2573—An act to amend Sections 770 and 771 of the Vehicle Code, relating to fines and forfeitures.

Bill read third time.

Motion to Amend

Senator Slater moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended, after line 33, insert

"(c) Notwithstanding any other provision of this section, of the fines and forfeitures collected from any person charged with a misdemeanor under this code committed within the incorporated limits of a city upon a State highway connecting within the county in which the city is located with a publicly owned bridge or a publicly owned toll bridge, and following arrest by any officer employed by the State and the imposition of the fine or forfeiture by a court maintained by the city, 75 per cent shall be paid into the treasury of the city and deposited in the "Street improvement fund" and 25 per cent shall be paid into the treasury of the county in which the city is located and deposited in the "Special road fund." "

Amendment read and adopted.

Bill ordered printed, and to third reading.

RECESS

At 5.25 p.m., on motion of Senator Rich, the Senate recessed until 8.30 p.m.

REASSEMBLED

At 8.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

Time, 8.31 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
REPORTS OF STANDING COMMITTEES****Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1058—An act to amend Section 4272 of the Political Code, relating to compensation for public services in counties of the forty-third class;

And reports that the same have been correctly reviewed, and presented to the Governor on the sixth day of June, 1941, at 1 p.m.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, June 6, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 559 An act to amend Section 356a of the Political Code, relating to contracts between officers and agents.

Senate Bill No. 660 An act to amend Section 886 of the Agricultural Code, relating to canisters.

Senate Bill No. 796 An act to amend Sections 970 and 971, and to add Sections 970.1 and 971.1 to the Fish and Game Code, relating to deer and traps.

Senate Bill No. 827 An act to amend Section 414a of the Public Resources Code, relating to the operation of stationary engines in any forest or game land, and to amend Section 414b of the same code, relating to the operation of any engine in wood lands, and to amend Section 414c of the same code.

Senate Bill No. 828 An act to amend Section 4157 of the Public Resources Code, relating to the operation of any engine in any forest or game land, and to amend Section 4158 of the same code, relating to the operation of any engine in wood lands, and to amend Section 4159 of the same code.

Senate Bill No. 1020 An act to amend Section 5605 of the Labor Code, relating to proceedings before the Industrial Accident Commission.

Senate Bill No. 1048 An act to amend Sections 5820, 5831 and 5832 of the School Code, and to amend Section 5833 of the same code, relating to the California State Teachers' Retirement System.

And reports that the same have been correctly reviewed, and presented to the Governor on the sixth day of June, 1941, at 1 p.m.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, June 6, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 54 An act to amend Section 171 of the Fish and Game Code, relating to Silver Lake Game Refuge.

Senate Bill No. 101 An act to amend Section 873 of the Political Code, relating to compensation for public services in counties of the third class.

Senate Bill No. 344 An act to amend Section 1291 of the Fish and Game Code, relating to doves.

Senate Bill No. 484 An act to add a new section, to be numbered 53, to the Retail Sales Tax Act of 1935, and to amend Sections 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Senate Bill No. 519 An act to amend Sections 124, 125 and 126 of and to add Sections 407, 408 and 409 to the Fish and Game Code, relating to license agents, compensation for sale and handling of game.

Senate Bill No. 536 An act to amend Section 20015 of the Agricultural Code, relating to the marketing of agricultural commodities and providing for production adjustment payments.

And reports that the same have been correctly reviewed, and presented to the Governor on the sixth day of June, 1941, at 1 p.m.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, June 6, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 969

Senate Bill No. 970

Senate Bill No. 945

And reports the same correctly engrossed.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, June 6, 1941.

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 556

Senate Bill No. 583

Senate Bill No. 592

And reports the same correctly engrossed.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 859

Senate Bill No. 1264

Senate Bill No. 1073

Senate Bill No. 1345

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 763

Senate Bill No. 1344

Senate Bill No. 1051

Senate Concurrent Resolution No. 47.

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 930

Senate Bill No. 1168

And reports the same correctly re-engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1340

Senate Bill No. 1309

And reports the same correctly re-engrossed.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's veto to:

Senate Bill No. 877

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1135—An act to amend Section 554 and to add Section 555 to the Labor Code, relating to days of rest.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2493

Assembly Bill No. 1571

Assembly Bill No. 855

Assembly Bill No. 2494

Assembly Bill No. 1112

Assembly Bill No. 2631

Assembly Bill No. 1120

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant ClerkFURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 8.40 p.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Senate Bill No. 82

Has had the same under consideration, and reports the same with amendments with the recommendation that the Senate refuse to pass the Assembly amendments, and that a Committee on Efficiency be organized, and that the Committee on Efficiency be recommended to select the members to be named herewith dated June 5, 1941.

Committee membership: H. C. (committee room), Allen S. (Assembly)

SWING, Chairman

The roll was called, and the Senate refused to assent in Assembly amendments by the following vote:

AYES: None

NOES: Senators Begg, Brown, Burke, Cunningham, DeLap, Fletcher, Foley, Garrison, Graham, Jaramore, J. H. K. Jones, Marks, McCormack, Miller, Myland, Quinn, Rich, Shelley, Soley, Squire, Tamm, Wain, and Ward—24

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 782—An act to amend Section 576 of the Vehicle Code, relating to special steps required of vehicles.

Bill read third time.

Motion to Amend

Senator McCormack moved the adoption of the following amendments:

Amendment No. 4

On page 1, line 23, of the printed bill, after "said road" strike out the comma.

Amendment No. 2

On page 1, lines 24 and 25, of the printed bill, strike out "not used for regular train operation", and the comma after "operation".

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1168—An act to amend Section 19626 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 3, lines 36 and 37, of the printed bill, as amended, strike out "one hundred twenty-five thousand dollars (\$125,000)", and insert "one hundred thousand dollars (\$100,000)".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1051—An act to add Section 862.5a to an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 18, 1883, relating to powers of sixth class cities to acquire and develop park and recrea-

tional facilities, and to issue revenue bonds therefor, to take effect immediately.

Bill read third time.

The bill was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED) CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 338—An act to amend Section 4 of The Corporation Income Tax Act of 1937, relating to corporations exempt from tax.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 338 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—32.

NOES—Senators Carter, and Garrison—2.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 339—An act to amend Section 4 of the Bank and Corporation Franchise Tax Act, relating to corporations exempt from tax.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 339 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Waggy, and Ward—31.

NOES—Senators Carter, Garrison, and Jespersen—3.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 930—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Bill read third time.

Motion to Amend

Senator Collier moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 22 and 23, of the printed bill, as amended in the Senate April 28, 1941, strike out "on the effective date of this section".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

CONSIDERATION OF SPECIAL ORDER

The hour of 2 p. m. having arrived, the special Appropriation Bills were taken up.

Senate Bill No. 253—An act to amend the title and Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 2, 4 and 5 of and to add Section 4.5 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Collins, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McGowan, McManus, Murray, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sving, Tucke, Wagy, and Ward—34.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 944—An act making an appropriation to the Department of Finance for the purpose of paying refunds of taxes, licenses, and fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Collins, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McGowan, McManus, Murray, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sving, Tucke, Wagy, and Ward—33.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Collins, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jepsen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McGowan, McManus, Murray, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sving, Tucke, Wagy, and Ward—33.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 686—An act to provide for leasing adequate facilities and service for the establishment and operation of a telephone-type-writer system of communication between counties and cities and counties of this State, to authorize the connection of this system with that of any adjacent State, to make an appropriation therefor, and to repeal certain acts inconsistent therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jepsen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo,

McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1318—An act making an appropriation from the unexpended moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, for flood control works in or along the Eel River, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 223—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for forest protection against the white pine blister rust.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 719—An act to add Section 3.5 to an act entitled "An act creating a State Bureau of Criminal Identification and Investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a State Bureau of Criminal Identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved

May 31, 1917, relating to the organization of said bureau and defining its powers and duties and making appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gortman, Gordon, Janssen, Josiah, Keating, Kenny, Kuehl, Luckey, Mayo, McBeck, McCannock, Miller, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shaffer, Slater, Strong, Tickle, Wagy, and Ward—35.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 967—An act making an appropriation for the control of disease-haunting rodents on and near areas established for defense purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gortman, Gordon, Janssen, Josiah, Keating, Kenny, Kuehl, Luckey, Mayo, McBeck, McCannock, Miller, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shaffer, Slater, Strong, Tickle, Wagy, and Ward—34.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1211—An act making an appropriation for the support, activities and functions of the California Farm Debt Adjustment Commission, disposing of unexpended moneys of a previous appropriation for such purposes, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gortman, Gordon, Janssen, Josiah, Keating, Kenny, Kuehl, Luckey, Mayo, McBeck, McCannock, Miller, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shaffer, Slater, Strong, Tickle, Wagy, and Ward—34.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232—An act to amend School Code Section 4.102a, relating to, and making an appropriation for, vocational rehabilitation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gortman, Gordon, Janssen, Josiah, Keating, Kenny, Kuehl, Luckey, Mayo, McBeck, McCannock, Miller, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shaffer, Slater, Strong, Tickle, Wagy, and Ward—35.

NOTES—None.

Bill ordered transmitted to the Assembly.

Senate Resolution No. 128

WHEREAS, Assembly Bill No. 2063, Chapter 395 of the Statutes of 1941 provides that the State Printer shall compare or cause to be compiled, published and distributed a State Blue Book; and

WHEREAS, It is fitting that the Members of the Senate should receive copies of the State Blue Book in order that they and their constituents may be better acquainted with the information therein contained; now, therefore, be it

Resolved by the Senate of the State of California, That the Secretary of the Senate is authorized to order 481 copies of the State Blue Book for delivery in

accordance with the provisions of Assembly Bill No. 2063, Chapter 395 of the Statutes of 1941, and the cost thereof not to exceed two thousand three hundred dollars (\$2,300), shall be payable from the legislative printing appropriation.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagye, and Ward—34.

NOES—None.

Senate Bill No. 415—An act to amend Section 109 of the State Employees' Retirement Act, relating to a retirement system for employees and officers of the State of California, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagye, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 969—An act relating to and providing for the completion of the preparation of a Water Code, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagye, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 945—An act to amend Section 689 of, and to add Section 689.5 to, the Political Code, relating to collections by the State Department of Finance from other State agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Slater, Swing, Tickle, Wagye, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1264—An act to make an appropriation for the construction of an additional building at San Quentin Prison.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo,

McBride, McCormack, Moore, Michael, Parsons, Phillips, Quinn, Rich, Slater, Swing, Tickle, Wagon, and Ward—
 Nays—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1293—An act making an appropriation to the Department of Finance for state participation in the Los Angeles May Day Festival and Love World Show, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and approved by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foss, Garrison, Graham, Johnson, Keith, Keating, Kenney, Kuebel, Luckey, May, McPhail, McCormack, Moore, Michael, Parsons, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagon, and Ward—35.
 Nays—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foss, Garrison, Graham, Johnson, Keith, Keating, Kenney, Kuebel, Luckey, May, McPhail, McCormack, Moore, Michael, Parsons, Phillips, Quinn, Seawell, Shelley, Slater, Swing, Tickle, Wagon, and Ward—33.
 Nays—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1345—An act making an appropriation to meet a deficiency in the appropriation for legislative printing, binding, etc., to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foss, Garrison, Graham, Johnson, Keith, Keating, Kenney, Kuebel, Luckey, May, McPhail, McCormack, Moore, Michael, Parsons, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagon, and Ward—35.
 Nays—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 556—An act making an appropriation for construction, improvements, equipment and the purchase of land for the California School for the Deaf.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foss, Garrison, Graham, Johnson, Keith, Keating, Kenney, Kuebel, Luckey, May, McCormack, Moore, Michael, Parsons, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagon, and Ward—32.
 Nays—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 583—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Fresno State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 592—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Chico State College.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1309—An act to add Article 7, comprising Sections 2800 and 2801, to Chapter 5 of Title 1 of Part 3 of the Penal Code, to provide for manufacture of tobacco products in institutions and prisons of the State of California, the sale of such products to State agencies, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17—An act to amend Section 758 of the Political Code, and to add thereto Section 758b, relating to the creation and establishment of one additional division of the District Court of Appeal for the Second Appellate District and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1073—An act to add Section 3466c to the Political Code, relating to the Sutter-Butte By-Pass Assessment No. 6 of the Sacramento and San Joaquin Drainage District.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Kuebel, Luckey, Mays, McBurns, Mirra, Mulford, Phillips, Powers, Quinn, Rich, Shaffer, Senter, Spring, Wagon, and Wardwell.

NOTES: None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 859. An act authorizing the State Lands Commission to transfer by deed or other instrument certain tidelands and submerged lands belonging to the State of California situate in or adjacent to the County of San Diego, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Baggett, Boyd, Brown, Carter, Coffey, Cuthbertson, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mays, McBurns, Mirra, Mulford, Powers, Phillips, Powers, Quinn, Rich, Senter, Shaffer, Senter, Spring, Tule, Wagon, and Wardwell. 24.

NOTES: None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260. An act to amend Section 343 of the Agricultural Code, relating to fees for inspection of animals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Baggett, Boyd, Brown, Carter, Coffey, Cuthbertson, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Luckey, Mays, McBurns, Mirra, Mulford, Powers, Phillips, Powers, Quinn, Rich, Senter, Shaffer, Senter, Spring, Tule, Wagon, and Wardwell. 25.

NOTES: None.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules recommends the appointment of Senators Kenny, DeLap, and Keating as a Senate Committee on Conference, concerning Senate Bill No. 82 to meet a like committee of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: The Committee on Conference recommends:

Assembly Bill No. 1135. An act to amend Section 554 of the Labor Code, relating to days of rest, consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 30, 1941, be further amended as follows:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 12, 13 and 14, and insert "such employees. Nothing in this".

Amendment No. 2

On page 1, line 16, of the printed bill, as amended, strike out "the employee desires or".

COLLIER

BIGGAR

Senate Committee on Conference

CARLSON

LOWREY

CLARKE

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, JUNE 6, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 2524—An act to amend Section 800 of the Penal Code, relating to time of commencing criminal actions; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following: That the amendments of the Senate be concurred in, and that the bill, as amended on May 27, 1941, be further amended as follows:

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, strike out "five", and insert "six".

SWING
CARTER
KEATING

Senate Committee on Conference

HOUSER, FREDERICK F.
POTTER
CARLSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swing, Tickle, and Wagy—29.

NOES—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1168—An act to amend Section 19626 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund.

Bill read third time.

Previous Question

Senator Tickle moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 1168.

The roll was called, and Senate Bill No. 1168 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—Senators Gordon, Quinn, and Slater—3.

Bill ordered transmitted to the Assembly.

Senate Bill No. 930—An act to amend Section 70 of, and to add Sections 70.4 and 70.6 to, the Streets and Highways Code, relating to the California Highway Commission, and providing for the creation, appointment, and organization thereof.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Collier moved a call of the Senate.

Motion carried. Time, 10:55 p. m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**RESOLUTIONS**

The following resolution was offered:

By Senator McBride:

Senate Resolution No. 131

WHEREAS, The heritage of Free America is great Democracy, her symbol our National Emblem, United States Flag and stars, and its interpretation certain useful enemies of our freedom; and

WHEREAS, Every citizen must find his place in the total defense of our Nation, by cooperating to achieve total unity, harmony, and brotherhood in a unified Nation; it was the purpose of the Senate to pass the following resolution:

WHEREAS, An inspiration to the best thought and deep longings required in the fight for these objectives against fear, hate, greed and extravagance is found in a handbook of National Defense prepared by the State Research Council, entitled "You Can Defend America" (authored by General James H. Doolittle, Army General throughout the country, and many other organizations), now, therefore, be it

Resolved by the Senate of the State of California, That the Senate cordially commends to the people of this State both the book and its theme, and recommends that patriotic organizations throughout the State find means to aid its distribution to the fullest extent.

Resolution read, and unanimously adopted.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1913

Senator DeLap moved that Assembly Bill No. 1913 be re-referred to Committee on Governmental Efficiency.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2197—An act to repeal Part 2 of Division 13 of the Health and Safety Code, and to add a new Part 2 to said Division 13, relating to auto courts, and auto and trailer camps.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bagger, Reed, Brown, Carter, Collier, Critchfield, Cunningham, DeLap, Foley, Garrison, Gordon, Jacobson, Jones, Keene, Kinsell, Mayo, McBride, Mixer, Michard, Packman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tackle, Wagy, and Ward. 29.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.07 p.m., on motion of Senator Collier, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 930 refused passage by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, DeLap, Foley, Gordon, Jespersen, Keating, Kenny, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Slater, and Tickle—19.

NOES—Senators Biggar, Crittenden, Cunningham, Fletcher, Garrison, Judah, Kuchel, Mayo, McBride, Phillips, Rich, Swan, Swing, Wagye, and Ward—15.

ADJOURNMENT

At 11.08 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., June 7, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-SEVENTH LEGISLATIVE DAY
ONE HUNDRED FIFTY-THIRD CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, June 7, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators: Bigger, Board, Brown, Cameron, Chaffetz, DeLoach, Bond, Fletcher, Fox, Gibson, Jorgensen, Ladd, Keating, Kewy, Kessel, Lacey, Mayo, McBride, McCammon, Mason, Mendenhall, Ferguson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Telford, Wagon, and Ward. 34

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Carter, on motion of Senator Swan.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

Time, 11.05 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: In compliance with your request for the return of Assembly Bill No. 2200, we are herewith returning it to you for further action.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Call, Carlson and Kepple as a Committee on Conference concerning:

Senate Bill No. 82—An act to amend Sections 1, 2, 4 and 6 of, and to add Section 8 to an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 3, 4 and 5 of and to add Section 9 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to adopt the report of the Committee on Conference concerning:

Assembly Bill No. 82—An act to add Section 467 to the Streets and Highways Code, relating to State highways;
And appointed Messrs. Call, Bashore and Watson as a second Committee on Conference.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 49
Assembly Bill No. 98
Assembly Bill No. 777
Assembly Bill No. 1192
Assembly Bill No. 1231
Assembly Bill No. 1350
Assembly Bill No. 1396
Assembly Bill No. 1634

Assembly Bill No. 1688
Assembly Bill No. 1882
Assembly Bill No. 1885
Assembly Bill No. 1888
Assembly Bill No. 2388
Assembly Bill No. 2556
Assembly Bill No. 2579
Assembly Bill No. 2645

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Joint Resolution No. 57

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 49—An act to add a new article, to be numbered Article 6, to Chapter 1 of Division 3 of the Agricultural Code, comprising Sections 380.70 to 380.80, inclusive, relating to the registration of stallions and jacks for service.

Referred to Committee on Agriculture.

Assembly Bill No. 98—An act to amend Section 11 of the Fish and Game Code, relating to the compensation of the members of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Assembly Bill No. 777—An act to add Division 2.5, comprising Chapter 1, Sections 1700 to 1783, inclusive, to the Welfare and Institutions Code, creating a Youth Correction Authority, prescribing its powers and duties, providing for commitments thereto of convicted

persons under 23 years of age at the time of their apprehension and making an appropriation therefor.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1192—An act to amend Section 20, and repeal Section 24 of, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1231—An act making an appropriation for construction, improvements, equipment, and the purchase of land for the Humboldt State College.

Referred to Committee on Finance.

Assembly Bill No. 1350—An act to amend Section 107 of the Health and Safety Code, relating to the Director of Public Health.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1396—An act to add Section 556 to the Labor Code, relating to days of rest of employees.

Referred to Committee on Labor.

Assembly Bill No. 1634—An act adding Section 3704 to the Political Code, relating to deputies for members of the State Board of Equalization.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1688—An act to amend School Code Sections 5850, 5851, 5853, 5854, 5871 and 5872, relating to the California State Teachers' Retirement System.

Referred to Committee on Education.

Assembly Bill No. 1882—An act to amend Section 2814 of the Business and Professions Code, relating to the Board of Nurse Examiners Fund.

Referred to Committee on Business and Professions.

Assembly Bill No. 1885—An act to amend Section 4060 of the Public Resources Code, relating to the State Board of Forestry Fire Prevention Fund, and making an appropriation.

Referred to Committee on Natural Resources.

Assembly Bill No. 1888—An act to amend Section 3110 of the Public Resources Code, relating to the Petroleum and Gas Fund and making an appropriation.

Referred to Committee on Natural Resources.

Assembly Bill No. 2388—An act to amend Section 4041.5 of the Political Code, relating to the advertising of the resources of counties and the levying of taxes therefor.

Referred to Committee on Local Government.

Assembly Bill No. 2556—An act for the care and education of pupils of the California School for the Blind who are both deaf and blind.

Referred to Committee on Finance.

Assembly Bill No. 2579—An act to amend Sections 5.850, 5.851, 5.853, 5.870, 5.871 and 5.873 of the School Code, relating to a retirement system for the retirement of officers and employees of the State, counties and school districts rendering service of an educational nature, and making an appropriation.

Referred to Committee on Education.

Assembly Bill No. 2645—An act to amend Section 14700 of the Business and Professions Code, relating to the protection of the rights of authorship.

Referred to Committee on Business and Professions.

Assembly Joint Resolution No. 57—Relative to expressing the regret of the people of the State of California upon the retirement of the Honorable Charles Evans Hughes, Chief Justice of the Supreme Court of the United States.

Request for Unanimous Consent

Senator Rich asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 57, at this time, for consideration.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 57

Assembly Joint Resolution No. 57—Relative to expressing the regret of the people of the State of California upon the retirement of the Honorable Charles Evans Hughes, Chief Justice of the Supreme Court of the United States.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bizzar, Brown, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Slater, Swing, Tickle, and Wagy—26.

NOES—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 102—An act to amend Section 4279 of the Political Code, relating to compensation for public services in counties of the fiftieth class;

Senate Bill No. 188—An act to amend Section 688 of and to add Section 688.1 to the Code of Civil Procedure, relating to property subject to execution;

Senate Bill No. 257—An act to amend Section 380.51 of, and to add Section 333.5 to, the Agricultural Code, relating to brands;

Senate Bill No. 560—An act to add Chapter 7, comprising Sections 7300 to 7310, inclusive, to Part 4 of Division 6 of the Welfare and Institutions Code, relating to the establishment and maintenance of an acute neuropsychiatric hospital, creating a board of trustees therefor, and providing for the powers and duties of the Department of Institutions and The Regents of the University of California in connection therewith;

And reports that the same have been correctly entered, and presented to the Governor on the seventh day of June, 1941, at 10 a.m.

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 1167—An act to amend Section 11 of, and to add Section 11.1 to, the California Unemployment Relief Act of 1935, relating to the application of civil service to the State Relief Administration.

Bill read second time, and ordered to third reading.

Senate Bill No. 971—An act relating to the education of persons in connection with programs of National defense, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2647—An act to add Section 301 to the Public Utility District Act, relating to the powers of public utility districts, empowering them to make contracts for the joint acquisition, construction, maintenance, or use of sewers and sewage works, plants, and disposal facilities and to make leases or contracts for the use of sewers, sewage works, plants and disposal facilities constructed by public utility districts, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1856—An act to amend Sections 30 and 39 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Public Utilities:

Amendment No. 1

On page 3, line 14, of the printed bill, as amended, strike out "license or".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 389—An act to add Section 647.1 to the Code of Civil Procedure, relating to objection to comment on the evidence.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "add Section 647.1 to", and insert "amend Section 647 of".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "objection to comment on the evidence", and insert "what is deemed excepted to".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 9, inclusive, and insert "SECTION 1. Section 647 of the Code of Civil Procedure is amended to read as follows:

647. The verdict of the jury, the final decision in an action or proceeding, an interlocutory order or decision, finally determining the rights of the parties, or some of them, an order or decision from which an appeal may be taken, an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out or refusing to strike out a pleading or a portion thereof, refusing a continuance, an order made upon ex parte application, giving an instruction, although no objection to such instruction was made, refusing to give an instruction, modifying an instruction requested, an order or decision made in the absence of the party or an order granting or denying a nonsuit or a motion to strike out evidence or testimony, [and] a ruling sustaining or overruling an objection to evidence, and any misstatement of the court in commenting upon or in summarizing the evidence, are deemed to have been excepted to."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1526--An act to further the education of children of disabled World War veterans by allowing free tuition in State-owned colleges and universities.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Military and Veterans Affairs:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out the period, and insert ", nor shall anything in this act prevent the charging and collecting of fees required of nonresident students admitted to colleges and schools under the jurisdiction of the Department of Education, or the Director of Education."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2094--An act to amend Section 184 of the Military and Veterans Code, relating to purchases of property by The Adjutant General.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2644--An act to amend Section 1 of "An act granting certain tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions,"

approved June 5, 1933, relating to tidelands and submerged lands granted to the City of San Diego.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2129—An act to repeal Section 55.8 of the Alcoholic Beverage Control Act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1817—An act to amend the "California Water Storage District Act," being Statutes of 1921, Chapter 314, as amended, by amending Sections 4, 6 and 17 of said act, and to adding thereto a new Section 25 (a), relating to formation, organization and powers of water storage districts, and authorizing such districts to cooperate and contract with the United States under the provisions of any Federal laws now in force, or hereafter to be enacted, for a water supply or for acquisition, purchase, construction, extension, operation or maintenance of works for irrigation, storage, flood control or drainage or for the assumption by the district of liabilities to the United States and to describe the provisions which may be included in any such contract and to provide for the levy, apportionment and collection of assessments to meet any payments required by such contract.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1501—An act to add Sections 3994, 3995 and 3996 to the Elections Code, relating to contributions and filing of nomination papers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 949—An act to repeal Chapter 395 of the Statutes of 1915 entitled "An act providing for the sale of certain State lands suitable for cultivation," approved May 15, 1915, as amended.

Bill read second time, and ordered to third reading.

Assembly Bill No. 950—An act to amend Section 1 of Chapter 389, Statutes of 1915, entitled "An act providing for the sale of certain State lands," approved May 15, 1915, relating to State lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1933—An act to amend Section 3521 of the Political Code, relating to patents for State lands.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1934—An act to repeal Section 3788 of the Political Code, to add a new Section 3788 thereto, and to repeal Sections 4108 and 4108.5 of the Revenue and Taxation Code, relating to the disposition of State lands upon which the full purchase price is not paid and which are sold to the State for taxes.

Bill read second time, and ordered to third reading.

Assembly Constitutional Amendment No. 55—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 4e of, and adding

Sections 4d and 5a to Article VI thereof, relating to the judicial department.

Resolution read second time, and ordered to third reading.

Assembly Bill No. 825—An act to add Sections 1266 and 1266.1 to Part 3, Title 7, of the Code of Civil Procedure, relating to eminent domain, including the taking of land by cities and counties for streets and highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 33—An act to amend Section 990 of the Fish and Game Code, relating to commercial fishing licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2280—An act to add Section 7377 to the Business and Professions Code, relating to cosmetology.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1922—An act to amend Section 953a of the Code of Civil Procedure, relating to appeals.

Bill read second time, and ordered to third reading.

Assembly Bill No. 434—An act to amend Section 1593 of the Labor Code, relating to employment agency licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 438—An act to repeal Section 1588.5 of the Labor Code, relating to labor contractor's license fees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 508—An act to amend Section 1589 of the Labor Code, relating to surety bonds of employment agencies.

Bill read second time, and ordered to third reading.

Assembly Bill No. 707—An act to amend Section 7113 of the Labor Code, relating to safety of employment.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2120—An act to add Section 63 to the Labor Code, relating to refunds.

Bill read second time, and ordered to third reading.

Assembly Bill No. 357—An act to amend Section 202 of the Welfare and Institutions Code, relating to contracts for care of indigents; emergency services authorized; nonemergency services authorized; hospitals with which agreements may be made.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2358—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Bill read second time, and ordered to third reading.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, the report of the Subcommittee of Senate Committee on Finance on a State Building Program was taken up.

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

UNFINISHED BUSINESS**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Concurrent Resolution No. 40—Relative to adjournment sine die of the Fifty-fourth Session of the Legislature of the State of California.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 40?

Amendment No. 1

On page 1, line 4, of the printed bill, following "at", strike out "5 p.m., June 6", and insert "12 noon, June 14".

Amendment No. 2

On page 1, line 5, of the printed bill, following "after", strike out "May 30", and insert "June 8".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 40 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Above resolution ordered enrolled.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Gordon moved to withdraw his motion to reconsider the vote whereby Senate Bill No. 401 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

Postponement of Reconsideration

On motion of Senator Kuchel, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 442 was refused passage, was continued until the next legislative day.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 971—An act relating to the education of persons in connection with programs of National defense, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Fletcher, Foley, Gordon, Jorgensen, Judah, Keating, Keeler, Lester, McBurney, McCreary, Mixer, Myhand, Phillips, Powers, Rich, Swing, Tickle, Wagy, and Ward—20.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER SENATE BILL NO. 1167

Senator Rich moved that Senate Bill No. 1167 be re-referred to Committee on Welfare and Institutions.

Roll Call Demanded

Senators Shelley, Quinn and Swan demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Cunningham, DeLap, Fletcher, Gordon, Jorgensen, Judah, Keating, Keeler, Lester, McBurney, McCreary, Mixer, Myhand, Phillips, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Ward—24.

NOES—Senators Foley, Keating, Keeler, McBurney, Quinn, Seawell, Slater and Swan—8.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 1 p. m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 6, 1941.

MR. PRESIDENT: The Committee on Conference recommends:

Senate Bill No. 975—Amended to read Chapter 7, comprising Section 1126, to Part 3, Division 2, of the Labor Code, reading as follows: "law or in equity, and a breach of such collective bargaining agreement by any party thereto shall be subject to the same remedies, including injunctive relief, as are available on other contracts in the courts of this State."

consisting of the undersigned members has read and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 21, 1941, be further amended as follows:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 25 and 26, and insert "law or in equity, and a breach of such collective bargaining agreement by any party thereto shall be subject to the same remedies, including injunctive relief, as are available on other contracts in the courts of this State."

GORDON

BROWN

KEATING

Senate Committee on Conference

ATTEST

LYON

JOSEPH F. FREDERICK F.

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Fletcher, Foley, Gordon, Judah, Keating, Keeler, Lester, McBurney, McCreary, Mixer, Myhand, Phillips, Powers, Rich, Swing, Tickle, Wagy, and Ward—23.

NOES—Senators DeLap, Quinn, Seawell, Shelley, Slater, and Swan—6.

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 770

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and place on the inactive file.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 2036

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 108—An act to amend Sections 4, 7 and 20½ of the Alcoholic Beverage Control Act, relating to licenses and to the conduct of business and transfer of licenses by an executor, administrator, guardian, trustee, receiver, assignee for the benefit of creditors and others.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 108?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "amend", insert "Section 4 and".

Amendment No. 2

On page 2, line 39, of the printed bill, after the comma, strike out the balance of the line, and strike out lines 40 to 43, inclusive, and insert "that the privilege of applying for a transfer of a license shall be exercised by the surviving partners of a deceased licensee, or by the executor, administrator or guardian of the estate of a licensee, or, in the event that a deceased licensee leaves no estate to be administered, by the surviving spouse of the deceased licensee, and may be exercised by a trustee of the bankrupt estate of a licensee, or by an assignee for the benefit of the creditors of a licensee".

Amendment No. 3

At the end of the printed bill, as amended, insert

"Sec. 2. Section 4 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 4. Any person in possession of a stock of lawfully acquired alcoholic beverages following the revocation or voluntary surrender of, or failure to renew his license may sell such stock, under supervision of the board in such manner as the board shall by rule or regulation provide, to a licensee or licensees authorized to sell such alcoholic beverages.

Any bank, trust company, or financial institution owning or possessing warehouse receipts for alcoholic beverages which warehouse receipts were acquired by such bank, trust company, or financial institution as security for a loan may after permission has been given by the board sell such warehouse receipts to a licensee authorized to sell such alcoholic beverages or such warehouse receipts.

Any person acting as administrator, executor, or guardian of the estate of a retail licensee, or any person acting as receiver for a retail licensee, or trustee of the bankrupt estate of a retail licensee, or assignee for the benefit of creditors of a

retail licensee, is authorized, after receiving permission from the board, to sell and deal in alcoholic beverages under authority of the license issued to the retail licensee for whom such person is acting, for a period not exceeding 45 days from the date of the appointment of such person as administrator, executor, guardian, receiver, trustee, or assignee for the benefit of creditors.

Also:

Amendment No. 1

In the title of the printed bill, as amended, after "business", strike out the balance of the title, and insert "and transfer of licenses by an executor, administrator, guardian, trustee, receiver, assignee for the benefit of creditors and others."

Also:

PUBLISHER'S NOTE.—There being not 7 pages remaining space available, the material which should appear in subsequent pages in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 4 and Section 7", and insert "Sections 4, 7 and 20".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, after "to", insert "licenses and to the".

Amendment No. 3

On page 3 of the printed bill, as amended, after line 29, insert

"Sec. 3. Section 204 of the Alcoholic Beverage Control Act is hereby amended to read as follows:

Sec. 204. No distilled spirits license of any kind shall be issued under this act except a distilled spirits manufacturer's license. No person shall be issued a license to sell or otherwise, in any distilled spirits wholesaler's, retailer's or retailer's license; provided, however, that the provisions of this section shall not be deemed to prevent the issuance of such distilled spirits manufacturer's license to any person who holds any ownership or interest, directly or indirectly, by stock ownership, [trusteeship, loan, mortgage or lien on any personal or real property] or otherwise, in any distilled spirits wholesaler's, retailer's or retailer's license; provided, however, that the provisions of this section shall not be deemed to prevent the issuance of such distilled spirits manufacturer's license to any person who, at the time of the effective date of this act, owns or operates a business which for the five years immediately preceding said effective date has maintained and operated in this State a bona fide wholesaling and distributing establishment for the sale to retail dealers of goods, wares and merchandise. The major portion of which business at a time for years preceding the effective date of this act was goods, wares and merchandise other than alcoholic beverages."

Also:

Amendment No. 1

On page 3, line 6, of the printed bill, as amended, strike out the period, and insert "with the consent of the assignor."

Amendment No. 2

On page 3 of the printed bill, as amended, between lines 35 and 36, insert

"The administrator, executor or guardian of the estate, or receiver, or assignee for the benefit of creditors, or trustee of the bankrupt estate of a licensee other than a retail licensee, may, after receiving the permission of the board, on such terms and conditions as the board shall prescribe, operate under the license issued to the licensee for whom such person is acting, pending transfer of such license to such person, for a period not exceeding 45 days. The terms and conditions upon which permission to operate upon the provisions of this paragraph shall be granted, shall include the filing of an appropriate bond under the applicable provisions of this act conditioned upon the payment of all excise taxes, penalties and interest assessed against or imposed upon such persons arising out of this act in those cases in which such persons are liable for the payment of excise taxes, penalties and interest under the provisions of this act."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 108 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Foley, Gordon, Judah, Keating, Kuebel, Luckey, McBride, McCormack, Mixer, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—26.

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 30?

Amendment No. 1

On page 1, line 4, of the printed bill, as amended May 8, 1941, strike out "six thousand dollars", and insert "seven thousand five hundred dollars".

Amendment No. 2

On page 1, line 5, of the printed bill, as amended May 8, 1941, strike out "(\$6,000)", and insert "(\$7,000)".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 30 by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 975—An act to add Chapter 7, comprising Sections 1126, 1127, 1128, 1129 and 1130, to Part 3, Division 2 of the Labor Code, relating to enforceability of collective bargaining contracts and prohibiting attempts to cause or induce violations thereof.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNE, Assistant Clerk

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 49: By Senator Collier—Relative to the creation of a Joint Legislative Committee to Study, Investigate and Report on the State Employees' Retirement System.

Without reference to committee.

ADJOURNMENT

At 1.15 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 2 p.m., June 9, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-EIGHTH LEGISLATIVE DAY

ONE HUNDRED FIFTY-FIFTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, June 9, 1941

The Senate met at 2 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Baggar, Brock, Brown, Caffery, Catoe, Cawthon, Cawston, DeLap, Dorel, Dullinger, Fletcher, Fowey, Garrison, Gentry, Jorgensen, Keating, Keenan, Kuchel, Luckey, Mayo, McBride, McManus, Morgan, Moulder, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Seidel, Sweet, Swan, Swartz, Tamm, Wagv, and Ward. 37

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Judah, on motion of Senator Ward.

Senator Collier, on motion of Senator Kuchel.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Alma F. Signorotti of Palo Alto.

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Jaquelyn Otis and Beverly King, both of Piedmont.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Miss Dorothy Fitzpatrick of San Francisco and Al Seidel of Sacramento.

On request of Senator Crittenden, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and Mrs. James Proctor Knott of Glendale.

On request of Lieutenant Governor Patterson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Comfort Yarwood and Minnie La Frenz, both of Sacramento.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 6, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2524 An act to amend Section 800 of the Penal Code, relating to time of commencing criminal actions.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 1020
Assembly Bill No. 1070
Assembly Bill No. 1185
Assembly Bill No. 1918
Assembly Bill No. 2110
Assembly Bill No. 2149

Assembly Bill No. 2183
Assembly Bill No. 2186
Assembly Bill No. 2315
Assembly Bill No. 2567
Assembly Bill No. 2651

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 15
Assembly Bill No. 272
Assembly Bill No. 897
Assembly Bill No. 1000
Assembly Bill No. 1073

Assembly Bill No. 1249
Assembly Bill No. 1327
Assembly Bill No. 1846
Assembly Bill No. 1898
Assembly Bill No. 1465

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 48

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 1020 An act to amend Sections 5.792, 5.793, 5.795, 5.796, 5.798 and 5.799a of, and to add Section 5.792a to, the School Code, all relating to the employment, payment, dismissal, government and control of employees of school districts in positions not requiring certification qualifications.

Referred to Committee on Education.

Assembly Bill No. 1070 An act to add Section 249 to, and to amend Sections 250, 257 and 268 of the Health and Safety Code, relating to services for physically handicapped children, providing for receipt and administration of Federal funds, providing for cooperation with the Federal Government and making an appropriation.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1185—An act to repeal Section 156 of the Fish and Game Code and to make unlawful the taking, until December 31, 1946, of any game bird or game mammal in former Fish and Game District 3E.

Referred to Committee on Fish and Game.

Assembly Bill No. 1918—An act to amend Section 11792 of the Insurance Code relating to State Compensation Insurance Fund.

Referred to Committee on Financial Institutions.

Assembly Bill No. 2110—An act to add Sections 1a, 1b and 1c to an act entitled "An act providing for the sanitation of food producing establishments, places where food is stored, prepared, kept or manufactured and in which food is distributed, regulating the use of sealed containers and providing for the sterilization of bottles, receptacles and containers used for foods, drugs and liquors, regulating the health of persons by whom the outside from which food is prepared or the finished product is handled, providing for the inspection of such places, persons and things, declaring places and things in violation of this act to be nuisances dangerous to health and providing for the abatement of the same, making violations of this act misdemeanors, and providing for the punishment of the same" approved March 6, 1909, relating to the installation and maintenance of refrigerators for the cooling, preservation and proper care of foods and prescribing for the approval of such refrigerators.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2149—An act to amend the School Code by adding Part 6 to Division 5 thereof, consisting of Sections 51500 to 51519, inclusive, to provide for and to regulate the certification of librarians.

Referred to Committee on Education.

Assembly Bill No. 2183—An act to amend Section 1161a of the Code of Civil Procedure, relating to unlawful detainer.

Referred to Committee on Judiciary.

Assembly Bill No. 2186—An act to amend Section 1181 of the Civil Code, relating to proof or acknowledgement of an instrument.

Referred to Committee on Judiciary.

Assembly Bill No. 2315—An act to regulate markets at which fresh meat and dressed poultry are sold, in counties with a population of 27,000 or over.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2567—An act to add Section 717 to the Political Code, relating to State buildings in the City of Sacramento.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2651—An act to add Section 1080 to Chapter 7a of Division 5 of the Agricultural Code, relating to commercial feeding stuffs.

Referred to Committee on Agriculture.

Assembly Bill No. 15—An act to provide for the establishment and maintenance of a College of Veterinary Medicine in the University of California, and to make an appropriation therefor.

Referred to Committee on Agriculture.

Assembly Bill No. 272—An act authorizing the investigation and study of certain swine diseases, their spread, transmission and control, and to make an appropriation therefor.

Referred to Committee on Agriculture.

Assembly Bill No. 897—An act authorizing the Director of the State Department of Agriculture to use certain funds in the Department of Agriculture Fund, derived under the provisions of Chapter 241, Statutes of 1935, and Chapter 401, Statutes of 1935, and making an appropriation thereof.

Referred to Committee on Agriculture.

Assembly Bill No. 1000—An act to amend Sections 154, 5355 and 5356 of, to add Section 7051.5 to and to repeal Sections 155, 5358 and Chapter 5, comprising Sections 7200 to 7213, inclusive, of Part 4 of Division 6 of the Welfare and Institutions Code, relating to the establishment of a State Institution for defective and psychopathic delinquents in place of the State Narcotic Hospital, and to make an appropriation therefor.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1073—An act to amend Sections 26209, 26243, 26251 and 26271 of, and to add Section 26200.5 to, the Health and Safety Code, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 1249—An act creating a Division of Beach Erosion Control under the Department of Public Works, defining its duties and powers and making an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1327—An act making an appropriation for the acquisition, development and maintenance of ocean beaches for public use.

Referred to Committee on Judiciary.

Assembly Bill No. 1846—An act to add Chapter 13, comprising Sections 22300 to 22414, inclusive, to Division 8 of the Business and Professions Code, relating to the licensing and regulation of junk dealers.

Referred to Committee on Business and Professions.

Assembly Bill No. 1898—An act appropriating money for the acquisition of Hinckley Basin by the State.

Referred to Committee on Finance.

Assembly Bill No. 1465—An act to amend Section 19621 of the Business and Professions Code, relating to the distribution of moneys in the Fair and Exposition Fund.

Referred to Committee on Commercial Enterprise.

Assembly Concurrent Resolution No. 48—Making additional funds available to the Joint Fact-Finding Committee on Un-American Activities in California created by Assembly Concurrent Resolution No. 13.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, JUNE 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Constitutional Amendment No. 40

And reports the same correctly amended.

RICHL, Chairman.

SENATE CHAMBER, SACRAMENTO, JUNE 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined

Senate Constitutional Amendment No. 41—A measure to present to the people of the State of California an amendment to the Constitution of the State by adding Section 25 1/2 of Article IV, relating to boxing, sporting and wrestling matches or exhibitions.

Senate Concurrent Resolution No. 22—Amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 96, creating a Joint Legislative Budget Committee, defining its powers and duties and vesting its administration out of the contingent funds thereof.

Senate Bill No. 529—An act to add Section 4054g to the Political Code, relating to officers, deputies, assistants and employees of the counties and their FRANCHISE and privileges in relation to their personal assets, officers and employees during and after termination of their service in the Armed Forces of Training and Service in the Land or Naval Forces of the United States.

Senate Bill No. 542—An act to add Section 3693 to the School Code, relating to moral and religious instruction.

Senate Bill No. 812—An act to amend Sections 18660, 18661, 18671, 18674, 18676, 18680, 18681, 18690, 18691, 18711, 18712, 18714, 18715, 18716, 18717, 18741, 18746, 18749, 18763 and 18781 of, and to add Sections 18738.5, 18752 and 18781.5 to, the Business and Professions Code, relating to the regulation of boxing and wrestling.

Senate Bill No. 820—An act to amend Sections 204b, 204c and 264b of the Code of Civil Procedure, relating to jury commissioners and employees of the superior court.

And reports that the same have been correctly amended, and presented to the Governor on the ninth day of June, 1941, at 1 p.m.

RICHL, Chairman.

SENATE CHAMBER, SACRAMENTO, JUNE 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 964—An act to add a new section, to be numbered 688.1, to the Political Code, relating to claims and actions against the State of California;

Senate Bill No. 1005—An act to amend Sections 1, 2, 3, 3a, 4, 5, 7, 11, 12 and 15 of an act entitled "An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof," approved May 14, 1927, relating to collection agencies and the regulation, supervision and licensing thereof;

Senate Bill No. 1071—An act to add Sections 305 and 381 to the Public Utility District Act, relating to the granting of franchises by public utility districts and the manner of refinancing thereof, validating certain indebtedness heretofore incurred by public utility districts, and adding to making delinquent service charges a lien against the land for which such service was furnished, and to be collectible as an assessment against such land;

Senate Bill No. 1092—An act to amend Section 511 of the Public Resources Code, relating to publications issued by the Department of Natural Resources;

Senate Bill No. 1122—An act to add Chapter 7 to Part 3 of Division 13 of the Health and Safety Code, including the addition of Section 19800 to said code, relating to refrigerants, refrigerators, and refrigerating plants and regulations governing the same;

And reports that the same have been correctly enrolled, and presented to the Governor on the ninth day of June, 1941, at 1 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Rules has examined.

Senate Concurrent Resolution No. 40—Respective to adjournment sine die of the Fifty-fourth Session of the Legislature of the State of California;

Senate Bill No. 975—An act to add Chapter 7.5, comprising Section 1126, to Part 3, Division 2, of the Labor Code, relating to enforceability of collective bargaining contracts;

And reports that the same have been correctly enrolled, and presented to the Governor on the ninth day of June, 1941, at 3 p.m.

RICH, Chairman

Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 1396

Has read the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Labor, to which was referred:

Assembly Bill No. 124

Has read the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

BIGGAR, Chairman

Above reported bill ordered to second reading.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny, Delap and Kened as a Second Senate Committee on Conference concerning Assembly Bill No. 82 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2036—An act to amend Sections 2101, 2103, 2104, 2105, 2106, 2110, 2150, 2153, 2156, 2200, 2201, 2205, 2206, 2250, 2251, 2253, 2304, 2350, 2353, 2400, 2401, 2420, 3871, 3878, 3879 and 3880 of, and to amend the article heading of Article 10, Chapter 1, Division 5 of, to add Sections 2420.5, 3709.5 and 3873 to, and to repeal Sections 2109, 2151, 2154, 2202, 2257, 2302, 2303, 3873, 3874, 3875, 3876 and 3877 of, the Elections Code, relating to presidential primaries, including the election and appointment of presidential delegates, presidential primary ballots, and lists of candidates for delegate.

Bill read second time, and ordered to third reading.

Assembly Bill No. 770—An act to add Chapter 8 to Part 4, Division 6 of the Welfare and Institutions Code, creating a Division of

Extramural Care in the Department of Institutions and prescribing its powers and duties.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 12, of the printed bill, after "Institution", insert: "It is hereby further appropriated, should be necessary for the establishment and maintenance of the position of Medical Superintendent of Extramural Care, then the Director of Institutions may, through any suitable qualified medical person in the employ of any of the institutions in the institution in the department to act as such, then as Medical Superintendent of Extramural Care without additional salary."

Amendment read and adopted.

Bill ordered printed, and to inactive file.

Assembly Bill No. 2595—An act to amend Section 1 of "An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately," approved December 7, 1940, relative to reconstruction, replacement and repair of school buildings, making an appropriation to take effect immediately.

Bill read second time, and ordered to third reading.

WITHDRAWAL AND RE REFERENCE OF ASSEMBLY BILL NO. 2213

Senator Rich moved that Assembly Bill No. 2213 be withdrawn from Committee on Public Health and Safety, and referred to Committee on Governmental Efficiency.

Motion carried.

WITHDRAWAL AND RE REFERENCE OF ASSEMBLY BILL NO. 2579

Senator Slater moved that Assembly Bill No. 2579 be withdrawn from Committee on Education, and referred to Committee on Finance.

Motion carried.

WITHDRAWAL AND RE REFERENCE OF ASSEMBLY BILL NO. 1688

Senator Slater moved that Assembly Bill No. 1688 be withdrawn from Committee on Education, and referred to Committee on Finance.

Motion carried.

WITHDRAWAL AND RE REFERENCE OF ASSEMBLY BILL NO. 143

Senator Slater moved that Assembly Bill No. 143 be withdrawn from Committee on Education, and referred to Committee on Finance.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 423—An act to add Article 2.5 comprising Sections 90 to 90.6, inclusive, to Chapter 1, Division 1 of the Streets and Highways Code, relating to the budgeting of State highway funds, specifying the powers and duties of the California Highway Commission

and the State Highway Engineer in connection therewith, and providing for the making and distribution of reports thereof.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 423 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Keating, Luckey, Mayo, McBrade, Mexter, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—24.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 838—An act to amend Section 695 of the Political Code, relating to services furnished State agencies other than those supported by the General Fund.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 838 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—None.

NOES—Senators Biggar, Breed, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Keating, Luckey, Mayo, McBrade, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Wagy, and Ward—21.

MOTION TO PLACE ASSEMBLY BILL NO. 2299 ON FILE

Senator Jespersen moved that Assembly Bill No. 2299 be placed on file.

Motion carried.

MOTION TO RE-REFER SENATE CONCURRENT RESOLUTION NO. 49

Senator Rich moved that Senate Concurrent Resolution No. 49 be re-referred to Committee on Rules.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1716—An act to amend Sections 735.3, 735.4, 736.3, 736.13, 736.14, 737.5, 737.7 and 737.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 6 of the printed bill, as amended in Assembly June 5, 1941, following line 10, insert

"(8) The payment by distributors to producers for fluid milk at less than the price established by the director to be paid producers in the marketing area where said fluid milk is sold. When any fluid milk is sold by a distributor outside the boundaries of any marketing area, the price paid producers for such fluid milk

shall be the price estimated by the insurer or its agent, as shown in the schedule in which the distributor's receiving and possession shall be located."

Amendment read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, JUNE 9, 1941

Mr. PIERCE: Your Committee on Financial Institutions has what you referred.

Assembly Bill No. 1325.

How had the other three committees, and finally the same bill with amendments with the recommendation: Agree, and so have it reported.

Committee membership 11; committee vote, 9-0; yeas 11, nays 0.

DE LA P. Chairman.

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1325—An act to amend the Building and Loan Association Act by adding therein a new section, to be numbered Section 1316d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association, providing for the kinds of securities issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act, authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 1316d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 6 of the printed bill, strike out all of lines 48 and 49, and insert "ment or continuance of any act, action or proceeding against such association to enforce a lien".

Amendment No. 2

On page 9 of the printed bill, as amended, strike out lines 29 and 30, and insert "(a) appraisers or accountants who are subject to the civil service laws of this State, or (b) noncivil service appraisers or accountants who have rendered or are rendering services in any proceeding under Section 1316c pertaining to such association, the employing or engaging of which noncivil service appraisers or accountants under this Section 1316d is specifically authorized by the court and whose compensation is either fixed in the authorization or required in the authorization to be approved by the court."

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2644—An act to amend Section 1 of "An act granting certain tidelands and submerged lands of the State of California to the City of San Diego upon certain trusts and conditions," approved June 5, 1933, relating to tidelands and submerged lands granted to the City of San Diego.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, and Waggy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 356—An act to amend Section 1032a of the Code of Civil Procedure, relating to the cost of depositions as costs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1841—An act to amend Section 1043 of the Insurance Code, relating to mutualization, reinsurance and rehabilitation of persons in the possession of the Insurance Commissioner.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1511—An act to add Section 32.5 to the Insurance Code and to add Article 2.5 to Chapter 5, Part 2, Division 1 of said code, relating to life insurance analysts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swing, Waggy, and Ward—27.

NOES—Senators Keating, and Swan—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An act to amend Section 421 of the Fish and Game Code, relating to sporting fishing licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gorman, Jernigan, Keating, Ketch, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—29.
 NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2090—An act to add Sections 1443, 1444, 1445, 1446 to the Probate Code, relating to the appointment of guardians of minors and incompetent persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gorman, Jernigan, Keating, Ketch, Luckey, Mayo, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—32.
 NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 788—An act to amend Section 12200 of the Business and Professions Code, relating to terms of county sealers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gorman, Jernigan, Keating, Ketch, Luckey, Mayo, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—31.
 NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1055—An act to add Section 42 to the Alcoholic Beverage Control Act, relating to the sale of alcoholic beverages in satisfaction of liens of warehousemen.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gorman, Ketch, Ketch, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—30.
 NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1415—An act to amend Section 30 of the State Civil Service Act, relating to the compensation of the members of the State Personnel Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gorman, Ketch, Ketch, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—31.
 NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1936—An act to amend Section 6501 of the Public Resources Code, to add Sections 6501.2 and 6505, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510, and Chapter 2 of Part 2 of Division 6, comprising Sections 6601 to 6715, inclusive, thereof, relating to State lands, providing for the leasing thereof and prescribing the powers and duties of the State Lands Commission in relation thereto.

Bill read third time.

Motion to Amend

Senator Ward moved the adoption of the following amendment:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out line 10, and insert "or otherwise except (a) lands deeded to the State due to tax delinquencies, (b) lands escheated to the State, and (c) lands or interests therein".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1937—An act to add Section 6215 to the Public Resources Code, relating to State lands and to the powers and duties of the State Lands Commission in connection therewith, declaring the scope, purpose and intent of the Legislature in enacting the State Lands Act of 1938 and acts amendatory thereof, and validating and confirming the acts of the State Lands Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jepsen, Kenney, Kuebel, Luckey, Mayo, McBride, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1867—An act to amend Section 2576, to repeal Sections 2577 and 2578 and to amend and renumber Section 2579 of the Welfare and Institutions Code, relating to aid and relief to indigents and providing for reimbursement to the county from responsible relatives.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Seawell moved that Senate Bill No. 133 be taken from the inactive file, and placed on the second reading file.

Roll Call Demanded

Senators Seawell, Phillips and Shelley demanded a roll call.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Phillips moved a call of the Senate.

Motion carried. Time, 4.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**WITHDRAWAL AND RE REFERENCE OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 66**

Senator Rich moved that Assembly Constitutional Amendment No. 66 be withdrawn from Committee on Rules and referred to Committee on Governmental Improvements.

Motion carried.

MOTION TO RE REFER ASSEMBLY BILL NO. 2465

Senator Brown moved that Assembly Bill No. 2465 be re-referred to Committee on Welfare and Institutions.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.42 p.m., on motion of Senator Phillips, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time 4.43 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 1579—An act to amend the title and Sections 1a, 1b, 1c, 2, 3, 3a, 4, 5, 7, 8, 9, 12, 14, 15, 16, 17, 18 and 19 of the Municipal Improvement Act of 1913, and to add Sections 1e and 14a thereto, relating to the construction of public improvements, the levy of assessments and the limitation thereof and the issuance of bonds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Broad, Cramer, Fitchner, Garrison, Gordon, Jepsen, Kenny, Kuchel, Luckey, McByrt, McCarroll, Metzger, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Tinkle, and Wagoner. 22

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1059—An act to amend Section 737eee of the Political Code, relating to the salary of the judge of the Superior Court in and for the County of Yolo.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Cunningham, DeLap, Fletcher, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Powers, Quinn, Seawell, Slater, Swan, Tickle, and Wagy—21.

NOES—Senator Biggar—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2254—An act to amend Section 3 of "An act authorizing the governing bodies of counties, school districts, municipal corporations, political subdivisions, public corporations and other public agencies of the State of California, to adopt a system of group life, health and accident insurance, and health services for the benefit of officers and employees, and to deduct from the compensation thereof the premium upon such insurance," approved May 25, 1939, relating to wage or salary deductions for public officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, DeLap, Fletcher, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, McBride, McCormack, Parkman, Powers, Quinn, Seawell, Slater, Swan, Tickle, and Wagy—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2128—An act to amend Sections 39, 382 and 623 of the Vehicle Code, and to add Sections 168 and 628 thereto, relating to vehicles and vehicular traffic.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Fletcher, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2629—An act to add Section 770.1 to the Vehicle Code, relating to the disposition of fines and forfeitures by cities of the first and one-half class.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended, strike out "50", and insert "25".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1598—An act to amend Sections 5821 and 5830 of the Streets and Highways Code, relating to the levy of a maintenance tax.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Cunningham, DeLap, Fletcher, Gordon, Jespersen, Kenny, Kuehl, Luckey, McBride, McCormack, Meyer, Myland, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Wagy—25.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1271—An act to amend Sections 468, 511 and 758 of, and to add Sections 468.2, 511.1, 511.2, 511.3 and 511.4 to, the Vehicle Code, relating to the regulation of speeds on public streets and highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Cunningham, Cunningham, DeLap, Deuel, Fletcher, Gordon, Gordon, Jespersen, Keating, Kuehl, Luckey, Mayo, McBride, McCormack, Meyer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.
 NOES—Senator Kuehl—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2624—An act to amend Section 479 of the Civil Code, relating to the use of land of a municipality by railroad corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Cunningham, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Kuehl, Luckey, Mayo, McBride, McCormack, Meyer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Ward, and Ward—33.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 782—An act to amend Section 576 of the Vehicle Code, relating to special stops required of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Carter, Cunningham, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Meyer, Myland, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Ward, and Ward—34.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1288—An act to add a new section to be numbered 641 to, and to amend Section 679 of, the Vehicle Code, relating to the condition of a vehicle and its equipment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Dillinger, Fletcher, Foley, Gordon, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Meyer, Myland, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1290—An act to add a new section, to be numbered 660, to the Vehicle Code, relating to the sale of used vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2384—An act to add Sections 531.2 and 587.5 to the Vehicle Code, relating to the operation and the parking of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—37.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1541—An act to amend Section 19150 of the Health and Safety Code, relating to the protection of buildings against earthquakes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Powers, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1519—An act to amend Sections 4020, 4021, 4022, 4023, 4042, 4043, 4045, 4060, 4062, 4063, 4064, 4064.5, 4080, 4082, 4084, 4085, 5000 and 5022, and to repeal Sections 5001, 5002, 5003 and 5004 and Article 6, consisting of Sections 5020 and 5021, of Chapter 4, Part 1, Division 2, of the Insurance Code and to add Section 4065 thereto, all relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.
NOES—None.

Motion to Amend

Senator Seawell moved the adoption of the following amendments to the title of Assembly Bill No. 1519:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "4064.5".

Amendment No. 2

In line 6 of the title of the printed bill, as previously strike out "Section", and insert "Sections 49945 and"

Amendments read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Assembly Bill No. 1756—An act to amend Sections 5792 and 5796 of the School Code, relating to the merit system of noncertificated employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Church, Cunningham, Cunningham, DeLap, Deuel, Dillinger, Fisher, Gresham, Gresham, Gresham, Kettling, Kenny, Kuchel, Luckey, Mayo, McCormack, Messner, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Scowell, Slater, Swan, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny, Tickle and Parkman as a Senate Committee on Conference, considering Senate Bill No. 30, to meet in the chamber of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny, McCormack and Luckey as a Senate Committee on Conference, considering Senate Bill No. 108, to meet in the chamber of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senators Tickle and Kenny:

Senate Resolution No. 132

Resolved, That nine hundred dollars (\$900) is hereby made available to the Secretary of the Senate from the Contingent Fund of the Senate, to be expended by him in the purchase of and to be hereby directed to purchase, 2,500 copies of the Final Report of Committee on State Organization (also known as the Interim Committee of Twenty-five of the California Conference on Government and Taxation) to the Governor and the Legislature of California, 1941, for the use of Senators.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Brown, Currey, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Fisher, Gresham, Gresham, Kettling, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Messner, Mixter, Myland, Parkman, Phillips, Powers, Rich, Scowell, Slater, Swan, Swan, Tickle, Wagy, and Ward—34.

NOES—None.

By Senator Tickle:

Senate Resolution No. 133

Resolved, That the following named person be and she is hereby appointed to the position hereinafter set forth as provided by law, with the compensation set opposite her name, payable weekly, beginning June 9, 1941, and the Controller is

hereby directed to draw his warrant in favor of the respective person for the same respective amount, and the Treasurer is hereby directed to pay the same:

*Six days
per week*

Betty Rourke, Stenographer----- \$5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tiedie, Wagy, and Ward—36.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 82—An act to add Section 467 to the Streets and Highways Code, relating to State highways.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 191
Assembly Bill No. 264
Assembly Bill No. 1154
Assembly Bill No. 1457
Assembly Bill No. 1464
Assembly Bill No. 1529
Assembly Bill No. 1561
Assembly Bill No. 1758

Assembly Bill No. 1813
Assembly Bill No. 1840
Assembly Bill No. 1919
Assembly Bill No. 1951
Assembly Bill No. 2177
Assembly Bill No. 2249
Assembly Bill No. 2253

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 191—An act making an appropriation for acquisition of real property and construction of improvements for the California National Guard Coast Artillery Training Camp in Santa Cruz County.

Referred to Committee on Finance.

Assembly Bill No. 264—An act to add Section 2264 to the Political Code, relative to field work in connection with the School for the Blind at Berkeley, and making an appropriation therefor.

Referred to Committee on Finance.

Assembly Bill No. 1154—An act making an appropriation for construction, improvements, equipment and the purchase of land for the California School for the Deaf.

Referred to Committee on Finance.

Assembly Bill No. 1457—An act making an appropriation to the Department of Finance for the purpose of reconditioning and framing the picture "Driving the Last Spike."

Referred to Committee on Finance.

Assembly Bill No. 1464—An act to add Section 19622.5 to, and to amend Section 19626 of the Business and Professions Code, relating to the disposition of the moneys in the Fair and Exposition Fund.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1529—An act to appropriate funds to the State Department of Education for the support of the California State Historical Association.

Referred to Committee on Education.

Assembly Bill No. 1561—An act to provide for the compilation, publication, and distribution by the Secretary of State of a Roster of public officials of California and to make an appropriation therefor.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1758—An act to amend Sections 11001 and 11003 of the Revenue and Taxation Code and to amend Sections 4, 9 and 11 of an act entitled "An act relating to licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to license fees upon motor vehicles, and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 1813—An act to amend Section 10452 of the Revenue and Taxation Code, and Section 20 of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, as amended, relating to the disposition of proceeds from the tax.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1840—An act to amend Section 776 of the Vehicle Code, making an appropriation to the Motor Vehicle Support Fund, providing for the use of the moneys therein, declaring the urgency thereof and providing that this act shall take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 1919—An act to amend Section 1031 of the Military and Veterans Code, relating to the Veterans' Home of California, and abolishing the Veterans' Home of California Federal Fund.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 1951—An act to add Section 2.5 to "An act relating to the sale or exchange of surplus products between public institutions owned, managed or controlled by the State, or the political subdivisions thereof and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled 'An act providing for the exchange of commodities between the public institutions owned or

managed and controlled by the State, or the political subdivisions thereof," approved March 18, 1905," approved May 13, 1929, relating to the sale, exchange or other disposition of surplus products made or produced at or by public institutions owned, managed or controlled by the State.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2177—An act establishing a Legislative Research Bureau and making an appropriation therefor.

Referred to Committee on Finance.

Assembly Bill No. 2249—An act to provide a unified and coordinated program of construction, repair and improvement of State colleges, including buildings, and making an appropriation for the purposes of this act.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2253—An act to make an appropriation from the State Park Maintenance and Acquisition Fund to the State Park Commission for the extension of the State Park System, providing for the acquisition of land in Del Norte County for State park purposes.

Referred to Committee on Natural Resources.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 82—An act to amend Section 467 of the Streets and Highways Code, relating to State highways; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 13, 1941, be further amended as follows:

Amendment No. 1

On page 1, line 10, of the printed bill, as amended, strike out "from", and insert "from":
(a)".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 11, insert
"(b) Route 174 in South Gate via Atlantic Boulevard to Route 26."

KENNY
KUCHEL
DELAP

BASHORE
CALL
WATSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Carter, Cunningham, DeLap, Garrison, Keating, Kenny, Kuchel, McBride, Shelley, and Swan—10.

NOES—Senators Biggar, Breed, Brown, Crittenden, Deuel, Dillinger, Fletcher, Gordon, Jepsen, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, Tickle, Waggy, and Ward—24.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 6:10 p.m., on motion of Senator Seawall, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the motion to take Senate Bill No. 133 from the reading file, and place it on the second reading file, lost by the following vote:

Ayes: Senators Quinn, Callender, Cummings, Thomas, Foley, Grooms, Jespersen, Kneib, Kenny, Larkin, Wilkins, Menden, Pearce, Quinn, Seawall, Shering, Sutor, and Sutor, 18.

Noes: Senators Egan, Fitch, Brown, DeLong, Donald, Fergusson, Gendley, Knecht, Mayo, McCann, Myers, Mykura, Patterson, Phillips, Rich, Salling, Tinkle, Wicks, and Wood, 19.

MOTION TO RECONSIDER

Senator Kenny moved to reconsider the vote whereby the Conference report on Assembly Bill No. 82 was refused adoption.

Postponement of Reconsideration

On motion of Senator Kenny, the further consideration of the motion to reconsider the vote whereby the Conference report on Assembly Bill No. 82 was refused adoption, was continued until the next legislative day.

RECESS

At 6:12 p.m., on motion of Senator Rich, the Senate recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred

Assembly Bill No. 1285,

Assembly Bill No. 2624

Has had the same under consideration, and reports the same back with amendments with the recommendation: "Amend, and do pass as amended."

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Assembly Bill No. 443

Assembly Bill No. 1631

Assembly Bill No. 488

Assembly Bill No. 2265

Assembly Bill No. 709

Assembly Bill No. 2325

Assembly Bill No. 1484

Has had the same under consideration, and reports the same back with the recommendation: "Do pass."

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Concurrent Resolution No. 52

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 6; absent 5.

MAYO, Vice Chairman

Above reported resolution ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1000

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Finance.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 9.05 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
COMMUNICATIONS**

The following communication was received and read, and on motion of Senator Fletcher, ordered printed in the Journal:

*In an address before the Young Men's Lyceum, Springfield, Ill.,
January 27, 1837, Abraham Lincoln said:*

"We find ourselves in the peaceful possession of the fairest portion of the earth as regards extent of territory, fertility of soil, and salubrity of climate. We find ourselves under the government of a system of political institutions conducting more essentially to the ends of civil and religious liberty than any of which the history of former times tells us. We, when meeting the stage of existence, found ourselves the legal inheritance of these fundamental blessings. We toiled not in the acquirement or establishment of them; they are the legacy bequeathed us by a once hardy, brave and patriotic, but now lamented and departed, race of ancestors. Theirs was the task (and nobly they performed it) to possess themselves, and through themselves us, of this goodly land, and to uprear upon its hills and its valleys a political edifice of liberty and equal rights. 'Tis theirs only to transmit these—the former unprofaned by the foot of an invader, the latter undecayed by the lapse of time and untorn by usurpation—to the latest generation that fate shall permit the world to know. This task, gratitude to our fathers, justice to ourselves, duty to posterity, and love for our species in general, all imperatively require us faithfully to perform.

"How then shall we perform it? At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia and Africa combined with all the treasure of the earth (our own excepted) in their military list, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point then is the approach of danger to be expected? I answer, if it ever reach us it must spring up amongst us; it cannot come from abroad. If destruction be our lot we must ourselves be its author and finisher. As a nation of freemen we must live through all time, or die by suicide."

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 813—An act to amend Section 4057 of, and to add Section 4058 to, the Political Code, relating to county ordinances and to validate county ordinances whose codification was defective.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Reed, Brown, Cunningham, Deuel, Fletcher, Gordon, Jorgensen, Luckey, Mayo, McBride, McCreary, Meyer, Miller, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swen, and Taylor, 41.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2639—An act to amend Section 184a of the Penal Code relating to the unauthorized removal of plants and other substances from public or private lands or rights of way.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Reed, Brown, Cunningham, Deuel, Fletcher, Gordon, Jorgensen, Luckey, Mayo, McBride, McCreary, Meyer, Miller, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swen, and Taylor, 41.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2573—An act to amend Sections 770 and 771 of the Vehicle Code relating to fines and forfeitures.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Reed, Brown, Carter, Cunningham, Deuel, Gordon, Jorgensen, Luckey, Mayo, McBride, McCreary, Meyer, Miller, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swen, and Taylor, 42.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 39—Relative to providing suitable space and facilities for the office of the Attorney General in the Library and Courts Building.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Reed, Brown, Carter, Cunningham, DeLap, Deuel, Fletcher, Gordon, Kenny, Luckey, Mayo, McBride, McCreary, Metzger, Meyer, Parkman, Phillips, Rich, Seawell, Slater, Swen, and Sweng, 22.

NOES—Senator Jorgensen, 1.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1690—An act to amend School Code Sections 3.730, 3.731, 3.732, 3.733, 3.734, 3.735, 3.736, 3.737 and 3.738, and to add Sections 3.735-1 and 3.735-2 to said code, all relating to physical education and related activities in the public schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Reed, Brown, Carter, Catterden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Kenny, Luckey, Mayo, McBride,

Metzger, Minter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan and Swing—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 954—An act authorizing suits against the State of California to quiet title against it to real property entitled to be purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2635—An act to amend the title of the act establishing a Probate Code, approved May 11, 1931, and to add new sections, numbered 1435, 1435.1, 1435.2, 1435.3, 1435.4, 1435.5, 1435.6, 1435.7, 1435.8, 1435.9, 1435.10, to Division 4, Chapter 2, thereof, relating to the management, control and disposition of the community real property and the homestead property of insane or incompetent persons, and to repeal Sections 172b, 172c, 172d, 1269a, 1269b and 1269c of the Civil Code.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1152—An act to repeal Chapter 166 of the Statutes of 1939, relating to summary probate proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Minter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 240—An act to amend Section 1538.5 of the Probate Code, relating to leases of wards' property.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo,

McBride, McCormick, Morgan, Milton, Myrand, Patterson, Phillips, Powers, Rich, Seawell, Slater, Stone, Strong, Tickle and Ward—*Y*.
 Notes—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 518—An act to amend Section 217 of the Code of Civil Procedure, relating to time of commencing actions.

Bill read third time.

The roll was called, and the bill received passage by the following vote:

AYES—Senators Carter, Delaney, Fletcher, Garrison, Jaspersen, Kenny, Langer, Morgan, Powers and Slater—*Y*.

NOES—Senators Biggar, Brown, Catterton, Cunningham, DeLap, Deuel, Fitch, Kuchel, Maize, McBride, McCormick, Milton, Myrand, Patterson, Quinn, Rich, Seawell, Slater, Stone, Strong, Tickle and Ward—*N*.

MOTION TO RE-REFER ASSEMBLY BILL NO. 859

Senator Jaspersen moved that Assembly Bill No. 859 be re-referred to Committee on Judiciary.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 711

Senator Rich moved that Assembly Bill No. 711 be re-referred to Committee on Judiciary.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1013

Senator Tickle moved that Assembly Bill No. 1013 be re-referred to Committee on Judiciary.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2632—An act to validate that certain conveyance heretofore made by Central Pacific Railway Company, a corporation, and its lessee, Southern Pacific Company, a corporation, to Lodi Winery, Inc., a corporation, by deed dated August 2, 1938, and recorded May 23, 1940, in the Book of Official Records Vol. 692 at page 249, in the office of the county recorder of the County of San Joaquin, State of California, involving certain portions of right of way and real property rights, at and near Urgan Station, between the City of Lodi and the Station of Acampo, in the County of San Joaquin, State of California, acquired by Central Pacific Railway Company, under the act of the Legislature of the State of California, approved May 20, 1861 (Statutes of California, Twelfth Session, 1861, Chapter 532, page 607, and following), as amended, and by the act of the Legislature of the State of California, approved April 4, 1864 (Statutes of California, 1863-4, Chapter 417, page 471, and following) and acts amendatory thereof or supplemental thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Catterton, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Kenny, Kuchel,

Luckey, Mayo, McBride, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2355—An act to amend School Code Section 3.760, relating to courses of study in day elementary schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Ward—32.
NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1026—An act to amend the Agricultural Code by adding a new section thereto to be numbered 796.3, by amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, Dillinger, Garrison, Gordon, Kenny, McBride, McCormack, Mixter, Myland, Parkman, Phillips, Quinn, Seawell, Slater, and Ward—17.

NOES—Senators Biggar, Breed, Brown, DeLap, Deuel, Fletcher, Foley, Jespersen, Kuchel, Luckey, Mayo, Metzger, Powers, Rich, Shelley, Swan, and Tickle—17.

MOTION TO RECONSIDER

Senator Mixter moved to reconsider the vote whereby Assembly Bill No. 1026 was refused passage.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Mixter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1026 was refused passage, was continued until the next legislative day.

MOTION TO RECONSIDER

Senator Carter moved to reconsider the vote whereby Assembly Bill No. 518 was refused passage.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 518 was refused passage, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1463—An act to amend Section 92 of the Agricultural Code, relating to district agricultural fairs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Bigger, Brien, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Furey, Gorman, Johnson, Keppel, Kuebel, Luckey, Mayo, McBride, McCormack, Morgan, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sweeney, Tinkle, and Ward—31.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2626—An act to amend Section 239 of the Agricultural Code, relating to having adulterated indemnities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Bigger, Brien, Brown, Carter, Cunningham, DeLap, Dillinger, Fletcher, Furey, Gorman, Johnson, Keppel, Kuebel, Luckey, McBride, McCormack, Morgan, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Sweeney, Tinkle, and Ward—31.

NOES: Senator Cunningham, Quinn, and Sweeney—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1119—An act to amend Section 123 of the Agricultural Code, relating to shipments of nursery stock.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Bigger, Brien, Brown, Carter, Cunningham, Cunningham, DeLap, Dillinger, Fletcher, Furey, Gorman, Johnson, Keppel, Kuebel, Luckey, Mayo, McBride, McCormack, Morgan, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sweeney, Tinkle, and Ward—34.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1147—An act to amend Section 1083 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Bigger, Brien, Brown, Carter, Cunningham, Cunningham, DeLap, Dillinger, Fletcher, Furey, Gorman, Johnson, Keppel, Kuebel, Luckey, Mayo, McBride, McCormack, Morgan, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Sweeney, Tinkle, and Ward—33.

NOES: Senator Myhand—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An act to amend Section 919 of the Fish and Game Code, relating to bait nets.

Bill read third time.

Motion to Amend

Senator Kuebel moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "Districts", and insert "District".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2105—An act to add Section 39 to the Fish and Game Code, relating to the powers of the commission to determine and fix the bag limits for migratory birds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuehel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2300—An act to amend Section 2 of the Fish and Game Code, relating to definitions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuehel, Luckey, Mayo, McBrade, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1019—An act to add a new section to the Probate Code to be numbered 1020.1 and to repeal Sections 530, 530.1 and 1201a of the Probate Code, all relating to assignments and transfers of an interest in the estate of a decedent by heirs, devisees and legatees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuehel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1274—An act to amend Sections 158, 162, 178, 179, 183 and 226 of, and to add Section 195.5 to, the Vehicle Code, relating to the registration of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuehel, Luckey, Mayo, McBrade, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—35.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1075—An act to amend Sections 4, 4A, 5A, 6, 7, 9 and 13 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries under the State Board of Health," approved May 23, 1925, relating to the regulation of canneries and costs of inspection thereof.

Bill read third time.

Motion to Amend

Senator Parkman moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, striking out lines 11 to 14, inclusive, and insert:

"(4) Deceptive. Based on information that such LPS, the probable cost of such inspection and laboratory cost for any chemical used, or any time or per day, hour, whichever in the discretion is most appropriate."

Amendment read and adopted.

Bill engrossed, printed, and to third reading.

Assembly Bill No. 2015—An act to amend Section 72 of the Agricultural Code, relating to the Division of Entomology in the Department of Finance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggs, Bond, Brown, Carter, Chittenden, Chittenden, DeLap, Daniel, Dillingham, Flanders, Fisher, Garrison, Gordon, Juppens, Keating, Kenney, Kuchel, Luskay, Mayo, McBrat, McBurnie, Morgan, Morris, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shockey, Slater, Spaul, Spaul, Spaul, Tabor, and Ward—34.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1635—An act to repeal and add Section 1101.5 of the Revenue and Taxation Code, relating to property taxation, and the redemption of property, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggs, Bond, Brown, Carter, Chittenden, Chittenden, DeLap, Daniel, Dillingham, Flanders, Fisher, Garrison, Gordon, Juppens, Keating, Kenney, Kuchel, Luskay, Mayo, McBrat, McBurnie, Morgan, Morris, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shockey, Slater, Spaul, Spaul, Spaul, Tabor, and Ward—35.
 NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggs, Bond, Brown, Carter, Chittenden, Chittenden, DeLap, Daniel, Dillingham, Flanders, Fisher, Garrison, Gordon, Juppens, Keating, Kenney, Kuchel, Luskay, Mayo, McBrat, McBurnie, Morgan, Morris, Myland, Parkman, Powers, Quinn, Rich, Seawell, Shockey, Slater, Spaul, Spaul, Spaul, Tabor, and Ward—35.
 NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.45 p. m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1057—An act to repeal Chapter 14, comprising Sections 8500 to 8578, inclusive of, and to add Chapter 14, comprising Sections 8500 to 8677, inclusive to, Division 3 of the Business and Professions Code, relating to the regulation of structural pest control.

Bill read third time.

Previous Question

Senator Dink moved the previous question.

Motion carried.

The bill was called and the bill passed by the following vote:

Yea: Senators Hunt, Brown, Clark, Thompson, Hoffman, Phillips, Turner, Van Jordan, Johnson, Kirtland, Ewing, Kirtland, Lamm, Williams, Parsons, Quinn, Stewart, Sullivan, Stone, Brown, and Williams.

Nay: Senators (including William Clark) Fann, Allen, McDermott, McIntosh, McHenry, Parsons, Phillips, Hill, Nelson, and Taylor. 14.

Motion to Reconsider

Senator Dink moved to reconsider the vote whereby Assembly Bill No. 1177 was passed.

Postponement of Reconsideration

On motion of Senator Dink, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1177 was passed, was postponed until the next legislative day.

MESSAGES FROM THE ASSEMBLY

GOVERNOR FRANKLIN D. ROOSEVELT, June 7, 1941

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 2482
Assembly Bill No. 2483
Assembly Bill No. 2484
Assembly Bill No. 2485
Assembly Bill No. 2486
Assembly Bill No. 2487

Assembly Bill No. 2482
Assembly Bill No. 2483
Assembly Bill No. 2484
Assembly Bill No. 2485
Assembly Bill No. 2486
Assembly Bill No. 2487

ARTHUR A. QUINNIMIS, Chief Clerk of the Assembly
JOHN J. W. SULLIVAN, JR., Assistant Clerk

GOVERNOR FRANKLIN D. ROOSEVELT, June 7, 1941

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day passed:

Assembly Joint Resolution No. 90
Assembly Concurrent Resolution No. 91
Assembly Concurrent Resolution No. 92

ARTHUR A. QUINNIMIS, Chief Clerk of the Assembly
JOHN J. W. SULLIVAN, JR., Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bills were read the first time:

Assembly Bill No. 514—An act to amend Section 1-5 and to amend the title and Section 1 of an act entitled "An act authorizing and requiring bonds or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 20, 1935, relating to vacations and hours on duty of members of fire departments.

Referred to Committee on Local Government.

Assembly Bill No. 1177—An act to amend Section 32 of, to repeal Section 42 of, and to add Sections 41.1, 41.2, 41.3 and 42 to the Unemployment Insurance Act, relating to experience rating.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1216—An act to add a new section to the Unemployment Insurance Act, to be numbered 57.1, relating to the qualifications for eligibility for unemployment insurance benefits.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1223—An act to amend Sections 2, 9.7, 9.8, 44, 45.1, 45.4, 45.10, 45.11, 52.1, 52.2, 60, 75, 92, 94.5 and 101 and to repeal Section 92.5 of, and to add Sections 45.12, 56.6, 56.7 and 72.5 to, the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1915—An act to repeal Chapter 10, comprising Sections 4.00 to 4.01, of, and to add a new Chapter 10, comprising Sections 4.00 to 4.09, to Division 2 of the Business and Professions Code, relating to trained attendants and making an appropriation.

Referred to Committee on Business and Professions.

Assembly Bill No. 2097—An act to add a new section to the Health and Safety Code, to be numbered 115, relating to the creation of the Department of Public Health Fund, and providing for the expenditure of moneys from said fund.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 2099—An act to add Section 446 to the Political Code, relating to financial adjustments within departments, defining the methods whereby such adjustments may be made, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2484—An act to add Section 20820.5 to the Business and Professions Code, relating to the sale and distribution of gasoline or other motor fuel.

Referred to Committee on Business and Professions.

Assembly Bill No. 2660—An act to add Section 161.5 to the Vehicle Code, relating to the return of 1941 license plates or payment in lieu thereof, providing for the sale of such plates, making an appropriation of the proceeds of such sale and of other money collected thereunder for recreational facilities in Military and Naval training camps in this State, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation.

Assembly Bill No. 2661—An act to amend Sections 11166.12, 11200 and 11712 of the Health and Safety Code, relating to narcotics.

Referred to Committee on Public Health and Safety.

Assembly Bill No. 987—An act to amend Sections 27 and 48 of the Fish and Game Code, relating to county expenditures for fish and game conservation and propagation, including the disposition of fines and forfeitures.

Referred to Committee on Fish and Game.

Assembly Joint Resolution No. 60—Relative to condemnation of lands for wild fowl refuge purposes by United States Department of Interior, Fish and Wild Life Service.

Referred to Committee on Fish and Game.

Assembly Concurrent Resolution No. 60—Relative to civics textbooks for use in the public schools.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 61—Relative to amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 38, further defining the powers and duties of the Joint Legislative Budget Committee.

Without reference to committee.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1596

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 678

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 13; committee vote: Ayes 8; noes 1; absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2183

Assembly Bill No. 2186

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 2654

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 10; absent 3.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SENATE JOURNAL, SACRAMENTO, June 9, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 469

Have had the same under consideration, and report the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 8, nays 1, absent 4.

KEATING, Vice Chairman

Above reported bill ordered to second reading

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)**Assembly Bill No. 1396**—An act to add Section 556 to the Labor Code, relating to days of rest of employees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 124—An act to add Article 3, consisting of Section 3800, to Chapter 4 of Part 1 of Division 4 of the Labor Code, relating to workmen's compensation insurance and applicants for construction, improvement, alteration, or demolition permits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Labor:

Amendment No. 1

On page 1 of the printed bill, strike out lines 10 to 13, inclusive, and insert "building or structure shall require that each applicant for such permit have on file or file

(1) A certificate of consent to self-insure issued by the Industrial Accident Commission, or

(2) A certificate of workmen's compensation insurance issued by an admitted insurer, or

(3) An exact copy or duplicate thereof certified by the commission or the insurer."

Amendment No. 2

On page 1 of the printed bill, strike out lines 16 and 17, inclusive, and insert "in a form approved by the Insurance Commissioner. The certificate shall show the expiration date of the policy. No insurer shall issue such certificate unless the full deposit premium on the policy has been paid, and the insurer shall give the county or city at least 10 days advance notice of the cancellation of the policy."

Amendment No. 3

On page 1 of the printed bill, strike out line 7, and insert "3800. Every county or city which requires the".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 443—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 488—An act to amend Sections 379 and 428 of the Vehicle Code, relating to the seizure and sale of vehicles by the Department of Motor Vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 709—An act to amend Section 673 of the Vehicle Code, relating to exhausts of vehicles operated over the highways.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1484—An act to amend Sections 276, 278, 303 and 353 of the Vehicle Code, relating to drivers' licenses.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1631—An act to add Sections 1550.1, 1550.2 and 1550.3 to the Streets and Highways Code, relating to the powers of the county board of supervisors to levy road taxes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2265—An act to amend Section 744 of the Vehicle Code, relating to records of convictions to be reported to the Department of Motor Vehicles.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2325—An act to add Section 124.5 to the Vehicle Code, relating to the service of members of the California Highway Patrol.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2623—An act to amend Sections 177 and 178 of the Vehicle Code, relating to transfers of vehicles.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1

On page 1, line 24, of the printed bill, as amended, strike out "or criminal".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1285—An act to amend Sections 583 and 586 of the Vehicle Code, relating to the stopping, standing or parking of a vehicle.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 16 to 21, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading

Assembly Bill No. 469—An act to add Section 4132.5 to the Political Code, relating to the indexing of instruments or documents recorded.

Bill read second time, and ordered to third reading.

Assembly Bill No. 678—An act to add a new section to the Civil Code to be numbered 955, relating to the assignment of accounts receivable and conditional contracts of sale.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, be inserted, strike out "accounts receivable and".

Amendment No. 2

On page 1 of the printed bill, be amended, strike out all of lines 14 to 23, inclusive.

Amendment No. 3

On page 1, line 24 of the printed bill, be amended, insert "The . . . Sept. 1955."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1596—An act to amend Section 6541.5 of, and to add Sections 4774 and 4744 to, the Health and Safety Code, relating to special assessment proceedings.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, be amended to Assembly on May 8, 1941, after line 7, insert:

"Sec. 2. Section 4775 is hereby added to the Health and Safety Code, to read as follows:

"4775. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory."

Amendment No. 2

On page 1, line 8, of the printed bill, strike out "2", and insert "3".

Amendment No. 3

On page 1, line 12, of the printed bill, strike out "3", and insert "4".

Amendment No. 4

On page 1 of the printed bill, after line 17, insert:

"SEC. 5. Section 6545 is hereby added to said code, to read as follows:

"6545. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2654—An act to amend Section 73b of the Code of Civil Procedure, relating to sessions of the superior court held in cities other than the county seat.

Bill read second time, and ordered to third reading.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, June 2, 1941; Tuesday, June 3, 1941; Wednesday, June 4, 1941; Thursday, June 5, 1941; Friday, June 6, 1941; Saturday, June 7, 1941; were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

ADJOURNMENT

At 11.55 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., June 10, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

EIGHTY-NINTH LEGISLATIVE DAY
ONE HUNDRED FIFTY-SIXTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, Sacramento

Tuesday, June 10, 1941

The Senate met at 1.30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators: Biggar, Blood, Brown, Carlson, Cullen, Cuthbertson, Curren, DeLoe, Doney, Doolittle, Farnsworth, Fisher, Gairaud, Hahn, Harbo, Keadle, Keene, Keweenaw, Luckey, Maly, McBurnie, McHenry, McHugh, McLean, Minner, Mitchell, Phillips, Phillips, Powers, Quinn, Rich, Sawyer, Shaffer, Simon, Smith, Spring, Tamm, Wagon, and Ward. 38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day:

Senator Jespersen, on motion of Senator Luckey.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to William A. Mackey and Russell S. Waite, deputy district attorneys of Riverside County.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 1.35 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 627

Assembly Bill No. 630

Assembly Bill No. 629

Assembly Bill No. 631

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 626

Assembly Bill No. 628

Assembly Bill No. 2465

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 777

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1731

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 1; absent 4.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1030

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Constitutional Efficiency, to which was referred—

Assembly Bill No. 1249

Has had the same under consideration, and reports the same back without recommendation, and by membership in Committee in Finance.

Committee membership 11; executive vote, April 7, about 4.

SWING, Chairman

Above reported bill re-referred to Committee on Finance

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 9, 1941

MR. PRESIDENT: The Committee on Conference reporting—

Senate Bill No. 82—An act to amend Sections 1, 2, 4 and 6 of, and to add Section 8 to an act entitled "An act to provide for the retirement with retirement allowance of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 3, 4 and 5 of, and to add Section 6 to an act entitled "An act creating a special fund to be known as the Judges' Retirement Fund, providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges, consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be rejected; and that the bill, as amended on May 23, 1941, be further amended as follows:

Amendment No. 1

In lines 7 and 8 of the third of the printed bill as amended, strike out "Sections 3, 4 and", and insert "Section".

Amendment No. 2

On page 2, line 4, of the printed bill, as amended, strike out "or"; and strike out lines 5 and 7, inclusive; and in line 8, strike out "ously immediately preceding his retirement".

Amendment No. 3

On page 2, line 29, of the printed bill, as amended, strike out "or"; and strike out lines 30 to 36, inclusive.

Amendment No. 4

On page 2, line 41, of the printed bill, as amended, strike out "30", and insert "24".

Amendment No. 5

On page 3 of the printed bill, as amended, strike out lines 12 to 15, inclusive; and in line 16, strike out "office to which he was elected by the people.", and insert "SEC. 2."

Amendment No. 6

On page 3, line 17, of the printed bill, as amended, strike out "before attaining the age of 70 years,".

Amendment No. 7

On page 4 of the printed bill, as amended, strike out lines 31 to 52, inclusive.

KENNY
KUCHEL
DeLAP

CARLSON
CALL
KEPPLE

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donel, Dillinger, Fletcher, Foley, Gorman, Judah, Kuchel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, and Tickle—29.

NOES—None.

MOTION TO RE-REFER SENATE BILL NO. 976

Senator Rich moved that Senate Bill No. 976 be re-referred to Committee on Labor.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 974

Senator Rich moved that Senate Bill No. 974 be re-referred to Committee on Labor.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1084

Senator Metzger moved that Senate Bill No. 1084 be re-referred to Committee on Governmental Efficiency.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1089

Senator Metzger moved that Senate Bill No. 1089 be re-referred to Committee on Governmental Efficiency.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1095

Senator Metzger moved that Senate Bill No. 1095 be re-referred to Committee on Governmental Efficiency.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1101

Senator Metzger moved that Senate Bill No. 1101 be re-referred to Committee on Governmental Efficiency.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 273

Senator Metzger moved that Senate Bill No. 273 be re-referred to Committee on Business and Professions.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Seawell moved that Senate Bill No. 133 be taken from the inactive file, and placed on the third reading file, and made a special order of business for 2:30 p.m., Tuesday, June 10th, by unanimous consent.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was introduced and read:

Senate Concurrent Resolution No. 50: By Senator Slater—Relative to the observance of the Centennial of the Raising of the Bear Flag of the "California Republic" at Sonoma, June 14, 1846.

Request for Unanimous Consent

Senator Slater asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 50, at this time, for consideration.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 50

Senate Concurrent Resolution No. 50—Relative to the observance of the Centennial of the Raising of the Bear Flag of the "California Republic" at Sonoma, June 14, 1846.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Ruggie, Reed, Brown, Collier, Crocker, Cummings, DeLong, Denel, Dillinger, Fletcher, Frank, Gurnea, Ladd, Keating, Kenny, Kitchel, Lacey, Mayo, Metzger, Meyer, Mitchell, Patterson, Phillips, Quinn, Rahn, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF MEMBERS OF THE CALIFORNIA STATE COUNCIL OF DEFENSE

June 10, 1941

MR. PRESIDENT—Senate Bill No. 227 provides that the President pro tempore of the Senate shall appoint two Members of the Senate as members of the California State Council of Defense.

I am informed that the act creating the Council of Defense will not become effective until 90 days after the final adjournment of the Legislature. However, the Governor has made his appointments under the act and, on June 6, 1941, he addressed a letter to me, stating that the council would commence functioning at once informally and that there would be an organization meeting on June 13, 1941, and that he would like to have me name two Members of the Senate who would become members of that body.

Acting upon his suggestion, I am appointing as members of that body Senator Irwin T. Quinn and Senator Ralph E. Swing. I know both of these gentlemen to be currently qualified for the position as Senator QUINN is a veteran of the last World War and Senator SWING was a lieutenant in a cavalry cavalry company in the Spanish-American War of 1898.

I don't suppose it is possible for me to give these appointees a military title but if it is possible, I would like to designate the Senator first named as Captain Quinn and the second as Colonel Swing.

Respectfully submitted.

W. P. RICH, President Pro Tempore
California State Senate

REPORT

The following report was ordered printed in the Journal:

June 10, 1941

The Senate Committee on Welfare and Institutions this morning heard the report of the committee which went to Washington, D. C., under Senate Concurrent Resolution No. 16. After discussion, it was moved and seconded that the committee adopt a policy of conforming to the Federal demands and to express as the sense of the committee that appropriate legislation should be enacted meeting the minimum requirements of the Social Security Board. The motion carried, 7 ayes, 2 noes, 2 absent.

PHILLIPS, Chairman

RESOLUTIONS

The following resolution was offered:

By Senators Kenny and Denel:

Senate Resolution No. 134

WHEREAS, The committee appointed under Senate Concurrent Resolution No. 16 has reported to the Senate its findings; and

WHEREAS, The subject matter of those findings have been under full discussion both in the Senate Welfare and Institutions Committee and on the floor of the Senate; now, therefore, be it

Resolved, By the Senate that its Standing Committee on Welfare and Institutions be instructed to report out such bills as are necessary to conform to the requirements of the Federal Social Security Board as set forth in the committee's report on page 2408 of the Senate Journal for June 6th.

Resolution read.

Motion to Postpone Consideration

Senator Kenny moved that further consideration of Senate Resolution No. 134 be continued until the Senate Committee on Welfare and Institutions acts on old age pension legislation.

Motion to Table

Senator Rich moved that the above motion by Senator Kenny be laid on the table.

Motion carried.

Previous Question

Senator Fletcher moved the previous question.

Motion carried.

The question being on the adoption of Senate Resolution No. 134.

Roll Call Demanded

Senators Mayo, Phillips and Swan demanded a roll call.

The roll was called, and Senate Resolution No. 134 adopted by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, and Tickle—28.

NOES—Senators Biggar, Breed, Collier, Kuchel, Mayo, Phillips, Seawell, Wagy, and Ward—9.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 3.30 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, consideration of the Governor's veto to Senate Bill No. 133 was taken up.

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 133—An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502, 2557 and 2558 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 to 2641, inclusive, and Article 7, comprising Sections 2650 to 2659, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code and repealing acts and parts of acts specified herein; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and

terms upon which assistance may be granted, prohibiting political activities in connection therewith, penalizing violations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administration to the State Department of Social Welfare and transferring relief cases to county administration.

Governor's message stating his objections read previously.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being (Shall Senate Bill No. 143 become a law notwithstanding the objections of the Governor?)

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES—Senators Biggart, Broad, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Judah, Keating, Mayo, Minter, Myhand, Parkman, Phillips, Rich, Swain, Tickie, Wagy, and Ward—22.

NOES—Senators Carter, DeLoach, Fisher, Garrison, Keating, Kenny, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Sheller, Slater, and Swan—15.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Luckey:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the relief of hardship and destitution, providing for the administration thereof, providing the conditions and terms upon which any expenditure for relief may be made, and declaring the urgency of such provisions and providing that they shall take effect immediately; transferring the duties, powers, purposes, responsibilities, unexpended moneys and jurisdiction of the Relief Commission and Relief Administrator to the State Department of Social Welfare, and providing the time at which such provisions shall take effect.

Respectfully submitted,

SENATOR LUCKEY

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 10, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman	BREED
TICKIE	DEUEL
MYHAND	

The roll was called, and permission granted by the following vote:

AYES—Senators Biggart, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillingham, Fletcher, Fisher, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Minter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swain, Tickie, Wagy, and Ward—35.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1346: By Senator Luckey—An act making an appropriation for the relief of hardship and destitution, providing for the administration thereof, providing the conditions and terms upon which any expenditure for relief may be made, and declaring the urgency of such provisions, and providing that they shall take effect immediately; transferring the duties, powers, purposes, responsibilities, unexpended moneys and jurisdiction of the Relief Commission and Relief Administration to the State Department of Social Welfare, and providing the time at which such provision shall take effect.

Referred to Committee on Welfare and Institutions.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1716—An act to amend Sections 735.3, 735.4, 736.3, 736.13, 736.14, 737.5, 737.7 and 737.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read third time.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment:

Amendment No. 1

On page 10, line 33, of the printed bill, as amended, strike out "allocated", and insert "collected".

Amendment read and adopted.

Bill ordered printed, and to third reading.

INACTIVE FILE

Assembly Bill No. 1085—An act to amend the article heading of Article 6 of Chapter 4, Part 1, Division 7 and Sections 16320, 16321, 16325, 16347, 16410, 16411, 16430 and 16451 of, and to add Sections 16330, 16393, 16394, 16395, 16412 to, the Business and Professions Code, relating to the regulation of itinerant merchants.

Bill read.

Motion to Amend

Senator Quinn moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "16410, 16411."

Amendment No. 2

On page 2, line 4, of the printed bill, as amended, after "within", insert "contiguous".

Amendment No. 3

On page 2, lines 5 and 6, of the printed bill, as amended, strike out "municipalities", and insert "contiguous cities".

Amendment No. 4

On page 2, line 7, of the printed bill, as amended, strike out "municipalities", and insert "contiguous cities".

Amendment No. 5

On page 2, line 49, of the printed bill, as amended, strike out "principle", and insert "principal".

Amendment No. 6

On page 3 of the printed bill, as amended, strike out lines 25 to 44, inclusive; and in line 45, strike out "Sec. 11.", and insert "Sec. 9."

Amendment No. 7

On page 4, line 8, of the printed bill, as amended, strike out "Sec. 12", and insert "Sec. 10."

Amendment No. 8

On page 4, line 38, of the printed bill, as amended, strike out "Sec. 13.", and insert "Sec. 11."

Amendments read and adopted

Bill ordered printed, and is third reading

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Deuel:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, JUNE 10, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act to amend Sections 1070, 1079 and 1084 of and to add Sections 1036, 1184 and 1196 to the Welfare and Institutions Code, relating to public assistance for the blind and the administration thereof, declaring the urgency of this act, to take effect immediately.

Respectfully submitted,

SENATOR DEUEL

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, JUNE 10, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman MYHAND
DEUEL BREED
TICKLE

The roll was called

Call of the Senate

Pending the announcement of the vote, Senator Deuel moved a call of the Senate

Motion carried. Time, 3.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Kuchel moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 442 was refused passage.

The roll was called, and Assembly Bill No. 442 reconsidered by the following vote:

AYES—Senators Breed, Crocker, Cunningham, Dellinger, Fletcher, Gordon, Judah, Kenny, Kuchel, McBride, McGeer, Miller, Parkinson, Phillips, Quinn, Rich, Seawell, Shelley, Swing, Tickle, Wagy, and Ward—22.

NOES—Senators Biggar, Collier, DeLap, Deuel, Foley, Garrison, Mayo, and Slater—8.

CONSIDERATION OF ASSEMBLY BILL NO. 442

Assembly Bill No. 442—An act to amend Section 170 of, to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Bill read.

Motion to Amend

Senator Kuchel moved the adoption of the following amendment:

Amendment No. 1

On page 4, line 51, of the printed bill, as amended, after "attorney", insert "or the defendant or his attorney".

Amendment read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4.56 p.m., on motion of Senator Deuel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and permission granted to introduce a bill by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Minter, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

**INTRODUCTION, FIRST READING AND REFERENCE
OF SENATE BILLS (RESUMED)**

The following bill was introduced, and read the first time:

Senate Bill No. 1347: By Senator Deuel—An act to amend Sections 3076, 3079 and 3084 of, and to add Sections 103.6, 118.1 and 119.6 to, the Welfare and Institutions Code, relating to public assistance for the blind and the administration thereof, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Welfare and Institutions.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Kenny moved that the Senate, at this time, reconsider the vote whereby the conference report concerning Assembly Bill No. 82 was refused adoption.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 4.15 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**POSTPONEMENT OF RECONSIDERATION**

On motion of Senator Mixer, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1026 was refused passage was continued until the next legislative day.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator DeLap, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1057 was passed, was continued until the next legislative day.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Carter moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 518 was refused passage.

The roll was called, and Assembly Bill No. 518 refused reconsideration by the following vote:

AYES—Senators Carter, Dillinger, Fletcher, Garrison, Kenny, and Shelley—6.
NOES—Senators Biggar, Breed, Brown, Coker, Cunningham, DeLap, Duell, Foley, George, Judah, Keating, Kuehl, Mayo, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swain, Swan, Tickle, Wagy, and Ward—28.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 4:25 p.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the conference report concerning Assembly Bill No. 82 reconsidered by the following vote:

AYES—Senators Brown, Carter, Coker, Cunningham, Cunningham, DeLap, Fletcher, Foley, George, Garrison, Keating, Kuehl, Kuehl, McBride, Myhand, Quinn, Rich, Seawell, Shelley, Swan, and Swain—21.

NOES—Senators Biggar, Breed, Brown, Dillinger, Judah, Luckey, Mayo, Metzger, Parkman, Slater, Tickle, Wagy, and Ward—13.

**CONSIDERATION OF CONFERENCE REPORT CONCERNING
ASSEMBLY BILL NO. 82**

The roll was called, and the report refused adoption by the following vote:

AYES—Senators Carter, Cunningham, DeLap, Foley, Keating, Kenny, Kuehl, McBride, Mixer, Rich, Seawell, Swan, and Swain—13.

NOES—Senators Biggar, Breed, Brown, Coker, Cunningham, Duell, Dillinger, Fletcher, Garrison, Judah, Luckey, Mayo, Metzger, Myhand, Parkman, Phillips, Quinn, Shelley, Slater, Wagy, and Ward—21.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1325—An act to amend the Building and Loan Association Act by adding thereto a new section, to be numbered Section 13.16d, relating to building and loan associations, including the rehabilitation, readjustment, reorganization or plans for the liquidation of such an association, or of all or of any part of the business, property and assets of such association, or the readjustment, modification or reorganization of the rights or interests of any or all investors and creditors of such association; providing for the kinds of securities

issuable in connection therewith and exempting such securities from the necessity of a permit under the Corporate Securities Act; authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to consent to a plan as defined in said Section 13.16d, and exchange shares, stock, investment certificates or other rights or claims for securities issued pursuant to such plan and to continue to hold as a legal investment any securities so received; and exempting the proposer or proposers of a plan from the provisions of an act approved July 1, 1937, being Chapter 784 of the Statutes of 1937.

Bill read third time.

Previous Question

Senator Seawell moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 1325.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wag, and Ward—34.

NOES—Senator Garrison—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 207—An act to add Sections 2010, 2011 and 2012 to, and to amend Sections 2182 and 2183 of, the Welfare and Institutions Code, relating to aid to the aged, providing for the payment thereof, and specifying the powers and duties of certain public officers and employees in connection therewith.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wag, and Ward—30.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1191—An act to repeal Sections 22.5 and 24.5 of, and to add Sections 22.5 and 24.5 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wag, and Ward—30.

NOES—Senator Tickle—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1591—An act to amend the act entitled "District Investigation Act of 1933," relating to sanitary and sanitation districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Collier, Cottonson, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Mayo, McBride, Metzger, Myster, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggoner—30.

NOES—None.

Motion to Amend

Senator Kenny moved the adoption of the following amendments to the title to Assembly Bill No. 1491:

Amendment No. 1

In line 1 of the title of the printed bill as amended strike out "and amend the act entitled", and insert "and Section 24 to read:"

Amendment No. 2

In line 2 of the title of the printed bill as amended after "1943," strike out the quotation marks.

Amendments read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Assembly Bill No. 1593—An act to amend the Streets and Highways Code by adding Section 2898 thereto relating to the exemption of proceedings for the construction or acquisition of sanitary sewers and sewage disposal works from the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Collier, Cottonson, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Metzger, Myster, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggoner—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1595—An act to amend Sections 6, 10, 14, 15, 16 and 20, and to add Sections 24, 25 and 26 to an act entitled "District Investigation Act of 1933," relating to the investigation report and debt limitations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Collier, Cottonson, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Mayo, McBride, Metzger, Myster, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Waggoner—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1545—An act to add Division 2a, comprising Sections 3100 to 3124, to the Labor Code, relating to labor organizations and the procedure to be followed in fining, suspending, and expelling members thereof.

Bill read third time.

Motion to Amend

Senator Kuchel moved the adoption of the following amendments:

Amendment No. 1

On page 4, line 28, of the printed bill, as amended, strike out "chapter", and insert "division".

Amendment No. 2

On page 4, line 32, of the printed bill, as amended, strike out "chapter", and insert "division".

Amendment No. 3

On page 4, line 34, of the printed bill, as amended, strike out "chapter", and insert "division".

Amendments read and adopted.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

Strike out line 2 of the title of the printed bill, as amended, and insert "3125, to the Labor Code, relating to labor organizations, fraternal organizations, trade associations, farmers' organizations, and cooperative associations".

Amendment No. 2

On page 4 of the printed bill, as amended, after line 34, insert

"3125. As used in this division, unless otherwise apparent from the context:

(1) "Trades union" and "labor organization" include fraternal organizations, trade associations, farmers' organizations, and cooperative associations.

(2) "Local union" and "local organization" include local chapters and branches of such fraternal organizations, trade associations, farmers' organizations, and cooperative associations."

Amendments read.

Motion to Table

Senator Kuchel moved that the above amendments offered by Senator Shelley be laid on the table.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, Dillinger, Foley, Gordon, Keating, Kuchel, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Swing, and Tickle—20.

NOES—Senators Carter, Collier, Crittenden, DeLap, Deuel, Fletcher, Garrison, Judah, Kenny, Mixer, Shelley, Slater, Swan, and Wagy—14.

Motion to Re-refer Assembly Bill No. 1545

Senator Shelley moved that Assembly Bill No. 1545 be re-referred to Committee on Labor.

Motion carried.

Assembly Bill No. 311—An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles, including those operated by constables and deputy constables.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators DeLap, Dillinger, Foley, Garrison, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Powers, Seawell, Shelley, Slater, Swan, and Swing—17.

NOES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, Deuel, Gordon, Judah, Keating, Parkman, Phillips, Quinn, Rich, Tickle, and Wagy—16.

MOTION TO RECONSIDER

Senator Kuchel moved to reconsider the vote whereby Assembly Bill No. 1545 was re-referred to Committee on Labor.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Kuchel moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1545 was re-referred to Committee on Labor.

The roll was called, and the motion lost by the following vote:

AYES—Senators: Breed, Brown, Crittenden, Collier, Kuebel, Luckey, McBride, Swing, Tolson, and Wagy—10.

NOES—Senators: Biggar, Carter, Cullen, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Mayo, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, and Swan—24.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1594—An act to amend Sections 2802, 2804, 2820, 2904, 2951 and 3012, and to add Sections 2809 and 2996, to the Streets and Highways Code, relating to waiver of report, limitation of actions, and costs on abandonment under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, strike out "code cited in the title", and insert "Streets and Highways Code".

Amendment No. 2

On page 1, line 14, of the printed bill, as amended, after "to", insert "irrigation districts, irrigation districts, riparian districts, fire districts, fire protection districts or to public cemetery districts or to".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the first paragraph of Section 22 of Article XX of the Constitution of the State, relating to the legal rate of interest on loans.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators: Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Wagy—30.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 660—An act to amend Section 231 of the Code of Civil Procedure, relating to the manner of summoning jurors for courts not of record.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators: Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, Mixer, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2380—An act to amend Sections 2020, 2182 and 2184 of, and to add Section 2165a to the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2020".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 11, inclusive; and in line 12, strike out "SEC. 2", and insert "SECTION 1".

Amendment No. 3

On page 1, line 22, of the printed bill, as amended, strike out "SEC. 3", and insert "SEC. 2".

Amendment No. 4

On page 2, line 17, of the printed bill, as amended, strike out "SEC. 4", and insert "SEC. 3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1484—An act to amend Sections 276, 278, 303 and 353 of the Vehicle Code, relating to drivers' licenses.

Bill read third time.

Motion to Amend

Senator DeLap moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 14, of the printed bill, after "has", strike out "any physical or mental infirmity", and insert "any condition".

Amendment No. 2

On page 1, line 15, of the printed bill, after "department", strike out "may".

Amendment No. 3

On page 1, line 17, of the printed bill, strike out the words "result in his inability to exercise reasonable and ordinary control in the operation of a motor vehicle", and insert "may result in the existence of a ground for which a license might be refused under this code".

Amendments read and adopted.

Bill ordered printed, and to third reading.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1882

Senator Rich moved that Assembly Bill No. 1882 be withdrawn from Committee on Business and Professions and referred to Committee on Finance.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1885

Senator Rich moved that Assembly Bill No. 1885 be withdrawn from Committee on Natural Resources and referred to Committee on Finance.

Motion carried.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1888

Senator Rich moved that Assembly Bill No. 1888 be withdrawn from Committee on Natural Resources and referred to Committee on Finance.

Motion carried.

WITHDRAWAL AND RE REFERENCE OF ASSEMBLY BILL NO. 1919

Senator Rich moved that Assembly Bill No. 1919 be withdrawn from Committee on Military and Veterans Affairs and referred to Committee on Finance.

Motion carried.

WITHDRAWAL AND RE REFERENCE OF ASSEMBLY BILL NO. 2097

Senator Rich moved that Assembly Bill No. 2097 be withdrawn from Committee on Public Health and Safety and referred to Committee on Finance.

Motion carried.

WITHDRAWAL FROM COMMITTEE OF SENATE BILL NO. 607

Senator Phillips moved that Senate Bill No. 607 be withdrawn from Committee on Welfare and Institutions for purpose of amendment.

Motion carried.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 607.—An act to amend Section 2020 of the Welfare and Institutions Code relating to income and resources under the Old Age Security Law, to take effect immediately.

Bill read second time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

PRINTERS' NOTE:There being no 7 point official type available, the material which should appear in official type in the following propositions is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2020 of", and insert "Sections 118, 2020 and 2021 and to repeal Section 2025 of, and to add Sections 103.5 and 119.5 to."

Amendment No. 2

In lines 2 and 3 of the title of the printed bill, strike out "income and resources under the Old Age Security Law", and insert "income, resources and the administration thereof, making an appropriation, modifying the treasury of this act".

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "2020 of", and insert "103.5 is hereby added to".

Amendment No. 4

On page 1, line 2, of the printed bill, strike out "is hereby amended".

Amendment No. 5

On page 1 of the printed bill, between lines 2 and 3, insert
 "103.5. It is hereby declared that provision for public aid to the needy aged and aid to dependent children as in this act provided is a matter of State-wide concern. The board is hereby designated as the State's chief agency with full power to supervise and coordinate the administration of the public assistance plans for which grants in aid are received from the United States Government in order to secure full compliance with the provisions of Titles I and II of the Federal Social Security Act."

SEC. 2. Section 118 of said code is hereby amended to read as follows:

118. All applications and records concerning any individual made or kept by any public officer or agency under any provision of this code, including Chapter 1 of Part 2 of Division 2, and Chapter 1 of Division 3 in which relates to the Department of Social Welfare, or which gives it any authority, shall be confidential, and shall not be open to examination by anyone not in the employ of the office or agency or of the

department except upon an order of a court of competent jurisdiction and except that they may be examined by a peace officer or other public officer or employee, or by the representative of a private agency devoted to social welfare activities, if it is shown that information is desired for a proper public purpose for any purpose not directly connected with the administration of such provision of this code.

No person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public assistance. Except for purposes directly connected with the administration of old-age assistance and aid to dependent children, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this section is a misdemeanor.

The State Department of Social Welfare may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the public assistance laws. The rules and regulations shall be binding on all departments, officials and employees of the State, or of any political subdivision of the State.

SEC. 3. Section 119.5 is hereby added to said code, to read as follows:

119.5. For the purposes of the administration of aid to needy children under Chapter 1 of Part 2 of Division 2 and aid to the aged under Chapter 1 of Division 3, the State Department of Social Welfare shall establish and maintain personnel standards on a merit basis (including therein standards of qualifications, competency, education, experience, tenure and compensation) necessary for the proper and efficient administration of the cited portions of this code which standards shall be applicable to the counties, as agents of the State for the purposes of administering State and Federal funds provided for assistance under the cited portions of this code, in employing personnel for such purposes.

Nothing in this section shall prevent any county from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to those employees engaged in the administration of State and Federal funds granted to a county as agent of the State for the cited portions of this code, the State Department of Social Welfare shall have a supervisory power to insure compliance with the personnel standards it establishes to the end that this State shall at all times conform to the requirements of Federal law for the continued receipt of Federal grants-in-aid.

SEC. 4. Section 2020 of said code is hereby amended to read as follows:".

Amendment No. 6

On page 1, line 4, of the printed bill, after "income", and before "of", insert "(including the value of currently used resources, but excepting casual income and inconsequential resources)".

Amendment No. 7

On page 1, line 5, of the printed bill, strike out "thirty-five dollars (\$35) per month."; and strike out all of lines 11 to 28, inclusive; and on page 2, strike out lines 1 to 30, inclusive, and insert "forty dollars (\$40) per month. If, however, in any case it is found the actual need of an applicant exceeds forty dollars (\$40) per month, such applicant shall be entitled to receive aid in an amount, not to exceed forty dollars (\$40) per month, which when added to his income (including the value of currently used resources, but excepting casual income and inconsequential resources) from all other sources, shall equal his actual need.

SEC. 5. Section 2021 of said code is hereby amended to read as follows:

2021. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to every county within this State for maintaining or supporting aged persons who come within the provisions of this chapter aid not in excess of two hundred [ten dollars (\$210)] forty dollars (\$240) per annum for each such aged person maintained or supported by such county.

There is hereby further appropriated to every county within this State for the purpose of maintaining or supporting aged persons who come within the provisions of this chapter and who have no county residence as provided in this chapter, aid not in excess of four hundred [twenty] eighty dollars (\$480) per annum for each such aged person.

Payments of aid shall be made in the manner provided in Sections 2187 to 2189, inclusive, of this code.

SEC. 6. Section 2025 of said code is hereby repealed.

SEC. 7. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety and shall, therefore, under the provision of Section 1 of Article IV of the Constitution take effect immediately and become operative July 1, 1941.

The facts constituting such necessity are as follows:

In order to conform to the requirements of the Federal Social Security Act, Chapter 1 of Part 2 of Division 2 and Chapter 1 of Division 3 of the Welfare and Institutions Code of this State must provide (a) methods relating to the establishment and maintenance of personnel standards on a merit basis, (b) a designation of a single State agency to supervise the administration of the law and, (c) after July 1, 1941, (i) that, in determining need, the income and resources of the individual

shall be considered and (c) that information concerning the persons arrested shall be used only for purposes of the laws and regulations. If these be not done, Chapter I of Part 1 of Division 1 and Chapter 1 of Division 1 of the Welfare and Institutions Code of this State will not be supported by the Federal Social Security Board and the State will not be eligible for Federal financial assistance. This act makes the amount necessary to pay such fines. Unless this act takes effect immediately and provides the necessary means, Federal financial assistance will be refused the State. The effect would be the payment of one State and another incurring the complete cost of that program of public assistance. If Federal financial aid will threaten the solvency of the State, aid will not be available for those entitled thereto and the public peace, health and safety will be endangered."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

MOTION TO CONFIRM APPOINTMENTS BY PRESIDENT PRO TEMPORE

Senator Rich moved that the Senate confirm the appointment of Senators Quinn and Swain to the State Council of Defense created by enactment of Senate Bill No. 227.

Motion carried.

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Senators Quinn and Swain to the State Council of Defense.

PERSONAL STATEMENT BY SENATOR DEUEL OF EXPENSES INCURRED UNDER SENATE CONCURRENT RESOLUTION NO. 16

Cash advanced from Senate and Assembly Committee Payroll	\$200.00
Expenses incurred	\$253.40
Cash refunded	47.60
	\$200.00

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred

Senate Bill No. 198

Senate Bill No. 201

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, as follows, as amended:

Committee membership 11; committee vote: Ayes 9; absent 2.

MINTIER, Chairman

Above reported bills ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1915

Has had the same under consideration, and reports the same back with the recommendation: That it be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 7; noes 2.

FLETCHER, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1139

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

DE LAP, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1918

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

DE LAP, Chairman

Above reported bill ordered to second reading.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 2315

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

METZGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Assembly Bill No. 1124

Assembly Bill No. 1073

Assembly Bill No. 2641

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 5; absent 4.

METZGER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1350

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; absent 4.

METZGER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which was referred:

Assembly Bill No. 1070

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 9; committee vote: Ayes 5; absent 4.

METZGER, Chairman

Above reported bill re-referred to Committee on Finance.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 198—An act making an appropriation for general public assistance, declaring the urgency thereof, to take effect as provided therein.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, strike out lines 1 to the sentence, and insert:

SECTION 4. The sum of twenty million dollars (\$2,000,000) is hereby appropriated out of any money in the State Treasury for purposes appropriated to be expended during the second, third and fourth quarters of the Ninety-third and all of the Ninety-fourth Fiscal Years to the Controller, pursuant to Section 11 of Article XVI of the Constitution, for the purpose of defraying the share of the direct and administrative costs of the following social programs for indigent poor and exclusive of medical, dental, hospital, convalescent or institutional care) to indigents under Chapter 2 of Division 4 of the Welfare and Institutions Code:

The amount needed by each county shall be returned to it monthly in accordance with quarterly estimates made by the Controller and the county. The Controller shall, by rule and regulation, establish a procedure for the purposes of this act similar to the procedure provided by law for the advancement of funds to the counties under the Old Age Security Law.

Amendment No. 2

On page 1, lines 24 and 25, of the printed bill, strike out "sums available at the time it is needed", and insert "sums actually available and in effect that the counties may determine their obligations and fix their tax levies within the time fixed by law".

Amendment No. 3

On page 2 of the printed bill, strike out lines 1 to 27, inclusive, and insert:

"Sec. 5. Notwithstanding any other provision of this act, this act shall not take effect unless all of the following are enacted:

- (a) The Welfare Administration Act.
- (b) Sections 1 and 2 of the Relief Act of 1941.
- (c) The Surplus Communities Act.
- (d) The Federal Stamp Plan Act.

Sec. 6. This act shall be known and cited as the County Welfare Act."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 201—An act making an appropriation for the conservation and care of all records, books, papers, offices, equipment and real and personal property of the Relief Commission and the Relief Administrator, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "making an appropriation", and insert "to add Section 18 to the Unemployment Relief Appropriation Act of 1940, relating to the relief of hardship and dislocation due to and caused by unemployment and the administration thereof, declaring the urgency of certain provisions thereof; repealing the California Unemployment Relief Act of 1935 and the Unemployment Relief Appropriation Act of 1940; establishing the Relief Commission and the Relief Administrator and providing".

Amendment No. 2

In line 4 of the title of the printed bill, strike out "immediately", and insert "as therein provided".

Amendment No. 3

On page 1 of the printed bill, strike out lines 1 to 5, inclusive; and in line 6, strike out "and properly caring", and insert

"SECTION 1. Section 1.8 is hereby added to the Unemployment Relief Appropriation Act of 1940, to read as follows:

Sec. 1.8. (a) The sum of three million five hundred thousand dollars (\$3,500,000) is hereby appropriated from any money in the State Treasury not otherwise appropriated to the Relief Administrator and the Relief Commission for the relief of hardship and destitution due to and caused by unemployment and the administration thereof as provided in this act and the California Unemployment Relief Act of 1935 during the fourth quarter of the Ninety-second Fiscal Year, and the first quarter of the Ninety-third Fiscal Year.

(b) Except for the apportionment for the administrative expenses of the Controller, all sums remaining unexpended under Sections 1, 1.5, 1.6, 1.7 and 3 of this act shall be available for expenditure during the fourth quarter of the Ninety-second Fiscal Year and the first quarter of the Ninety-third Fiscal Year by the Relief Administrator and the Relief Commission. The apportionment for the administrative expenses of the Controller provided in Sections 1 and 1.5 of this act remaining unexpended shall be available for expenditure by the Controller during the fourth quarter of the Ninety-second Fiscal Year and the first quarter of the Ninety-third Fiscal Year.

(c) As used in this section (i) "unexpended" describes sums of money which are unencumbered and against which no commitments have been made by the Relief Administrator and Relief Commission or which having been encumbered or committed, have been unencumbered and the commitment released by the Relief Administrator and the Relief Commission, and (ii) "expended" describes sums of money which are encumbered and against which commitments are made.

(d) "Appropriation" as used in this act (including Section 18) refers to the appropriation made by this section.

(e) The sum appropriated by subdivision (a) shall, upon order of the State Controller, be transferred to the Unemployment Relief Fund and shall be disbursed therefrom for the purposes herein provided. Until such time as such transfer is made, or when there is no money in said fund, the procedure for transfer of money from other funds prescribed by Section 1a of the California Unemployment Relief Act of 1935 shall be applicable hereto.

(f) All money appropriated by this section shall be subject to all the limitations and conditions imposed by this act upon the money appropriated by Sections 1, 1.5, 1.6 and 1.7.

SEC. 2. Sections 1 and 2 of this act are hereby declared to be urgency measures, necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately. The facts constituting such necessity are as follows:

The appropriation for unemployment relief is about to be totally expended and it is necessary that additional funds be made available immediately. Unless these provisions providing immediate funds and the means for the expenditure thereof and safeguards upon their use take effect immediately relief operations will have to be suspended at a time when the need is great, which will result in untold hardship and suffering to a great number of persons receiving relief in this State at this time, and will cause serious unrest throughout the State.

SEC. 3. (a) This section shall take effect on the first day of the first month after the final adjournment of the Fifty-fourth Regular Session of the Legislature.

(b) On the effective date of this section the Unemployment Relief Appropriation Act of 1940 and the California Unemployment Relief Act of 1935 are hereby repealed.

(c) The Relief Commission and the Relief Administrator are hereby abolished and the State Department of Finance shall supervise, conserve and properly care".

Amendment No. 4

On page 1, line 19, of the printed bill, as amended, after "purpose", insert "Any camps established by the Relief Administrator and the Relief Commission under subdivisions (c) and (d) of Section 3 of the California Unemployment Relief Act of 1935 shall be transferred to such county or counties as apply to the Department of Finance for possession and control thereof, which camps shall be operated by such county or counties as part of its or their welfare program."

Amendment No. 5

On page 1 of the printed bill, strike out lines 20 to 24, inclusive, and on page 2, strike out lines 1 to 15, inclusive, and insert:

"Sec. 4. Notwithstanding Sections 1 and 2 of any act, no part of this act shall take effect unless one of the following acts is in effect:

(a) The Welfare Institutions Act;

(b) The Welfare Commission Act;

(c) The Federal Shiping Plan Act;

(d) The County Welfare Act.

Sec. 5. This act shall be known and may be cited as the Repeal Act of 1941."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 627—An act to amend Section 869 of the Welfare and Institutions Code, relating to the liability of the committing county for maintenance of juvenile delinquents.

Bill read second time, and ordered to third reading.

Assembly Bill No. 629—An act to amend Section 6701 of the Welfare and Institutions Code, relative to the transfer of inmates at the request of relatives or friends.

Bill read second time, and ordered to third reading.

Assembly Bill No. 630—An act to add Section 6702 to the Welfare and Institutions Code, relating to the financial liability of transferred inmates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 631—An act to add Section 6703 to the Welfare and Institutions Code, relating to the financial liability of transferred inmates.

Bill read second time, and ordered to third reading.

Assembly Bill No. 626—An act to amend Section 745 of the Welfare and Institutions Code, relating to the modification of commitment orders of juvenile delinquents.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 25, of the printed bill, after "law," strike out "or by rule of the Department of Institutions."

Amendment No. 2

On page 1, line 27, of the printed bill, after "institutions," insert:

"However, before any inmate of a correctional school may be transferred to a State hospital for the insane, he shall first be returned to a court of competent jurisdiction, and, after hearing, may be committed to a State hospital for the insane in accordance with law."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 628—An act to amend Section 6700 of the Welfare and Institutions Code, relating to the transfer of inmates of State institutions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 23, of the printed bill, after "district", insert

"However, before any inmate of a correctional school may be transferred to a State hospital for the insane, he shall first be returned to a court of competent jurisdiction, and, after hearing, may be committed to a State hospital for the insane in accordance with law."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2465—An act to add Section 2193 to the Welfare and Institutions Code, relating to aid to the aged.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, after the period, insert "Nothing contained in this section shall prevent the payment of aid to any responsible person acceptable to the recipient for the benefit of the recipient, as provided in Section 2183."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1731—An act relating to bids for the construction of public works and improvements.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1350—An act to amend Section 107 of the Health and Safety Code, relating to the Director of Public Health.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1124—An act to regulate the sale of olive oil and to prohibit the sale of imitation olive oil, establishing standards for olive oil, prescribing methods of packaging, labeling, and branding olive oil, licensing packers, manufacturers and distributors, providing rules and regulations for the proper sanitation of such establishments, imposing penalties for violations of this act, defining the powers of the State Board of Public Health in relation thereto, and to repeal an act entitled "An act to regulate the sale of imitation olive oil and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "establishing standards for olive oil."

Amendment No. 2

On page 2, line 13, of the printed bill, as amended, strike out "scented."

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 17, 18, and 19, and in line 20, strike out "and" and insert "or."

Amendment No. 4

On page 2, line 31, of the printed bill, as amended, strike out "sound", and insert "edible."

Amendment No. 5

On page 2, line 30, of the printed bill, as amended, strike out "packed or manufactured" and insert "manufactured or sold."

Amendment No. 6

On page 2, line 40, of the printed bill, as amended, strike out ", or", and insert "or in sealed".

Amendment No. 7

On page 2, line 41, of the printed bill, as amended, strike out ", or", and insert "; or in".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1073—An act to amend Sections 26209, 26243, 26251 and 26271 of, and to add Section 26290.5 to the Health and Safety Code, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

On page 1, lines 10 and 11, of the printed bill, as amended, strike out "the minimum daily requirements for".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 13 and 14, and insert "and units."

Amendment No. 3

On page 2, lines 30 and 31, of the printed bill, as amended, strike out "preparations of thyroid", and insert "iodine, potassium iodide or sodium iodide, their compounds, preparations or derivatives".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2641—An act to amend Sections 13552, 13600, 13601, 13606, 13607, 13613, 13652, 13655, 13727 and 13728 of the

Health and Safety Code, relating to spotting, sponging and pressing establishments.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

PRINTER'S NOTE—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 2 of the title of the printed bill, after "13655," insert "13656,".

Amendment No. 2

On page 3 of the printed bill, between lines 16 and 17, insert

"SEC. 8.5. Section 13656 of the Health and Safety Code is hereby amended to read as follows:

13656. If the annual license fee required of any person who operates a cleaning and dyeing shop or store, a spotting, sponging, or pressing establishment, *an instrumentality*, or any agency [of either,] is not paid on the date when it is due and payable, a penalty shall be added to the fee in accordance with the following schedule:

(a) Fifty cents (\$0.50), if it is *not* paid within a period of 30 days from and after the date it is due and payable *but is paid within a period of 60 days from and after such date*.

(b) One dollar [and fifty cents] (\$1), if it is *not* paid within a period of [thirty-one to] 60 days from and after the date when it is due and payable *but is paid within 90 days from and after such date*.

(c) [Three dollars] *One dollar and fifty cents (\$1.50)*, if it is paid subsequent to the expiration of [sixty-one] 90 days from and after the date when it is due and payable."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1918—An act to amend Section 11792 of the Insurance Code, relating to State Compensation Insurance Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1139—An act to add Section 4257 to the Labor Code, relating to workmen's compensation insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4257 to the Labor", and insert "11656.5 to the Insurance".

Amendment No. 2

On page 1 of the printed bill, strike out line 1, and insert

"SECTION 1. Section 11656.5 is hereby added to the Insurance Code".

Amendment No. 3

On page 1, line 3, of the printed bill, strike out "4257", and insert "11656.5".

Amendment No. 4

On page 1 of the printed bill, strike out line 5, and insert "Law, employers of agricultural labor who are members of any nonprofit agricultural association or who

are members of, or stockholders in, any nonprofit cooperative agricultural marketing association of producers, some of

Amendment No. 5

On page 1, line 7, of the printed bill after "and", insert "under such conditions as the commissioner may prescribe in order to effectuate the purpose of Article 2, Chapter 3, of this part."

Amendment No. 6

On page 1, line 8, of the printed bill, strike out "that", and insert "if".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2315—An act to regulate markets at which fresh meat and dressed poultry are sold, in counties with a population of 27,000 or over.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Health and Safety:

Amendment No. 1

Strike out lines 2 and 3 of the title of the printed bill, as amended, and insert "poultry are sold."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 15 and 16, and insert "fee in the amount of ten dollars (\$10) a year or two dollars and fifty cents (\$2.50) a quarter. Such".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 13 and 14, and insert "day, nor on any holiday, other than such months situated in resort areas, as defined by the State Board of Public Health, from May 1st to November 1st."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2183—An act to amend Section 1161a of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2186—An act to amend Section 1181 of the Civil Code, relating to proof or acknowledgment of an instrument.

Bill read second time, and ordered to third reading.

RECESS

At 5.57 p.m., on motion of Senator Rich, the Senate recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 9.02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 20
 Assembly Bill No. 130
 Assembly Bill No. 529
 Assembly Bill No. 586
 Assembly Bill No. 1002
 Assembly Bill No. 1197
 Assembly Bill No. 1337
 Assembly Bill No. 1338
 Assembly Bill No. 1400
 Assembly Bill No. 1406
 Assembly Bill No. 1429
 Assembly Bill No. 1454
 Assembly Bill No. 1528
 Assembly Bill No. 1608

Assembly Bill No. 1814
 Assembly Bill No. 1847
 Assembly Bill No. 1903
 Assembly Bill No. 1904
 Assembly Bill No. 2016
 Assembly Bill No. 2022
 Assembly Bill No. 2108
 Assembly Bill No. 2135
 Assembly Bill No. 2136
 Assembly Bill No. 2217
 Assembly Bill No. 2585
 Assembly Bill No. 2599
 Assembly Bill No. 2650

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 7, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 21
 Assembly Concurrent Resolution No. 24
 Assembly Concurrent Resolution No. 37
 Assembly Concurrent Resolution No. 46
 Assembly Concurrent Resolution No. 49
 Assembly Concurrent Resolution No. 59

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bills were read the first time:

Assembly Bill No. 20—An act to add Section 926.5 to the Fish and Game Code, relating to nets in District 20.

Referred to Committee on Fish and Game.

Assembly Bill No. 130—An act to make an appropriation to the Division of Parks for the construction and equipment of a swimming pool in Cuyamaca State Park, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on Natural Resources.

Assembly Bill No. 529—An act to add Section 1032.1 to the Military and Veterans Code, relating to the band of the Veterans' Home of California and making an appropriation therefor.

Referred to Committee on Military and Veterans Affairs.

Assembly Bill No. 586—An act to repeal Section 3721 of the Political Code, relating to assessment and taxation of property affected by the annexation, incorporation, and inclusion of territory by municipal corporations.

Referred to Committee on Local Government.

Assembly Bill No. 1002—An act to repeal Chapter 16, comprising Sections 8900 to 8970, inclusive, of Division 3 of the Business and Professions Code, relating to yacht and ship brokers.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1197—An act to amend Section 70 of the Streets and Highways Code relating to the California Highway Commission.

Referred to Committee on Transportation.

Assembly Bill No. 1337—An act making an appropriation for the acquisition of real property in the City of Sacramento and the construction and equipment thereof of a building for the Department of Employment, as provided in Section 923 of the Unemployment Insurance Act.

Referred to Committee on Finance.

Assembly Bill No. 1338—An act to add Section 923 to the Unemployment Insurance Act relating to the establishment of a system of unemployment insurance and employment offices for this State.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 1400—An act to repeal Article 4, comprising Sections 10490 to 10494, inclusive of Chapter 5, Part 2, Division 2, of, and to add Article 4, comprising Sections 10490 to 10491, inclusive to Chapter 5, Part 2, Division 2 of the Insurance Code relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1406—An act to amend Section 10434 of the Insurance Code, relating to insurance.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1429—An act to amend Section 1 of an act entitled "An act granting to the City of South San Francisco the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the City of South San Francisco and regulating the management, use and control thereof," approved April 10, 1925, relating to lands granted to the City of South San Francisco.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1454—An act to amend Section 2553 of the Business and Professions Code, relating to registered dispensing opticians.

Referred to Committee on Business and Professions.

Assembly Bill No. 1528—An act to repeal an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 1608—An act to establish a county merit system commission for every county, defining its powers and duties, and providing for the organization and government of a merit system for the welfare department employees in every county.

Referred to Committee on Local Government.

Assembly Bill No. 1814—An act to amend Section 11005 of the Revenue and Taxation Code and Section 11 of "An act relating to

licensing and taxing of vehicles, providing for license fees for the privilege of operating certain vehicles, providing for the exemption of such vehicles from all taxes according to value for State, county or municipal purposes, providing for the administration and enforcement of this act, creating a fund to be known as the Motor Vehicle License Fee Fund, and making an appropriation of the moneys therein," approved June 25, 1935, relating to the disposition of proceeds from the license fee imposed thereunder.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1847—An act to amend Section 5 of the Retail Sales Tax Act of 1933, relating to the exemption of sales to nonresident aliens.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1903—An act to add Section 11738.5 to the Insurance Code, relating to Workmen's Compensation Insurance in connection with defense projects of the Federal Government and defense agencies thereof, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Financial Institutions.

Assembly Bill No. 1904—An act to add Section 7512.5 to the Business and Professions Code, relating to the regulation of detectives, investigators and detective agencies.

Referred to Committee on Business and Professions.

Assembly Bill No. 2016—An act to amend Section 124 of the Welfare and Institutions Code, relating to the Social Welfare Fund and the purposes for which the money therein may be used and making an appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Welfare and Institutions.

Assembly Bill No. 2022—An act making an appropriation for acquisition and development of, and construction, improvements and equipment at State beaches, parks and monuments.

Referred to Committee on Natural Resources.

Assembly Bill No. 2108—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of San Mateo, State of California.

Referred to Committee on Judiciary.

Assembly Bill No. 2135—An act to add Section 474a to the Political Code, relating to escheat actions brought by the Attorney General.

Referred to Committee on Judiciary.

Assembly Bill No. 2136—An act to amend Section 474 of the Political Code, relating to escheated property.

Referred to Committee on Judiciary.

Assembly Bill No. 2217—An act to add Article 8a, comprising Sections 160 to 164, inclusive, to the State Civil Service Act, relating to standards of conduct of employees.

Referred to Committee on Governmental Efficiency.

Assembly Bill No. 2585—An act making an appropriation to the Department of Natural Resources, Division of Parks, for the acquisition of land in Marin County as part of the State Park System.

Referred to Committee on Natural Resources.

Assembly Bill No. 2599—An act making an appropriation for the cost of repair and restoration of property damaged or destroyed by storms or floods, and for the cost of protection of further damage and destruction, prescribing conditions, restrictions and limitations as to the expenditure thereof, declaring the urgency of the act and that it take effect immediately.

Referred to Committee on Finance.

Assembly Bill No. 2650—An act to add Section 593a to the Civil Code, relating to the formation, qualifications and operations of non-profit corporations organized to render certain professional services.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 21—Relative to peace in industry.

Referred to Committee on Labor.

Assembly Concurrent Resolution No. 24—Relative to the duty of the Joint Legislative Committee on State Buildings at Sacramento, created by Assembly Concurrent Resolution No. 17 of the Fifty-fourth Session of the Legislature, to study the State Building Program at other places in California.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 37—Relative to a Joint Fish and Game Investigating Committee to study and report on matters relating to fish and game.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 46—Creating a Joint Legislative Committee to report plans to commemorate the discovery of California by Juan Rodriguez Cabrillo.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 49—Relative to Cabrillo Day.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 59—Relative to the provisions of Sections 10, 11 and 12 of the Budget Act of 1941, and the transfer of funds pursuant thereto.

Referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 175
Senate Bill No. 314
Senate Bill No. 518
Senate Bill No. 628

Senate Bill No. 874
Senate Bill No. 957
Senate Bill No. 1206

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 20

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 24
Senate Bill No. 120
Senate Bill No. 303
Senate Bill No. 420
Senate Bill No. 436

Senate Bill No. 749
Senate Bill No. 861
Senate Bill No. 1047
Senate Bill No. 1162
Senate Bill No. 1339

Senate Concurrent Resolution No. 11

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 318

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that on this day Senate Bill No. 230

Was stricken from the Assembly file.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Burns, Hugh M., Sawallisch and Howser, F. N., as a Committee on Conference concerning:

Senate Bill No. 108—An act to amend Sections 4, 7 and 20½ of the Alcoholic Beverage Control Act, relating to licenses and to the conduct of business and transfer of licenses by an executor, administrator, guardian, trustee, receiver, assignee for the benefit of creditors and others.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1889—An act to add Section 288.1 to the Penal Code, relating to punishment for crimes against children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Quinn, Rich, Senter, Smith, Wager, and Ward—21.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2643—An act to amend Section 4248 of the Political Code, relating to compensation for public services in counties of the nineteenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Quinn, Rich, Senter, Smith, Wager, and Ward—24.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1729—An act to amend Section 2446 of, and to add Section 2447 to the School Code, relating to school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Quinn, Rich, Senter, Smith, Wager, and Ward—24.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1962—An act to add Sections 151, 152 and 153 to the School Code, relating to student body funds and organizations.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "151", and insert "151a".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, strike out "151", and insert "151a".

Amendment No. 3

On page 1, line 3, of the printed bill, as amended, strike out "151", and insert "151a".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2421—An act to add Section 2163.5 to the Welfare and Institutions Code, relating to real property as defined for the purposes of aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride,

McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1193—An act to amend Section 27 of, repeal Section 23 of, and add Section 23 to, the Unemployment Insurance Act, relating to a system of unemployment insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2606—An act to amend Sections 2139 and 2148 of, and to add Section 2149 to, the Business and Professions Code, and to amend Sections 11000, 11160, 11161, 11475, 11476, 11477, 11479, 11570 and 11571 of the Health and Safety Code, relating to the diagnosis of foot conditions and ailments, the prescribing or recommending of foot appliances or shoes and the practice of chiropody, including the use of electric devices and narcotic drugs in such practice.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "11475,".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 23 to 31, inclusive.

Amendment No. 3

On page 2, line 32, of the printed bill, as amended, strike out "8", and insert "7".

Amendment No. 4

On page 2, line 41, of the printed bill, as amended, strike out "9", and insert "8".

Amendment No. 5

On page 3, line 1, of the printed bill, as amended, strike out "10", and insert "9".

Amendment No. 6

On page 3, line 21, of the printed bill, as amended, strike out "Sec. 11", and insert "Sec. 10".

Amendment No. 7

On page 3, line 32, of the printed bill, as amended, strike out "12", and insert "11".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2094—An act to amend Section 184 of the Military and Veterans' Code, relating to purchases of property by The Adjutant General.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—26.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 48—Memorializing the President and the Congress to enact pending legislation to establish the 150th anniversary of the adoption of the Bill of Rights as a public holiday.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—29.
 NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 2647—An act to add Section 30.1 to the Public Utility District Act, relating to the powers of public utility districts, empowering them to make contracts for the joint acquisition, construction, maintenance, or use of sewers and sewage works, plants, and disposal facilities and to make leases or contracts for the use of sewers, sewage works, plants and disposal facilities constructed by public utility districts, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—27.
 NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—30.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1181—An act to add Section 136d to the Bank Act, relating to the disposition of property held as trustee or in safe keeping by a bank, title insurance or trust company in process of liquidation, providing for the escheat thereof, authorizing the State Treasurer to act as a trustee for a trust company, bank, or title insurance company in liquidation, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo,

McBride, McCormack, Mixer, Myhand, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1717—An act to amend Sections 736.1 and 736.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Breed, Collier, Crittenden, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—Senator Cunningham—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159—An act to amend Section 919 of the Fish and Game Code, relating to bait nets.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2208—An act to amend Section 1207 of the Penal Code, relating to entry of judgment of conviction.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42—An act to add Section 73.5 to the Agricultural Code, relating to exhibits at the California State Fair.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "Each", and insert "Subject to such rules and regulations as the board of directors of the State Agricultural Society may adopt with the approval of the Department of Finance, each".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1309—An act to add Section 155.5 to the Welfare and Institutions Code, relating to the Whittier State School.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Goodson, Jettie, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagz, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 110—An act to amend Section 4986 of the Revenue and Taxation Code, relating to the cancellation of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Goodson, Jettie, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagz, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 928—An act to add Section 5.5 to an act entitled "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, and to add Section 9652.5 to the Revenue and Taxation Code, relating to computation of gross receipts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Goodson, Jettie, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagz, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1554—An act to amend Section 2 of the Retail Sales Tax Act of 1933, to amend Sections 2 and 21 of the Use Tax Act of 1935; to add Section 6009.1 to, and to amend Sections 6015 and 7054 of, the Revenue and Taxation Code, relating to the definition of retailer, storage and use, and to the administration of the tax, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Goodson, Jettie, Keating, Kenney, Kuebel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagz, and Ward—31.

NOES—None.

Motion to Reconsider

Senator Quinn moved to reconsider the vote whereby Assembly Bill No. 1554 was passed.

Postponement of Reconsideration

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1554 was passed, was continued until the next legislative day.

Assembly Bill No. 1701—An act to add Article 2.5, comprising Sections 5135 to 5138, inclusive, to Chapter 2 of Division 5 of the Public Resources Code, relating to local art galleries and museums, authorizing counties and cities to accept title to real property therefor and to permit buildings therefor to be erected on public lands, providing for the delegation of authority thereover, and permitting the appropriation of moneys therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagý, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 937—An act to amend Sections 23, 29, 29.5, 40, 43, 49 and 63 of, to repeal Section 31 of, and to add Sections 2.5, 31, 36.5, 40.5 and 70.5 to the Gift Tax Act of 1939, relating to the taxation of transfers of property, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagý, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1132—An act to add Article 3, comprising Sections 1801 to 1806, inclusive, to Chapter 3 of Division 4 of the Elections Code of the State of California, relating to elections, and the amendment of freeholders' charters.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagý, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2402—An act to amend Section 4157 of and add Section 4157.5 to the Political Code, relating to the powers and duties of county sheriffs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Mixter, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Wagý, and Ward—29.

NOES—Senators Carter, McCormack, and Tickle—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2440—An act to add Section 8.5 to an act entitled "An act to provide for the establishment of master and official plans in cities, cities and counties, and counties and for the adoption of ordinances pursuant thereto; prescribing the manner of adoption of such plans, portions thereof, amendments thereto and the composition and effects thereof; providing for the appointment of planning commissions by cities, cities and counties, and counties, and for the creation of regional planning districts and the establishment of regional planning commissions; prescribing the powers and duties of such commissions; providing for the levy of a special tax for the support of a planning commission and making certain expenditures legal charges against the funds of cities, cities and counties, and counties; making certain acts misdemeanors; and repealing other acts in conflict herewith," approved June 17, 1929, relating to local planning by the State Planning Board.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Gordon, Juch, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Motion to Amend

Senator Crittenden moved the adoption of the following amendment to the title to Assembly Bill No. 2440:

Amendment No. 1

In line 17 of the title of the printed bill, as amended, strike out "by the State Planning Board".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Assembly Bill No. 1189—An act to amend Section 8, and to repeal Section 9, of the Community Recreation Enabling Act of 1939, relating to the qualifications of employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Gordon, Juch, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2206—An act to provide for the formation of, government of, issuance of bonds by and assessment in motor vehicle parking districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Broad, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Gordon, Juch, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1060—An act to amend School Code Section 5.750, relating to absences from duty of employees of school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1162—An act to add Section 5.534 to the School Code, relating to the service in the Armed Forces of the United States of America or of the State of California, or in the Medical, Nursing or Ambulance Service of the American Red Cross, of persons employed by school districts in positions requiring certification qualifications, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2221—An act to amend Section 5.430 of the School Code, relating to school principals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rich, Shelley, Slater, Swan, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1966—An act to add Sections 5.129 and 5.344 to the School Code, relating to the continuance of documents authorizing service in the public schools and held by persons serving in the Military Service of the United States or of the State of California, or in the Medical, Nursing or Ambulance Service of the American Red Cross, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES. Senators Biggar, Breed, Carter, Collier, Cunningham, Cunningham, DeLap, Dond, Dillinger, Foley, Garrison, Gordon, Jordan, Keating, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rick, Shaffer, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES. None.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Carter, Collier, Cunningham, Cunningham, DeLap, Dond, Dillinger, Foley, Garrison, Gordon, Jordan, Keating, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rick, Shaffer, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2152—An act to add Section 21365 to the School Code, relating to the Department of Education.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Carter, Collier, Cunningham, Cunningham, DeLap, Dond, Dillinger, Foley, Garrison, Gordon, Jordan, Keating, Keating, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Quinn, Rick, Shaffer, Slater, Swan, Tickle, Wagy, and Ward—30.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2218—An act to amend Sections 3362, 4871, 4873, 4884 and 4885 of, and to add Sections 4871a and 4884a to the School Code, relating to the support of the public school system.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Carter, Collier, Cunningham, Cunningham, DeLap, Dond, Dillinger, Foley, Garrison, Gordon, Jordan, Keating, Keating, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Quinn, Rick, Shaffer, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES. Senator Carter—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 641—An act to amend Section 7102 of the Welfare and Institutions Code, pertaining to the purpose of the State Inebriate Colony.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Cunningham, Cunningham, Dillinger, Foley, Garrison, Gordon, Keating, Keating, Keating, Mayo, McBride, Mixer, Myhand, Parkman, Phillips, Quinn, Rick, Shaffer, Slater, Swan, and Wagy—23.

NOES. Senators DeLap, Jordan, Mayo, Tickle, and Ward—5.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 643—An act to amend and renumber the title of Chapter 4, Part 4, of Division 5, of the Welfare and Institutions Code, as added by Chapter 994 of the Statutes of 1939, relating to State inebriate colonies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2541—An act to add Section 58.5 to the Unemployment Insurance Act, relating to the amount of benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 419—An act to add Section 1432.1 to the Penal Code, relating to the procedure in a justice's court when a complaint is filed against the justice of said court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1302

Senator Biggar moved that Assembly Bill No. 1302 be re-referred to Committee on Public Health and Safety.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1336

Senator Keating moved that Assembly Bill No. 1336 be re-referred to Committee on Judiciary.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2321—An act to amend Section 4246 of the Political Code, relating to the compensation for public services in counties of the seventeenth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 15—Relative to memorializing the President and the Congress of the United States to make the necessary and additional Federal appropriations to connect Military cantonments with the existing State highway systems and to improve and enlarge the capacity of highways and bridges where necessary to meet the extraordinary requirements of Military use.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1856—An act to amend Sections 30 and 39 of an act entitled "An act providing for the incorporation of public utility districts in unincorporated territory, authorizing such districts to incur bonded indebtedness for the purpose of the construction of works and the acquisition of property, and to levy and collect taxes to pay the principal and interest on bonds and for carrying on their operations, and providing for the powers, management and government of such districts, and imposing certain duties and functions in connection with such districts upon certain county officers," approved May 31, 1921, relating to public utility districts in unincorporated territory.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Waggy, and Ward—30.

NOES—Senators McCormack, and Tickle—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 389—An act to add Section 647.1 to the Code of Civil Procedure, relating to objection to comment on the evidence.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1526—An act to further the education of children of disabled World War veterans by allowing free tuition in State-owned colleges and universities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride,

McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—33.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1817—An act to amend the "California Water Storage District Act," being Statutes of 1921, Chapter 914, as amended, by amending Sections 4, 6 and 17 of said act, and by adding thereto a new Section 25(a), relating to formation organization and powers of water storage districts, and authorizing such districts to cooperate and contract with the United States under the provisions of any Federal laws now in force, or hereafter to be enacted, for a water supply or for acquisition, purchase, construction, extension, operation or maintenance of works for irrigation, storage, flood control or drainage or for the assumption by the district of indebtedness to the United States and to describe the provisions which may be included in any such contract and to provide for the levy, apportionment and collection of assessments to meet any payments required by such contract.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—35.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1075—An act to amend Sections 4, 4A, 5A, 6, 7, 9 and 13 of an act entitled "An act to regulate the conduct of canneries, to create a Division of Cannery Inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries under the State Board of Health," approved May 23, 1925, relating to the regulation of canneries and costs of inspection thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.
 NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Swing moved to reconsider the vote whereby Assembly Bill No. 1302 was re-referred to the Committee on Public Health and Safety.

Postponement of Reconsideration

On motion of Senator Swing, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1302 was re-referred to the Committee on Public Health and Safety, was continued until the next legislative day.

Assembly Bill No. 949—An act to repeal Chapter 395 of the Statutes of 1915 entitled "An act providing for the sale of certain State lands suitable for cultivation," approved May 15, 1915, as amended.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Culler, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judd, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Mitchell, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—36

NOES—None

Bill ordered transmitted to the Assembly.

Assembly Bill No. 950—An act to amend Section 1 of Chapter 389, Statutes of 1915, entitled "An act providing for the sale of certain State lands," approved May 15, 1915, relating to State lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Culler, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judd, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Mitchell, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—36

NOES—None

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1933—An act to amend Section 3521 of the Political Code, relating to patents for State lands.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Culler, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judd, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Mitchell, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—35.

NOES—None

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1934—An act to repeal Section 3788 of the Political Code, to add a new Section 3788 thereto, and to repeal Sections 4108 and 4108 5 of the Revenue and Taxation Code, relating to the disposition of State lands upon which the full purchase price is not paid and which are sold to the State for taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Broad, Carter, Culler, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Judd, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Mitchell, Packman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—35.

NOES—None

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 55—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 4c of, and adding

Sections 4d and 5a to Article VI thereof, relating to the Judicial Department.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.
NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 825—An act to add Sections 1266 and 1266.1 to Part 3, Title 7, of the Code of Civil Procedure, relating to eminent domain, including the taking of land by cities and counties for streets and highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Swan, Swing, Tickle, Wagy, and Ward—33.
NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 198

Senate Bill No. 201

And reports the same correctly engrossed.

RICH, Chairman

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1339—An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to declare the urgency of this act, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1120?

Amendment No. 1

In line 4 of the title of the printed bill after "property", insert ", including public property and resources."

Amendment No. 2

In line 20 of the title of the printed bill, after "act", insert "; to provide for the transfer of the property of the district to the county in which said district is situated and to reimburse the county for loss of property and to provide for fire protection;"

Amendment No. 3

On page 5, line 2, of the printed bill, strike out "1942", and insert "1941".

Amendment No. 4

On page 5, line 11, of the printed bill, strike out "1942" and insert "1941".

Amendment No. 5

On page 7 of the printed bill, strike out lines 20 to 51, inclusive, and on page 8, strike out lines 1 and 2, and insert

"SEC. 8. Said district shall be dissolved and shall terminate and cease to exist without further act with or without such the first of July persons at 12 o'clock, midnight at the end of the thirtieth day of June, 1941. Upon the dissolution of the district all of its assets and properties of whatever kind or character, including equipment, boats, aircraft, funds, and other resources, including such contracts, shall vest in and become the property of the County of Mono and shall be subject to the management, disposition, employment and control of the board of supervisors and other officers of said county, as in the case of other properties of said county."

Amendment No. 6

On page 9 of the printed bill, between lines 9 and 10, insert

"If, notwithstanding the foregoing provisions of this section any right of action shall exist in any person, association or person (the city or incorporated acts of the city or of the officers of said district) action may here be brought or shall here after occur prior to the time of dissolution specified in this act, then such right must be asserted by the commencement of an action thereon within six months from the said thirtieth day of June, 1941."

Amendment No. 7

On page 9 of the printed bill, strike out lines 40 to 51, inclusive; and on page 10, strike out lines 1 to 15, inclusive, and insert

"SEC. 18. Nothing in this act nor in any other provision of law, including Section 10416 of the Political Code, shall be construed to limit the powers of the county in relation to general law protection persons and the county shall have power after the date of dissolution of said district to provide such fire protection as in the opinion of its board of supervisors shall be proper and adequate and shall have power to provide in the general budget and tax rate to be levied in such county, for the levy, collection and expenditure of such tax and other funds as in its opinion shall be necessary, proper, or adequate to provide law protection for persons and property, game, and other resources therein.

SEC. 19. It is hereby found and determined that no general law exists under which Tamalpais Forest Fire District can be or could be or could have heretofore been organized in a manner or with the powers required, and that a special law for the creation of said district has at all times since the effective date of Chapter 560 of the Statutes of 1917 been required, for each of the following reasons: First: Said district as hereinabove bounded has and at all of said times has had large numbers and resources of fish and game which have been imperiled and are now imperiled by fire hazards, that said district bounds in quail, deer, trout which are now and long have been specially protected by a game refuge established by law; that the creation of said district for the protection of these resources has at times been necessary whether or not the district was required for the protection of persons or property; Second: Said district is now required for the purpose of marshalling the assets and affairs of the formerly existing district and conducting the affairs thereof until the County of Mono has reorganized its facilities and prepared to take over the duties of the district; Third: There is no general law which provides the means for speedy enough action to afford fire protection from the dangers of the immediate future; Fourth: There is no general law under which fire protection can be gained during the immediate future for the purpose of National defense."

Amendment No. 8

On page 10, line 16, of the printed bill, strike out "22", and insert "20".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 1339 by the following vote:

AYES—Senator Swing—1.

NOES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Ducl, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Shelley, Swan, Tickle, Wagy, and Ward—31.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 2458 be taken from the inactive file, and placed on the third reading file.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Keating, Kuchel and Breed as a Senate Committee on Conference concerning Senate Bill No. 1339 to meet a like committee of the Assembly.

COMMITTEE ON RULES

Rich, Chairman

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.44 p.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

ADJOURNMENT

At 11.45 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., June 11, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

NINETIETH LEGISLATIVE DAY

ONE HUNDRED FIFTY-SEVENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Wednesday, June 11, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Hook at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Baggett, Bassett, Brown, Carter, Collins, Cuthbertson, Cunningham, DeLap, Dool, Doolittle, Fletcher, Frazier, Gargano, Gorman, Judd, Keating, Kerner, Kessel, Luckey, Mayo, McHale, McCracken, Morgan, Murray, Myers, Parsons, Phillips, Powers, Quinn, Root, Sewell, Smith, Smith, Sorensen, Swain, Tinkle, Wagy, and Ward—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Breed, the privilege of the floor of the Senate Chamber for this day was unanimously extended to E. A. Daly, publisher of The California Voice, of Oakland.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 862

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Concurrent Resolution No. 50

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Fish and Game

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Bill No. 1185

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred:

Assembly Joint Resolution No. 60

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 9; absent 2.

GORDON, Chairman

Above reported resolution ordered to second reading.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 24—An act to amend Section 21, to repeal Sections 12901, 12902 and 12906 of the Insurance Code, and to add Sections 12901, 12902 and 12906 thereto, relating to the administration of the laws pertaining to insurance.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 24?

Amendment No. 1

On page 1, line 19, of the printed bill, as amended, strike out "as a policyholder", and insert "(a) as a policyholder, or, (b) by virtue of relationship by blood or marriage to any person interested in any insurer or licensee".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 24 by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Parkman, Phillips, Rich, Seawell, Slater, Swan, Tickle, and Wagy—26.
NOES—None.

Above bill ordered enrolled.

Senate Bill No. 436—An act to add Section 83.5 to the State Civil Service Act, relating to qualifications of applicants for civil service positions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 436?

Amendment No. 1

Amend the title of the printed bill, as amended, by striking out "83.5", and insert "81.5".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, strike out "83.5", and insert "81.5".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out all of lines 3 to 16, inclusive, and insert

"Sec. 81.5. In establishing minimum qualifications as a condition of eligibility to compete in an examination, the board shall not require evidence of academic or

educational training, neither through evidence of formal schooling nor through investigation or certification through persons to that the equivalent of academic training, nor show outstanding intelligence with its degree tests be given as a part of or as a preliminary to such certification, provided, however, that if by law the possession of a license or certificate is a condition precedent to the performance of the duties of the position, the board may require reasonable minimum educational qualifications; and provided further that, if the duties of the position are of a specialized and technical nature and the compensation of the position is more than two hundred fifty dollars (\$250) per month, reasonable educational or academic qualifications may be imposed as a condition of eligibility to compete in an examination."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 436 by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Donald, Duffness, Frazier, Frazier, Gorman, Graham, Jack, Keady, Linder, McBride, McCoskey, McFarland, Patterson, Patton, Quinn, Rich, Seamed, Shook, Slater, Swan, Swang, Tickle, and Wagy—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 861—An act to amend Section 4246 of the Political Code, relating to compensation for public services in counties of the seventeenth class.

The question being, Shall the Senate concur in the following Assembly amendments to Senate Bill No. 861?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4246", and insert "4249".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "seventeenth", and insert "twentieth".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4246", and insert "4249".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out lines 3 to 6, inclusive, and insert

"4249. In counties of the twentieth class the following shall receive as compensation for services required of them by law, on the virtue of their office, the following sums:".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out all of lines 13 to 24, inclusive.

Amendment No. 6

On page 2 of the printed bill, as amended, strike out all of lines 3 to 6, inclusive, and insert

"Any member of the board of supervisors when required to travel within or without the county on official business of the county, may use or travel in any vehicle owned and maintained by such counties for official purposes. This does not permit the board of supervisors to purchase, set aside or designate automobiles or other vehicles for the sole use of the board, but shall only give them the right to use such vehicles as are ordinarily kept available for general county use. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies therefore shall be borne by the county."

Amendment No. 4.5

On page 1 of the printed bill, as amended, strike out lines 9 and 10, and insert "2. The district attorney, five thousand dollars (\$5,000) per annum. The district attorney shall devote his entire time to the duties of his office, and shall not engage in private practice of law."

Also:

Amendment No. 1

On page 2, line 17, of the printed bill, as amended, strike out "This does not"; and strike out all of lines 18, 19, 20 and 21, and insert "When".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 861 by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Michael, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—30.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1162—An act to amend Sections 3, 4 and 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to credit unions, including their powers and loans by and between credit unions.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1162?

Amendment No. 1

On page 3, line 36, of the printed bill, as amended, after the comma, insert "or in accounts with any building and loan association, which accounts are guaranteed or insured by the United States Government or instrumentality thereof created for such purpose."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1162 by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Gordon, Judah, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Wagy—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 120—An act to amend Section 4109 of the Revenue and Taxation Code, relating to property taxation, the redemption of property, and the payment of delinquent taxes in installments.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 120?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 4109 of", and insert "add Section 4109.5 to".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 5, inclusive, and insert "Section 1. Section 4109.5 is hereby added to the Revenue and Taxation Code to read as follows:
4109.5".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 120 by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1047—An act to amend Section 5546 of the School Code, relating to teachers reports.

The question being, Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1047?

Amendment No. 1

On page 1, line 21, of the printed bill, as amended, strike out "who", and insert "or other teachers of such class or out of the parent class who are required to".

The roll was called, and the Senate committed in Assembly amendment to Senate Bill No. 1047 by the following vote:

AYES—Senators Broad, Brown, Carter, Collier, Cunningham, Cunningham, Deuel, Dillinger, Fletcher, Foley, Grippen, Grubb, Isak, Keating, Kenny, Kischel, May, McBride, McCosmick, McKinley, Minton, Minton, Parkinson, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Ward, and Ward—14.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 303—An act to amend Section 4243 of the Political Code, relating to salaries and compensation for public services in counties of the fourteenth class.

The question being, Shall the Senate concur in the following Assembly amendments to Senate Bill No. 303?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4243" and insert "4242".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "fourteenth", and insert "thirteenth".

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4243" and insert "1. Section 4242".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of line 3; and in line 4, strike out "county officers", and insert "4242. In counties of the thirteenth class, the following".

Amendment No. 5

On page 1, line 6, of the printed bill, as amended, strike out "salaries", and insert "sums".

The roll was called, and the Senate committed in Assembly amendments to Senate Bill No. 303 by the following vote:

AYES—Senators Broad, Brown, Carter, Collier, Cunningham, Cunningham, Deuel, Dillinger, Fletcher, Foley, Grippen, Grubb, Isak, Keating, Kenny, Kischel, Luckey, Mayo, McBride, McCosmick, Minton, Minton, Parkinson, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—32.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 749—An act to amend Section 960 of, and to add Section 960.1, 960.2, 960.3 and 960.4 to, the Streets and Highways Code, relating to the abandonment and vacation of county highways.

The question being, Shall the Senate concur in the following Assembly amendments to Senate Bill No. 749?

Amendment No. 1

On page 1, line 12, of the printed bill, strike out "shall", and insert "may".

Amendment No. 2

On page 1, line 24, of the printed bill, strike out "shall", and insert "may".

Amendment No. 3

On page 1, line 25, of the printed bill, after "easement", strike out the comma, and after "or to vacate any highway," insert "mentioned in Section 960.1,".

Amendment No. 4

On page 2, line 11, of the printed bill, strike out "shall", and insert "may".

Amendment No. 5

On page 2, line 17, of the printed bill, strike out "department", and insert "county".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 749 by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—31.

NOES—None.

Above bill ordered enrolled.

REMARKS

Senator Luckey called attention to the Imperial Valley cantaloupes which were this day distributed to the Members and attaches through the courtesy of the Board of Supervisors of Imperial County.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Mixter moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1026 was refused passage.

The roll was called, and Assembly Bill No. 1026 reconsidered by the following vote:

AYES—Senators Biggar, Crittenden, Cunningham, Deud, Dillinger, Fletcher, Foley, Garrison, Gordon, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Wagy—24.

NOES—Senators Breed, Brown, DeLap, Judah, Kuchel, Luckey, Metzger, Swan, and Ward—9.

CONSIDERATION OF ASSEMBLY BILL NO. 1026

Assembly Bill No. 1026—An act to amend the Agricultural Code by adding a new section thereto, to be numbered 796.3, by amending Section 829.5 thereof and by repealing Section 795.5, and to require uniformity of size, regularity of packing and the use of lidded standard containers in connection with the marketing of citrus fruit.

Bill read.

Previous Question

Senator Myhand moved the previous question.

Motion carried.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Mixter moved a call of the Senate.

Motion carried. Time, 2.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

**PROCEEDINGS UNDER CALL OF THE SENATE
WITHDRAWAL OF MOTION TO RECONSIDER**

Senator Quinn moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1334 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Joint Resolution No. 27: By Senators Seawell, Carter, Collier—Relative to the investigation by the Joint Committee on Water Problems of water service from Slasta Reservoir to the area lying south of the Pit River and memorializing Congress to investigate and make provision for serving water to this land.

Request for Unanimous Consent

Senator Seawell asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 27, at this time, for consideration.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 27

Senate Joint Resolution No. 27—Relative to the investigation by the Joint Committee on Water Problems of water service from Slasta Reservoir to the area lying south of the Pit River and memorializing Congress to investigate and make provision for serving water to this land.

Recommendation of Presiding Officer

SENATE CHAMBER, SACRAMENTO, June 11, 1941

I recommend that permission be granted to give three readings of Senate Joint Resolution No. 27.

ELIEST PATTERTON, President of the Senate

Resolution read.

The roll was called, and permission granted to vote on Senate Joint Resolution No. 27 by the following vote:

AYES: Senators Biggar, Boyd, Brown, Carter, Collier, Cunningham, DeLap, Dench, Fletcher, Foley, Garrison, Gorman, Hahn, Kautz, Kenna, Kuebel, Luekey, Mayo, McBride, Meyer, Patterson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—31.

NOES: None.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Biggar, Boyd, Brown, Carter, Collier, Cunningham, DeLap, Dench, Fletcher, Foley, Garrison, Gorman, Hahn, Kenna, Kuebel, Luekey, Mayo, McBride, McCormack, Meyer, Meyer, Patterson, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—33.

NOES: None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolutions were offered:

By Senator Biggar:

Senate Resolution No. 135

WHEREAS, Senate Resolution No. 104 directed the Senate Committee on Investigation of Interference With the Legislative Process to conduct an investigation, subpoena witnesses, take testimony and make transcripts thereof; and

WHEREAS, Funds provided by said resolution were not sufficient to cover the expenses of the committee; now, therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant from the Contingent Fund of the Senate in favor of Senator Ed Fletcher in the sum of two hundred thirty five dollars and fifty-nine cents (\$235.59) to meet necessary expenses of said committee, vouchers covering all items of expense to be filed with the Controller by the chairman of the committee created pursuant to Senate Resolution No. 104.

Resolution read, and referred to Committee on Rules.

By Committee on Rules:

Senate Resolution No. 136

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in the sum of one thousand five hundred eighty two dollars and ten cents (\$1,582.10) in favor of the Secretary of the Senate to pay the bills and for the purposes set forth below, the same being bills for contingent expenses incurred or to be incurred during the Fifty-fourth Session of the Senate, and the Treasurer is directed to pay the same, vouchers for all expenditures to be filed with the Controller:

Postal Telegraph Cable Company.....	\$82 74
Western Union.....	97 55
Department of Finance.....	187 70
Cascade Towel Supply Co.....	41 88
Pacific Telephone and Telegraph Co.....	215 80
George Hammond Typewriter Co.....	247 68
Bureau of Purchases.....	147 00
H. S. Crocker.....	139 85
Hotel Senator Flower Shop.....	10 30
Navlet Florist.....	26 60
Claude G. Putnam (Illuminating Resolutions).....	85 00
Postage.....	300 00
	<hr/>
	\$1,582 10

RICH, Chairman
TICKLE
DEUEL
MYHAND
BREED

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Dillinger, Foley, Judah, Kemy, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Wagy, and Ward—26.

NOES—None.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Phillips moved that Assembly Bill No. 770 be taken from the inactive file, and placed on the third reading file.

Motion carried.

THIRD READING OF SENATE BILLS

Senate Bill No. 201—An act making an appropriation for the conservation and care of all records, books, papers, offices, equipment and real and personal property of the Relief Commission and the Relief Administrator, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendment:

Amendment No. 1

On page 3, Line 5, of the printed bill, to be amended, strike out "after", following "month", and insert "following the preceding day".

Amendment read and adopted.

Bill ordered printed, engrossed and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2458. An act to add Section 1817 to Article 8, Chapter 1, Part 7 of the Labor Code, relating to working laws on public work.

Bill read third time.

Motion to Amend

Senator Broad moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, to be amended, strike out the period, and insert "and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, to be amended, after line 16, insert:

SEC. 2. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and therefore shall take effect immediately. A statement of the facts constituting such urgency is as follows:

Under the existing law, work in course of public works or day on public work contracts is prohibited regardless of the payment of wages at a higher rate for overtime work, except in cases of extraordinary emergency caused by fire, flood or danger to life or property or except on work upon public Military or Naval defenses or works in time of war. Such restrictions are not applicable upon National defense projects or upon projects other than public works projects. Many projects of this State and of local governmental agencies, while not upon Military or Naval defenses, are directly connected with the Program of National Defense. Under the present law workmen are constantly leaving projects of this State and local governmental agencies thereof to accept employment where the above restrictions are not applicable. The result is that this act must take immediate effect to prevent the serious curtailment of work upon these projects."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2386. An act to add Section 15.5 to an act entitled "An act to authorize the counties of the State of California to establish systems for the retirement and pension of certain county and county fire protection district officers and employees, namely county foresters, fire wardens and county fire protection district firemen as defined in the act, and to provide certain benefits for their dependents, and empowering county boards of supervisors to levy a special tax," approved May 19, 1939, relating to the establishment of systems for the retirement and pension of certain county and county fire protection district officers and employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Judah, Kenny, Kuebel, Landkov, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Tickle, and Ward—25.
NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1875—An act to amend Sections 1, 2 and 3 of an act entitled "An act authorizing any incorporated city within this State to adopt by ordinance a retirement or pension system for the retirement of officers and employees; providing for the creation of a retirement board and for the delegation of certain powers to such board; authorizing the creation of a pension and retirement fund and the levy of a special tax in connection therewith; authorizing the transfer of surplus funds; providing for joint contributions to said fund by officers and employees and the city; and authorizing any regularly established fire or police protection district to avail itself of the provisions of this enabling act." approved May 19, 1937, relating to municipal retirement systems.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27.

NOES—None.

Motion to Reconsider

Senator Carter moved to reconsider the vote whereby Assembly Bill No. 1875 was passed.

Postponement of Reconsideration

On motion of Senator Carter, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1875 was passed, was continued until the next legislative day.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Swing moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1302 was re-referred to Committee on Public Health and Safety.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 912—An act to amend Section 159 of the Fish and Game Code, relating to Fish and Game District 3H.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2629—An act to add Section 770.1 to the Vehicle Code, relating to the disposition of fines and forfeitures by cities of the first and one-half class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Luckey, Mayo, McBride,

Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Tickle, and Ward—27

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1594—An act to amend Sections 2802, 2804, 2820, 2904, 2951 and 3012 and to add Sections 2809 and 2996, to the Streets and Highways Code, relating to waiver of report, limitation of actions, and costs on abandonment under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggert, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillingham, Fletcher, Jones, Keating, Keene, Kuebel, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 42—An act to add Section 73.5 to the Agricultural Code, relating to exhibits at the California State Fair.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggert, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Foley, Gordon, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

INACTIVE FILE

Assembly Bill No. 2312—An act to amend Section 3440.5 of the Civil Code, relating to fraudulent transfers.

Bill read.

Motion to Amend

Senator Kenny moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 12 of the printed bill, as amended, after "warehouseman", insert "and at the warehouse in which said goods are stored".

Amendment read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 476—An act to add Section 170.1 of the Fish and Game Code, relating to fish and game refuges and preserves.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Fletcher, Foley, Gordon, Judah, Kenny, Kuebel, Luckey, Mayo, McBride, Metzger, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1962—An act to add Sections 151, 152 and 153 to the School Code, relating to student body funds and organizations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2606—An act to amend Sections 2139 and 2148 of, and to add Section 2149 to, the Business and Professions Code, and to amend Sections 11000, 11160, 11161, 11475, 11476, 11477, 11479, 11570 and 11571 of the Health and Safety Code, relating to the diagnosis of foot conditions and ailments, the prescribing or recommending of foot appliances or shoes and the practice of chiropody, including the use of electric devices and narcotic drugs in such practice.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 33

Senator Kenny moved that Assembly Bill No. 33 be re-referred to Committee on Fish and Game.

Motion carried.

Assembly Bill No. 434—An act to amend Section 1593 of the Labor Code, relating to employment agency licenses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 438—An act to repeal Section 1588.5 of the Labor Code, relating to labor contractor's license fees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 508—An act to amend Section 1589 of the Labor Code, relating to surety bonds of employment agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Wagz, and Ward—29.

NOES—Senator Kenny—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 707—An act to amend Section 7113 of the Labor Code, relating to safety of employment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Tickle, Wagz, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2120—An act to add Section 63 to the Labor Code, relating to refunds.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 357—An act to amend Section 202 of the Welfare and Institutions Code, relating to contracts for care of indigents; emergency services authorized; non-emergency services authorized; hospitals with which agreements may be made.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1255—An act to amend Section 559½ of the Code of Civil Procedure, relating to alias writs of attachment.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagz, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1799—An act to add Section 52.5 to the Agricultural Code, relating to county agricultural commissioners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Judah, Keating, Kenny, Kuchel, Luckey, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2431—An act to add Section 689.5 to the Code of Civil Procedure, relating to third party claims.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Metzger, Mixer, Parkman, Phillips, Powers, Shelley, Slater, Swan, Swing, Tickle, and Wagy—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2036—An act to amend Sections 2101, 2103, 2104, 2105, 2106, 2110, 2150, 2153, 2156, 2200, 2201, 2205, 2206, 2250, 2251, 2253, 2304, 2350, 2353, 2400, 2401, 2420, 3871, 3878, 3879 and 3880 of, and to amend the article heading of Article 10, Chapter 1, Division 5 of, to add Sections 2420.5, 3709.5 and 3873 to, and to repeal Sections 2109, 2151, 2154, 2202, 2257, 2302, 2303, 3873, 3874, 3875, 3876 and 3877 of, the Elections Code, relating to presidential primaries, including the election and appointment of presidential delegates, presidential primary ballots, and lists of candidates for delegate.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 4.12 p.m., on motion of Senator Mixer, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1026 passed by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, Dillinger, Fletcher, Garrison, Gordon, Judah, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swing, and Wagy—21.

NOES—Senators Biggar, Breed, Brown, Carter, DeLap, Deuel, Foley, Keating, Kenny, Kuchel, Luckey, Metzger, Rich, Swan, Tickle, and Ward—16.

Motion to Reconsider

Senator Kuchel moved to reconsider the vote whereby Assembly Bill No. 1026 was passed.

Point of Order

Senator McBride arose to the following point of order: That the motion by Senator Kuehler to reconsider the vote whereby Assembly Bill No. 1026 had been passed was not in order, because Assembly Bill No. 1026 had been previously reconsidered.

The President ruled that the point of order was well taken on the ground that the motion to reconsider a bill which had been defeated, and the motion to reconsider the same bill after it had been passed, merely present the same question in positive and negative form, and under the Rule prohibiting the reconsideration of the same question a second time, a measure may not be reconsidered a second time unless it has been amended since the first reconsideration to present a substantially different question.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President, Your Committee on Rules approves the appointment of Senator Quinn as a Member of Senate Committee on Conference concerning Senate Bill No. 3 to meet in like company of the Assembly.

Senator Quinn is a member of the Committee of Senate Jurors.

COMMITTEE ON RULES

Room, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAIRMAN, SACRAMENTO, June 11, 1941

Mr. President, I am pleased to inform your Committee here that the Assembly appointed Mr. Galt as one of Mr. Pack's co-members of the Committee on Conference concerning it.

Senate Bill No. 3—An act to amend Sections 70, 81 and 872 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight, the definition of street or highway, and the payment of weight fees for commercial vehicles.

ARTHUR A. OHNTMUS, Chief Clerk of the Assembly
By FRANK RICE, Assistant Clerk

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2595—An act to amend Section 1 of "An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to take effect immediately," approved December 7, 1940, relative to reconstruction, replacement and repair of school buildings, making an appropriation, to take effect immediately.

Bill read third time.

Recommendation of the Governor

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 2595:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, May 15, 1941

To the Honorable Members of the Senate:
Sacramento, California

GREETINGS:

ASSEMBLY BILL No. 2595.

"An act to amend Section 1 of 'An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to

take effect immediately,' approved December 7, 1940, relative to reconstruction, replacement and repair of school buildings, making an appropriation, to take effect immediately".

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await final enactment of the Budget Bill.

I, therefore, recommend consideration of Assembly Bill No. 2595 as an emergency measure.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—33.

NOES—Senator Tickle—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1654

Assembly Bill No. 1657

Assembly Bill No. 1655

Assembly Bill No. 1659

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1654—An act to amend Sections 40 and 41 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2 of the printed bill, as amended, after line 13, insert

"Sec. 3. The amendments made by this amendatory act to Sections 40 and 41 of the Unemployment Insurance Act shall apply only to benefits paid with respect to benefit years commencing after the effective date of this amendatory act."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Assembly Bill No. 1655—An act to amend Sections 56, 57 and 57.5 and to repeal Section 58 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 4 of the printed bill, as amended, after Sec. 2, insert:

"Sec. 5. Sections 57 and 57.5 of the Unemployment Insurance Act, as amended by this amendatory act, apply with respect to all benefits claimed by an individual after the effective date of this amendatory act, irrespective of whether or not he has established a benefit year on or prior to the effective date of this amendatory act, when the events occurring in connection with the filing of Section 57 or Section 57.5 both as amended by this amendatory act, without regard to when he or after the effective date of this amendatory act. No person shall be eligible for benefits any person ineligible therefor under the provisions of the Unemployment Insurance Act as it existed prior to its amendment by this amendatory act."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Assembly Bill No. 1657—An act to amend Section 66, to amend and renumber Section 70, and to amend Sections 67, 68, 69, 71 and 72 of, and to add Sections 67, 68, 69, 70 and 71 to, the Unemployment Insurance Act, relative to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2, line 18, of the printed bill, as amended, after "Sec. 2," insert "Effective December 1, 1941."

Amendment No. 2

On page 2, line 20, of the printed bill, as amended, after "Sec. 3," insert "Effective December 1, 1941."

Amendment No. 3

On page 3, line 47, of the printed bill, as amended, after "Sec. 4," insert "Effective December 1, 1941."

Amendment No. 4

On page 4, line 24, of the printed bill, as amended, after "Sec. 5," insert "Effective December 1, 1941."

Amendment No. 5

On page 5, line 42, of the printed bill, as amended, after "Sec. 6," insert "Effective December 1, 1941."

Amendment No. 6

On page 5 of the printed bill, as amended, between lines 46 and 47, insert "Sec. 7. Every proceeding issued by the commission, and no board shall be held by all five members of the commission, or by the commissioner representing the State and public, either alone or together with an equal number of commissioners representing employers and employees, respectively."

Amendment No. 7

On page 5, line 47, of the printed bill, as amended, after "Sec. 7," insert "Effective December 1, 1941."

Amendment No. 8

On page 6, line 24, of the printed bill, as amended, after "Sec. 8," insert "Effective December 1, 1941."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

Assembly Bill No. 1659—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2 of the printed bill, as amended, after line 41, insert
"Sec. 2. No person, who by reason of employment for employers prior to the effective date of this amendatory act would have been eligible for benefits under the provisions of the Unemployment Insurance Act, shall be denied benefits after the effective date of this amendatory act solely by reason of the amendments made by this amendatory act to Section 44.2 of the Unemployment Insurance Act."

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Welfare and Institutions.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1396—An act to add Section 556 to the Labor Code, relating to days of rest of employees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Seawell, Swing, and Wagdy—27.

NOES—Senators Shelley, and Swan—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 488—An act to amend Sections 379 and 428 of the Vehicle Code, relating to the seizure and sale of vehicles by the Department of Motor Vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Wagdy—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 709—An act to amend Section 673 of the Vehicle Code, relating to exhausts of vehicles operated over the highways.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagdy, and Ward—29.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1631—An act to add Sections 1550.1, 1550.2 and 1550.3 to the Streets and Highways Code, relating to the powers of the county board of supervisors to levy road taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Egan, Drake, Carter, Collier, Cunningham, Cunningham, DeLap, Daniel, DeHinger, Fletcher, Foley, Gannon, Gannon, Keating, Kenny, Luckey, Mayo, McCormack, Morgan, Murray, Myers, Parkman, Phillips, Powers, Quinn, Rich, Sewell, Shultz, Slater, Swain, Wagy, and Ward—31.

NOES.—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2265—An act to amend Section 744 of the Vehicle Code, relating to records of convictions to be reported to the Department of Motor Vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Broad, Brown, Carter, Collier, Cunningham, Cunningham, DeLap, Daniel, DeHinger, Fletcher, Foley, Gannon, Gannon, Keith, Kenny, Mayo, McCormack, Morgan, Murray, Michael, Parkman, Phillips, Quinn, Rich, Sewell, Slater, Swain, Wagy, and Ward—28.

NOES.—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2325—An act to add Section 124.5 to the Vehicle Code, relating to the service of members of the California Highway Patrol.

Bill read third time.

Motion to Amend

Senator Mayo moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 7 and 8, and insert "124.5. Meritorious Service. The Governor may grant recognition to members of the".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 469—An act to add Section 4132.5 to the Political Code, relating to the indexing of instruments or documents recorded.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Broad, Brown, Carter, Collier, Cunningham, Cunningham, DeLap, Daniel, Fletcher, Foley, Gannon, Gannon, Keith, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Morgan, Murray, Parkman, Phillips, Powers, Quinn, Rich, Sewell, Slater, Tinkle, and Wagy—30.

NOES.—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1596—An act to amend Section 6541.5 of, and to add Sections 4774 and 6544 to, the Health and Safety Code, relating to special assessment proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagy—26.

NOES—None.

Motion to Amend

Senator Kenny moved the adoption of the following amendment to the title to Assembly Bill No. 1596:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "and 6544", and insert "4, 4775, 6544 and 6545".

Amendment read and adopted.

Bill ordered printed, and transmitted to the Assembly.

Assembly Bill No. 2654—An act to amend Section 73b of the Code of Civil Procedure, relating to sessions of the superior court held in cities other than the county seat.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Phillips, Powers, Quinn, Rich, Seawell, Slater, and Wagy—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 628—An act to amend Section 6700 of the Welfare and Institutions Code, relating to the transfer of inmates of State institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Parkman, Phillips, Powers, Rich, Seawell, Slater, and Wagy—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 627—An act to amend Section 869 of the Welfare and Institutions Code, relating to the liability of the committing county for maintenance of juvenile delinquents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixter, Parkman, Powers, Rich, Seawell, Slater, and Wagy—22.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 629—An act to amend Section 6701 of the Welfare and Institutions Code, relating to the transfer of inmates at the request of relatives or friends.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Lester, Maye, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 630—An act to add Section 6702 to the Welfare and Institutions Code, relating to the financial liability of transferred inmates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Lester, Maye, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 631—An act to add Section 6703 to the Welfare and Institutions Code, relating to the financial liability of transferred inmates.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Lester, Maye, McBride, McCormack, Mixer, Parkman, Powers, Rich, Seawell, Slater, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 626—An act to amend Section 745 of the Welfare and Institutions Code, relating to the modification of commitment orders of juvenile delinquents.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Lester, Maye, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2465—An act to add Section 2193 to the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Maye, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1350—An act to amend Section 107 of the Health and Safety Code, relating to the Director of Public Health.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Slater, and Ward—22.

NOES—Senators Rich, and Wagy—2.

Motion to Reconsider

Senator Rich moved to reconsider the vote whereby Assembly Bill No. 1350 was passed.

Postponement of Reconsideration

On motion of Senator Rich, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1350 was passed, was continued until the next legislative day.

Assembly Bill No. 1124—An act to regulate the sale of olive oil and to prohibit the sale of imitation olive oil, establishing standards for olive oil, prescribing methods of packaging, labeling, and branding olive oil, licensing packers, manufacturers and distributors, providing rules and regulations for the proper sanitation of such establishments, imposing penalties for violations of this act, defining the powers of the State Board of Public Health in relation thereto, and to repeal an act entitled "An act to regulate the sale of imitation olive oil and to repeal an act entitled 'An act to regulate the sale of olive oil,' approved March 10, 1891," approved March 23, 1893, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2641—An act to amend Sections 13552, 13600, 13601, 13606, 13607, 13613, 13652, 13655, 13727 and 13728 of the Health and Safety Code, relating to spotting, sponging and pressing establishments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1139—An act to add Section 4257 to the Labor Code, relating to workmen's compensation insurance.

Bill read third time.

Motion to Amend

Senator Kuebel moved the adopting of the following amendment:

Amendment No. 1

Strike out lines 17 to 20 inclusive of the printed bill, and insert "under the policy."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2315—An act to regulate markets at which fresh meat and dressed poultry are sold, in counties with a population of 25,000 or over.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, after "retail" insert "meat".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 8 and 9, and insert "Sec. 2. Every person who operates a retail meat market shall secure a".

Amendment No. 3

On page 1, line 15, of the printed bill, as amended, after "retail", insert "meat".

Amendment No. 4

On page 2, line 1, of the printed bill, as amended, after "retail", insert "meat".

Amendment No. 5

On page 2 of the printed bill, as amended, strike out lines 5 and 6, and insert "Sec. 3. No retail meat market shall be operated between the hours."

Amendment No. 6

On page 2, line 13, of the printed bill, as amended, after "retail", insert "meat".

Amendment No. 7

On page 2, line 22, of the printed bill, as amended, after "retail", insert "meat".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 124—An act to add Article 3, consisting of Section 3800, to Chapter 4 of Part 1 of Division 4 of the Labor Code, relating to workmen's compensation insurance and applicants for construction, improvement, alteration, or demolition permits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Bizzar, Brod, Brown, Cuthbertson, Cunningham, DeLap, Deuel, Fletcher, Gordon, Kenny, Locks, Mayo, McBrat, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Reck, Sewell, Shelby, Slater, Swan, Wagy, and Ward—26.
NOES. None.

Bill ordered transmitted to the Assembly.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 1390—An act to amend Sections 59, 90, 93, 95, 125, and 172 of and to add Sections 16.5, 83.5 and 151.6 to the State Civil Service Act, relating to State civil service; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:
That the amendments of the Senate be concurred in and that the bill, as amended on May 30, 1941, be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "93, 95,".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "Sections 16.5, 83.5 and", and insert "Section".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 6 to 13, inclusive.

Amendment No. 4

On page 4 of the printed bill, as amended, strike out lines 33 to 50, inclusive; and on page 5, strike out lines 1 to 9, inclusive.

SWAN

MAYO

PARKMAN

Senate Committee on Conference

DESMOND

JOHNSON

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Wagy, and Ward—28.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 3—An act to amend Sections 50, 81 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight, the definition of street or highway, and the payment of weight fees for commercial vehicles, consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:
That the amendments of the Assembly be concurred in and that the bill, as amended on May 26, 1941, be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "81 and 372 of the Vehicle Code," and insert "and 372 of the Vehicle Code, and to add Section 459.2 thereto,".

Amendment No. 2

In the title of the printed bill, as amended, strike out lines 3 to 5, inclusive, and insert "nition of unladen weight, the payment of weight fees for commercial vehicles, and the powers of local authorities in respect to the regulation of traffic within private airports."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 19 to 22, inclusive; and on page 2, strike out lines 1 to 5, inclusive.

Amendment No. 4

On page 2 of the printed bill, as amended, after line 46, insert

"SEC. 3. Section 459.2 is hereby added to the Vehicle Code, to read as follows: 459.2. The provisions of this division shall not prevent local authorities within the reasonable exercise of their police power from adopting rules and regulations by

ordinance or resolution, requesting permission to be lawfully owned and maintained roads or ways within the boundaries of a publicly owned airport, when such roads or ways are especially suited to the general public for purposes of vehicular traffic.

No such rule or regulation shall be effective until a reasonable notice giving notice thereof are posted along the roads or ways affected.

GORDON
WARD
QUINN

Senate Committee on Conference

CALL
POTTER
LOWREY

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES: Senators Baggett, Bass, Brown, Callender, Connelley, DeLong, Daniel, Fletcher, Fogg, Gortman, Gordon, Larkin, Keweenaw, Keweenaw, May, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swann, Wray, and Wray, 70.

NOES: None.

RESOLUTIONS

The following resolution was offered:

By Senators Metzger, Callier, Powers, Gordon and Myhand:

Senate Resolution No. 137

Relative to the creation of a Senate Investigating Committee to study the regulation and licensing of horse racing, horse race meetings, and wagering on the results thereof.

WHEREAS, Proposals for changes in the statute regulating horse racing, on the result of which there is wagering, have during recent sessions of the Legislature, required extended hearings and the gathering of such proposals in a complete subject in a very limited amount of time; and

WHEREAS, Public interest in the sport and the disposition of the revenues therefrom, and the recognition of the Legislature of the State, has encouraged investigation and the bringing of before the State, results that the body is authorized and apprised, and that the views of the public are safeguarded and designed to protect the proper and effective regulation and the control of subsequent measures; and

WHEREAS, Such a study can best be made by a Legislative Committee, now, therefore, be it

Resolved by the Senate of the State of California, That a Senate Investigating Committee on Horse Racing, to be composed of five members of the Senate, appointed by the Senate Committee on Rules, is hereby created, with authority to study, survey and submit, accurately and in detail, all those laws and existing or pending upon the regulation and licensing of horse racing, and horse race meetings, wagering on the results thereof, and disposition of the proceeds therefrom, including the effect of present regulation upon the management of meetings and the breeding of horses in this State, and shall report to the Senate not later than March 15, 1943, its recommendations for legislation.

The committee hereby created is hereby authorized to act either during sessions of the Legislature or after final adjournment thereof, but except for the purposes of making a report, not beyond the adjournment of the Fifty-sixth Legislature, and during such time to exercise all the powers conferred upon investigating committees by the Joint Rules of the Senate and of the Assembly, the same as though said Rules were incorporated herein and set forth in full.

In addition to the powers conferred upon the committee by the Rules, it may create subcommittees from its members, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

The Sergeant-at-Arms of the Senate, or persons designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day.

The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution to be disbursed, after certification by the chairman of the committee upon warrants drawn by the Controller upon the Treasurer.

Resolution read, and referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 20 Relative to memorializing the President and the Congress of the United States to abolish tax-exempt bonds;

Senate Bill No. 175—An act to amend Section 6,336 of the School Code, relating to the powers and duties of the governing boards of school districts;

Senate Bill No. 314—An act to add Section 6,231 to the School Code, relating to the sale of textbooks by governing boards of school districts;

Senate Bill No. 518—An act to repeal Chapter 5 of Part 1 of Division 2, and Chapter 3 of Part 2 of Division 2, of the School Code, relating to consolidated school districts;

Senate Bill No. 628—An act to amend Section 61 of the California Irrigation District Act, relating to indebtedness of irrigation districts, including the refinancing or retiring of outstanding contracts;

Senate Bill No. 874—An act to amend School Code Section 2,1428, relating to the courses of study and projects in the public school system;

Senate Bill No. 957—An act to amend Sections 5217, 5229, 5271, 5286 and 5312 of the Business and Professions Code, relating to outdoor advertising; And reports that the same have been correctly enrolled, and presented to the Governor on the eleventh day of June, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1206—An act to repeal Section 6406 of, and to add Part 2 to Division 6 of the Health and Safety Code, relating to sanitary districts, including the collection of district taxes by county officers and the use of county assessment rolls for sanitary district taxes;

And reports that the same has been correctly enrolled, and presented to the Governor on the eleventh day of June, 1941, at 4 p.m.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 256

Senate Bill No. 642

Senate Bill No. 786

Senate Bill No. 1304

Senate Bill No. 1315

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 395

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 26

Senate Concurrent Resolution No. 46

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolutions ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. McCollister, Smith and Maloney as a Committee on Conference concerning:

Senate Bill No. 1339. An act to provide for the formation, government, operation and dissolution of Tuleburg Forest Fire Districts to prevent and extinguish forest, brush and grass fires, to preserve and protect persons and property from injury, loss or damage resulting from any such fires, to provide for the assessment, levy, collection and enforcement of taxes and revenues therefor, and the contribution or payment of public funds therefor, to provide for the reestablishment of the Tuleburg Forest Fire District created by Chapter 569 of the Statutes of 1917 and to conform to said district so established and the laws, ordinances, decrees, regulations or purported to have been acquired in the name of said district as created by said chapter, to validate certain past and present acts of officers of said district, and other public officers purporting to have acted under the name of said Chapter 569 of the Statutes of 1917 pursuant to the provisions thereof, to validate and legalize the existence of the de facto Tuleburg Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act, to declare the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 131

Senate Bill No. 421

Senate Bill No. 1182

And respectfully requests your honorable body to concur in said amendments

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 92

Senate Bill No. 154

Senate Bill No. 215

Senate Bill No. 335

Senate Bill No. 447

Senate Bill No. 463

Senate Bill No. 696

Senate Bill No. 895

Senate Bill No. 1326

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Assembly Bill No. 1400

Assembly Bill No. 1406

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

DELAP, Chairman

Above reported bills ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2651

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

McBRIDE, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 2617

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

McBRIDE, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 559

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

McBRIDE, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 272

Assembly Bill No. 15

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

McBRIDE, Vice Chairman

Above reported bills re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Assembly Bill No. 897

Assembly Bill No. 2598

Has had the same under consideration, and reports the same back without recommendation, except that they be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

McBRIDE, Vice Chairman

Above reported bills re-referred to Committee on Finance.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which was referred:

Assembly Bill No. 1903

Has had the same under consideration, and reports the same back with amendments with the recommendations. Amended, and is now on passage.

Committee membership 11; committee vote: Ayes 6, absent 5

DE LAP, Chairman

Above reported bill ordered to second reading

Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Labor to which was referred:

Assembly Concurrent Resolution No. 91

Has had the same under consideration, and reports the same back with the recommendations. Be adopted

Committee membership 9; committee vote: Ayes 7, absent 2

BIGGAR, Chairman

Above reported resolution ordered to second reading

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1400—An act to repeal Article 4, comprising Sections 10490 to 10494, inclusive, of Chapter 5, Part 2, Division 2, of, and to add Article 4, comprising Sections 10499 to 10501, inclusive, to Chapter 5, Part 2, Division 2, of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1406—An act to amend Section 10434 of the Insurance Code, relating to insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2651—An act to add Section 1080 to Chapter 7a of Division 5 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2617—An act to add Section 215.16 to the Agricultural Code, relating to the inspection and warranty of swine sold at sales yards.

Bill read second time, and ordered to third reading.

Assembly Bill No. 559—An act to amend Section 560 of the Agricultural Code, relating to modified milk, by adding Section 560.1 to the Agricultural Code, relating to vitaminized milk.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "of", insert "and to add Section 560.1 to".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "; by adding Section"; and strike out lines 3 and 4, and insert a period.

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 21 to 24, inclusive; and on page 2, strike out lines 1 to 11, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1903—An act to add Section 11738.5 to the Insurance Code, relating to workmen's compensation insurance in connection with defense projects of the Federal Government and defense agencies thereof, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Financial Institutions:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 10 and 11, and insert "article, the commissioner may approve special uniform rates, rating plans, or classifications applicable only to workmen's compensation insurance".

Amendment No. 2

On page 3, line 5, of the printed bill, as amended, after "special", insert "uniform".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Concurrent Resolution No. 21—Relative to peace in industry.

Resolution read, and ordered to third reading.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 529

Senator Quinn moved that Assembly Bill No. 529 be withdrawn from Committee on Military and Veterans Affairs, and referred to Committee on Finance.

Motion carried.

POSTPONEMENT OF RECONSIDERATION

On motion of Senator DeLap, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1057 was passed, was continued until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Breed moved that Assembly Bill No. 383 be taken from the inactive file, and placed on the third reading file.

Motion carried.

ADJOURNMENT

At 5.40 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 1.30 p.m., June 12, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

NINETY-FIRST LEGISLATIVE DAY
ONE HUNDRED FIFTY-EIGHTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Thursday, June 12, 1941

The Senate met at 1:30 p.m.

Hon. Ellis E. Patterson, President of the Senate, presiding
Secretary J. A. Beek at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Beggan, Beed, Brown, Carter, Cawley, Crittenden, Cunningham, Delap, Dene, Dillingham, Fletcher, Foss, Geronzi, Granger, Jorgensen, Juchas, Keating, Kenny, Knebel, Loefer, Maize, McBrine, McChesney, McGehee, Master, Myland, Parkman, Phillips, Powers, Quinn, Reel, Sewall, Stolley, Slater, Swan, Swing, Tickle, Wagy, and Ward. 39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. H. W. Opperman.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Ed Talbot, member, Riverside County Board of Supervisors, of Perris.

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Judge Dean Sherry of San Diego.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to I. Earle Russell, Jr., of Sacramento.

On request of Senator Cunningham, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Patrick Ford, Sr., Patrick Ford, Jr., and Leslie Conradi, all of Hanford.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Eldon O'Brien of San Jose.

On request of Senator Garrison, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Coffman and James Ryan, both of Modesto.

On request of Senator Mixter, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. M. F. Breese of Nevada City.

On request of Senator Shelley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Clarisa Wilson, Cora Stevens, and Thelma E. Parsons of San Francisco, and Eleanor Dale of Los Angeles.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to John J. Knezevich of Palos Verdes.

On request of Senator Foley, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence C. Porter, Jean Porter, and Maxine McLain, all of Bakersfield.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 11, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the Farm Debt Adjustment Commission, pursuant to the provisions of Chapter 587, Statutes of 1941:

Wilford H. Howard
J. W. Wilson
Colonel Waller L. Lowe
J. D. Adams
Ellison Saunders
George Moskowite
Joseph A. Chargin, Sr.
Stewart Meigs
George J. Otterson
L. L. Miller
Thomas Newman
W. S. Woods
L. O. Doyle
William Schumacher
C. G. McCarn

Wilford H. Howard

Wilford H. Howard has owned and operated a fruit ranch in Sonoma County for more than 20 years. He served on the California Farm Debt Adjustment Commission since its first conception pursuant to appointment by Governor Merriam, and was reappointed by Governor Olson.

Mr. Howard was president of the Farmers' Protective League in 1934, 1935, and 1936, during the effective years of the Frazier-Lemke bankruptcy bills and State moratorium.

For a number of years, he has been a member of the Santa Rosa Grange, the Fraternal Order of Eagles, chairman of the Sonoma County Advisory Committee of the Farm Security Administration, and member of the Board of Directors of the Sonoma County Cooperative Association. At the present time, he is manager of a farm gasoline distributing plant.

Mr. Howard's address is Box 1815, Redwood Highway South, Santa Rosa, California.

J. W. Wilson

J. W. Wilson is a native of California, born in Lake County in 1876, and was raised on a farm. At the age of 18 he left the farm for San Francisco, where he worked in various stores.

Sailing on a windjammer bound for the South Sea Islands, he finally engaged in the trading business and for eight years carried on as a South Sea Island trader in the various groups of islands, New Zealand, Tasmania and Australia. Returning

to San Francisco and Oakland, he worked in the banking trades for several years, then returned to farming in the Lake County.

At the close of the World War, Mr. Wilson returned to Oakland and again entered the banking business and later returned to farming. During the depression, he sold out and moved to Lake Oak, Santa County, and has been farming since that time. He is member of Lake Oak Grange and formerly served as a member of the California Farm Debt Adjustment Committee. He is the vice president and director of the George Fire Insurance Association.

Mr. Wilson's address is Lake Oak, Santa County.

Colonel Waller L. Lowe

Colonel Waller L. Lowe resided in Orange County for the past 25 years, 20 of which he has operated 35 acres of oranges. He has been a member of the Farm Bureau for about 20 years.

Colonel Lowe is a Master Mason in good standing having held office in Blue Lodge, Past Patron of the Order of the Eastern Star, Past President of the Patrons and Assistant Patrons Association of Orange County, and Watchman of Shepherds of the White Shrine of Jerusalem Damascus No. 13 of Santa Ana, the highest office available in the Shrine organization.

Colonel Lowe's address is Route 3, Anaheim, California.

J. D. Adams

J. D. Adams has resided in Imperial County since 1915, and has owned and farmed from 1907 to 20 acres north of that time.

He has not been a member of any farm organization, but is chairman of the Agricultural Committee of the Associated Chambers of Commerce of Imperial Valley, and is also a member of the Economic Conference Committee of the Imperial Valley.

Mr. Adams' address is now 85 Second Street, San Francisco.

Ellison Saunders

Ellison Saunders has resided in Tehama County for the past 42 years. He has been engaged in the sheep business and cattle raising in the past and at the present time he is raising about 300 head of stock cattle.

Mr. Saunders has been a member of both the Farm Bureau and the Grange, the Elk's Lodge, the Eagles and the Odd Fellows.

He was county supervisor for eight years, but was defeated at the last election for a third term by six votes in a county of 100,000. While serving as a supervisor, he was an active member of the legislative committee of the State Supervisors' Association. Mr. Saunders' address is Red Bluff, California.

George Moskowite

George Moskowite, a veteran of the World War, has lived in Napa County for 22 years, and has farmed all of his life.

He has been a member of the Farm Bureau for 18 years, of which he is a past director, a seventh degree member of the Grange, for 15 years a member of the Woolgrowers' Association, a member of the Eagles for 20 years and a member of the Lions.

Mr. Moskowite served as president and is now a director of the Napa National Farm Loan Association, a director of the Napa County Farmers' Fire Insurance Company and former conciliation commissioner of Napa County.

Mr. Moskowite's address is Route 1, Box 63, Suisun, California.

Joseph A. Chargin, Sr.

Joseph A. Chargin, Sr., has been a resident of California for 58 years, most of that time being spent in Santa Clara Valley. He has been in business there for 25 years and has been an orchardist for the last 22 years, a member of the Santa Clara Walnut Growers Association, Santa Clara Valley Cherry Growers Association, Eastside Cooperative Diver, Santa Clara County Farm Bureau, a voting board member for eight years of the California Peach and Apricot Growers Association, and one of the reorganizers of same in the year 1928.

Mr. Chargin was one of the founding members of Grower's Bank of San Jose (1920), and a member of the board of directors ever since. This bank is now known as the San Jose National Bank. He is also a member of the advisory board of the Anglo-California National Bank, member of the County Farm Debt Adjustment Committee for the past six years, one of the three appraisers of the Federal Conciliation Commission for Santa Clara County, the chairman of the advisory board of the Farm Security Administration, and chairman of the Santa Clara County Farm Research and Legislative Committee. He is also a member of various fraternal, benevolent and charitable organizations.

Mr. Chargin's address is San Jose.

Stewart Meigs

Stewart Meigs has lived in Santa Barbara County for 20 years, and has been growing lemons for the past five years. He is a member of the Fruit Growers Exchange.

Mr. Meigs is at present president of the State Board of Agriculture, president of the State Fair, and member of the Board of Regents of the University of California.

His address is Carpinteria, Santa Barbara County.

George J. Otterson

George J. Otterson was an early settler in Glenn County and now operates a large farm, raising rice, Ladino clover and stock. He has been a leader in civic and community affairs, holding official positions in many farm and fraternal organizations, among them the Laurel Lodge No. 245, Free and Accepted Masons of California, Ben Ali Temple of Sacramento, Alfred J. Foster Post No. 34, American Legion, Willows, California; Leshe Johnson Post No. 1770, Veterans of Foreign Wars, Willows, California; Colusa County Farm Bureau, Jacinto Grange, Willows, California; California Woodgrowers' Association, president of the Board of Reclamation District No. 2047, director of California Central Valley Fruit Control Association, Woodland, California, and Chairman of the National Defense Commission of the American Legion of Willows.

Mr. Otterson was elected in a recent county-wide election for board membership in Reclamation District No. 2047. His present address is R. R. No. 1, Box 158, Willows.

L. L. Miller

L. L. Miller has resided in Fresno County for the past 40 years and has engaged in farming operations most of this time. He now owns a 20-acre fruit ranch near Fowler, California, and serves as chairman of the Public Utility Committee of the Fresno County Granges.

Mr. Miller is also president of the Pine Flat Water Users and Powers Association, comprising 2,500 farmer members and irrigationists. His present address is Route 1, Box 186, Fowler, California.

Thomas Newman

Thomas Newman has been located in Yucaipa for 17 years, devoted to the poultry and egg business. He has been connected with the State Grange for the past six years and is now master of the local subordinate Grange.

Mr. Newman has been chairman of the roads and highways committee of the Grange for the last four years, bringing the jurisdiction of the roads under the control of the farmers of his district. He has also been on the farm debt adjustment county committee for the past three years and seven months and has attended every meeting during that time.

Mr. Newman's present address is Avenue F, Yucaipa, California.

W. S. Woods

W. S. Woods of Los Angeles is the editor and publisher of the California Cultivator, a widely circulated farm publication considered by many to be the spokesman of many California agriculturists. It is one of the oldest farm papers in the State.

Mr. Woods served as a member of the Farm Debt Adjustment Commission approximately five years ago, and is widely and favorably known for his interest in farm problems and for his contribution to their solution.

Mr. Woods' address is care of the California Cultivator, Los Angeles, California.

L. O. Doyle

L. O. Doyle of Bakersfield is a prominent farmer in Kern County and manages the Doyle Feed and Grain Store. He has served on the County Farm Debt Adjustment Commission from its inception some eight or nine years ago, and has been one of its most active supporters and workers.

Mr. Doyle's address is Bakersfield, California.

William Schumacher

William Schumacher of Buena Park, Orange County, is a retired banker and owner of farm property in his community.

He is serving as secretary of the Orange County Farm Debt Committee and has been most active in farm debt adjustment problems since the organization of farm debt commissions in California.

Mr. Schumacher's address is North Bala Street, Buena Park, Orange County, California.

C. G. McCarn

C. G. McCarn, 45 years of age, has been a prominent citrus grower of Covina and that area in Southern California for the past 15 continuous years.

During the World War and prior to the acquisition of his property in Covina, Mr. McCarn served overseas with the United States Army in the Engineer Corps. He is also an experienced aviator.

Mr. McCarr has been active in farm negotiations and is widely and favorably known throughout Southern California for his interest in farm debt adjustment problems. Mr. McCarr's present address is 629 East Cypress Avenue, Covina.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Poles.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 242
Senate Bill No. 260
Senate Bill No. 401
Senate Bill No. 620
Senate Bill No. 784
Senate Bill No. 850

Senate Bill No. 981
Senate Bill No. 1073
Senate Bill No. 1316
Senate Bill No. 1329
Senate Bill No. 1342
Senate Bill No. 1343

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Lyon, Tramm and Hunter, President F., as a Committee on Conference concerning:

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Council, Report and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Council.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Joint Resolution No. 27

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 336

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 10, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 82—An act to amend Sections 1, 2, 4 and 6 of, and to add Section 8 to an act entitled "An act to provide for the retirement with retirement allowance, of justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 3, 4 and 5 of and to add Section 9 to an act entitled "An act creating a special fund to be known as the Judges' Retirement Fund, providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1390 An act to amend Sections 125, 152.5 and 172 of and to add Section 151.6 to the State Civil Service Act, relating to State civil service.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 1339 An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to declare the urgency of this act, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 30 An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 50—Relative to the observance of the centennial of the raising of the Bear Flag of the "California Republic" at Sonoma, June 14, 1846;

Senate Bill No. 862—An act to amend Section 4007 of the Public Resources Code, relating to forestry;
And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of June, 1941, at 10 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 201
And reports the same correctly re-engrossed.

RICH, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 972

Assembly Bill No. 1039

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

TICKLE, Chairman

Above reported bills ordered to second reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1918

Senator DeLap moved that Assembly Bill No. 1918 be re-referred to Committee on Finance.

Motion carried.

MOTION TO STRIKE ASSEMBLY BILL NO. 1116 FROM FILE

Senator Mayo moved that Assembly Bill No. 1116 be stricken from the file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 1731—An act relating to bids for the construction of public works and improvements.

Bill read third time.

Motion to Amend

Senator Powers moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, strike out "No contractor whose bid is accepted," and strike out all of lines 13 to 25, inclusive, and insert:

"If a contractor fails to specify a subcontractor for any portion of the work to be performed under the contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work except under the conditions hereinafter set forth.

No contractor whose bid is accepted shall, without the consent of the awarding authority, either:

(a) Substitute any person as subcontractor in place of the subcontractor designated in the original bid, or

(b) Permit any subcontract to be assigned or transferred or allow it to be performed by anyone other than the original subcontractor, or

(c) Sublet or subcontract any portion of the work as to which his original bid did not designate a subcontractor.

Subletting or subcontracting of any portion of the work as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity, and then only after a finding, reduced to writing as a public record of the awarding authority setting forth the facts constituting such emergency or necessity.

Should the contractor violate any of the provisions of this act, his so doing will be deemed a violation of his contract and the awarding authority shall have the right to cancel the contract. The contractor shall not, after any such violation, recover thereon for any of the work done or materials furnished on such public.

Amendment No. 2

On page 2 of the printed bill, as amended, strike out lines 1 to 6, inclusive.

Amendment No. 3

On page 2, line 12, of the printed bill, as amended, strike out the period, and insert a comma and "not to city or county proceeds derived in whole or in part with motor vehicle fuel funds.

Nothing in this act contained shall be deemed to limit or diminish any rights or remedies, either legal or equitable, which either an original or substituted subcontractor may have against the contractor, his successors or assigns, nor any such rights or remedies (including the right to take over and complete the contract) which the State of California, or any municipal corporation, county, body politic, or public corporation, or public agency may have against the contractor, his successors or assigns."

Amendments read and adopted.

Bill ordered printed, and to third reading.

INACTIVE FILE

Assembly Bill No. 999—An act to add Section 473B to the Political Code, relating to approval of rules and regulations by the Attorney General.

Bill read.

Motion to Amend

Senator Rich moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 16, of the printed bill, as amended, strike out "in writing by two-thirds", and insert "by at least 65 per cent".

Amendment No. 2

On page 2, line 17, of the printed bill, as amended, before "rules", insert "orders,".

Amendment No. 3

On page 2, line 18, of the printed bill, as amended, strike out "or", at the end of the line after "prices", and insert a comma.

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 19 and 20, and insert "allotments, grades, sizes, advertising and sales promotion, or changes in budgetary or other purely administrative matters made pursuant to such marketing agreements, marketing orders, marketing programs, or similar orders; and which, as to agreements, orders or programs hereafter initiated or made effective, are expressly by such agreements, orders or programs exempted from the provisions of this".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2589—An act to amend Section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Bill read.

Motion to Amend

Senator Fletcher moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 34 to 52, inclusive; and on page 3, strike out lines 1 to 7, inclusive, and insert

"Whenever a municipal court is established in a city of the second and one-fourth class, the salaries of the judges, clerk, marshal, and other attaches, and the cost of all supplies, books, furniture and suitable quarters, for carrying out their duties, including supplies and equipment for the preparation and maintenance of duplicate records of the court, or a division thereof, when sessions are held at more than one place within the city wherein the court is established shall be paid by the county in which the court is situated out of its municipal court fund, if there be one, or if there be no such fund, out of the general fund.

The city shall reimburse the county in the amount of 20 per cent of all costs of maintaining and operating the municipal court from such municipal court fines and forfeitures as by law would otherwise become the property of the city. The amount to be paid may be deducted and retained for the account of the county by the county auditor, as often as may be practicable, and at least semiannually, from the amounts payable to the city pursuant to Section 1463 of the Penal Code.

The city in which the court is established shall provide and maintain suitable quarters for one department of the municipal court, including heating, light and janitorial service, and the city and county shall enter into an agreement providing for the payment of the rental thereof, including heat, light and janitor service, by the

county out of the emergency fund, if there is one, or if there be no such fund, out of the general fund.

Amendment read and adopted.

Bill ordered printed, and to third reading.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, JUNE 12, 1941

MR. PRESIDENT: The Committee on Conference, consisting

Senate Bill No. 1329. An act to amend the Tamalpais Forest Fire District, to prevent and extinguish forest fires and protect forest lands, and protect persons and property from injury, loss or damage resulting from such fires; to provide for the assessment, levy, collection and the recovery of taxes, and expenses thereof, and the contribution or payment of public taxes standing, to provide for the establishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district an incorporation of the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers pertaining to said acts since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to clarify the intent of this act; to amend, with amendments, consisting of the amendments hereto, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill be further amended as follows:

Amendment No. 1

On page 10, line 40 of the printed bill, as amended, strike out "of the", and insert "of any".

Amendment No. 2

On page 10, lines 41 and 42 of the printed bill, as amended, strike out "and the county shall have power after the date of dissolution of said district", and insert "for its powers".

Amendment No. 3

On page 10, line 44 of the printed bill, as amended, strike out "and shall have power", and insert "or".

KEATING
KUEHL
BREED

McCOLLISTER
CRONIN
MALONEY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES.—Senators Rigger, Bond, Brown, Carter, Chittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Judah, Keating, Kuehl, Luckey, Mays, McRee, McCoskey, Mixer, Myland, Parkman, Phillips, Powers, Seawell, Shelley, Slater, Swan, Swing, and Tickle—32.

NOES.—None.

Above bill ordered enrolled.

WITHDRAWAL FROM COMMITTEE OF ASSEMBLY BILL NO. 2213

Senator Swing moved that Assembly Bill No. 2213 be withdrawn from Committee on Governmental Efficiency for purpose of amendment.

Motion carried.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 2213. An act to amend Sections 19621, 19622, 19624 and 19626 of the Business and Professions Code, relating to fairs and exhibitions.

Bill read second time.

Motion to Amend

Senator Swing moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 15 and 16, of the printed bill, as amended, strike out "thirty-five thousand dollars (\$135,000)", and insert "twenty-five thousand dollars (\$125,000)".

Amendment read and adopted.

Bill ordered printed, and re-referred to Committee on Governmental Efficiency.

REPORTS OF STANDING COMMITTEES**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Senate Bill No. 199

Senate Bill No. 200

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

PHILLIPS, Chairman

Above reported bills re-referred to Committee on Finance.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 199—An act to establish a Revolving Fund for Financing the Federal Stamp Plan, appropriating money therefor, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 3 of the title of the printed bill, strike out "immediately", and insert "as therein provided".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 26; and on page 2, strike out lines 1 to 11, inclusive, and insert

"SECTION 1. A revolving fund in the sum of one million two hundred fifty thousand dollars (\$1,250,000) is hereby established for use by the State Department of Social Welfare as a permanent revolving fund where cash advances are necessary for the operation of any Federal Stamp Plan established for the distribution of food, commodities, goods, or other form of personal property.

Withdrawal may be made from the revolving fund without at the time furnishing vouchers and itemized statements therefor, but the State Department of Social Welfare shall at any time on demand of the Controller account for any expenditures and substantiate them by vouchers and itemized statements.

The State Department of Social Welfare, with the approval of the Department of Finance, may secure armored car service and provide means to safeguard the money and assets in the revolving fund from losses. The State shall be responsible to the Federal Government for all stamps received by it from the Federal Government and not disposed of by the State for the purposes for which the Federal Government granted them.

SEC. 2. Out of any money in the State Treasury not otherwise appropriated the sum of one million two hundred fifty thousand dollars (\$1,250,000) is hereby appropriated for the revolving fund established by this act.

SEC. 3. The revolving fund created by Section 2.5 of the California Unemployment Relief Act of 1935 is hereby abolished.

SEC. 4. The Controller, the State Department of Social Welfare and the Relief Administrator may make the necessary transfers upon their books to accomplish

the purposes of this act in order to avoid the unnecessary use of registered General Fund warrants.

Sec. 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and its enactment shall take effect immediately. The emergency conditions which a majority are as follows:

The Federal Government has announced a policy plan for the distribution of food, goods, commodities and other surplus property, including the portion eligible for immediate distribution. Failure to expedite laws provided in this act and the timely implementation thereof, in such surplus commodities, would be a permanent loss; it will not be possible for the State to continue the financing of the present Federal Stamp Plan. This act is being enacted to insure the financing of the present Federal Stamp Plan, thereby insuring the flow of money throughout the State and removing burden to the public, poor, weak, and sick.

Sec. 6. Notwithstanding any other provisions of this act, this act shall not take effect until all of the following are in effect:

- (a) The Welfare Administration Act
- (b) Sections 1 and 2 of the Relief Act of 1941
- (c) The Surplus Commodities Act
- (d) The County Welfare Act

Sec. 7. This act shall be known and may be cited as the Federal Stamp Plan Act."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

Senate Bill No. 200—An act making an appropriation to the State Department of Agriculture for the distribution of surplus commodities, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "Agriculture", and insert "Social Welfare".

Amendment No. 2

In line 3 of the title of the printed bill, strike out "immediately", and insert "as provided therein".

Amendment No. 3

On page 1, line 2 of the printed bill, strike out "\$— — —", and insert "dollars (\$— — —)".

Amendment No. 4

On page 1, line 3, of the printed bill, strike out "Agriculture", and insert "Social Welfare".

Amendment No. 5

On page 1 of the printed bill, after line 26, insert "Sec. 3. Notwithstanding any other provisions of this act, this act shall not take effect unless all of the following are in effect:

- (a) The Welfare Administration Act
- (b) Sections 1 and 2 of the Relief Act of 1941
- (c) The Federal Stamp Plan Act
- (d) The County Welfare Act

SEC. 4. This act shall be known and may be cited as the Surplus Commodities Act."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1249

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1249—An act creating a Division of Beach Erosion Control under the Department of Public Works, defining its duties and powers and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

Strike out the title of the printed bill, as amended, and insert

"An act making an appropriation for ocean shoreline and beach protection and development studies and reports."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 16; and strike out all of pages 2 and 3, and insert

"SECTION 1. The sum of thirty thousand dollars (\$30,000) or as much thereof as may be necessary is hereby appropriated out of any money in the State Treasury not otherwise appropriated to the Department of Public Works, to be expended by the department during the Ninety third and Ninety-fourth Fiscal Years, for the purpose of making studies of ocean shoreline and beach protection and development, preparing shoreline and beach protection plans and reports for other agencies of the State Government, and preparing a comprehensive report relating to centralized control by the State of shoreline and beach protection and development for submission to the Legislature at its Fifty-fifth Session.

SEC. 2. The Department of Public Works is hereby authorized to act in an advisory capacity on shoreline and beach erosion and development matters when advice is requested by municipalities and political subdivisions of the State, and to engage in cooperative studies with the Federal Beach Erosion Board.

SEC. 3. The Director of Public Works shall appoint a Beach Erosion Control Engineer for the purpose of carrying out the provisions of this act, who shall be a civil engineer registered under the Civil Engineers' Act, shall be qualified by experience to carry out the provisions of this act, and shall be subject to civil service. The salary of the Beach Erosion Control Engineer shall be six thousand dollars (\$6,000) a year."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 154—An act to amend Sections 26541 and 26542 of the Health and Safety Code, relating to food, and the standards prescribed by the State Board of Public Health in relation thereto.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 154?

Amendment No. 1

In line 2 of the title of the printed bill, after "and", insert "and beverages".

Amendment No. 2

On page 1 of the printed bill, strike out line 29 in the second paragraph, and insert "that the standards required pursuant to the provisions of items 26541 and 26542 prescribed by the Federal Senate Act, Chapter 1, and Drug Administration, under the Federal act, in the event that any such definitions, standards or regulations are in force hereunder. The function of a regulation prescribed under 5A11."

Amendment No. 3

On page 1 of the printed bill, strike out lines 16 and 17, and insert "any such items prescribed by the Federal Senate Act, Chapter 1, and Drug Administration, under the Federal act, in the event that any such definitions, standards or regulations are in force hereunder. The function of a regulation prescribed under 5A11."

Amendment No. 4

On page 2 of the printed bill, strike out lines 7 to 11, inclusive, and insert "items which are in force, as prescribed by the Federal Senate Act, Chapter 1, and Drug Administration, under the provisions of the Federal act, in the event that any such definitions, standards or regulations are in force hereunder. The function of a regulation prescribed under 5A11."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 154 by the following vote:

AYES: Senators Bagley, Bluff, Brown, Capen, Cuthbert, Cunningham, Delap, Donald, Dummer, Filshie, Foss, Gephart, Gifford, Hadden, Lamm, Kitcher, Lusk, Mary, McBrine, McConnel, Miller, Mitchell, Patterson, Phillips, Powers, Rich, Sawyer, Senter, Swift, Sykes, and Tolson—31.

NOTES: None.

Above bill ordered enrolled.

Senate Bill No. 335—An act to add Section 6102.5 to the Business and Professions Code, relating to attorneys convicted of crimes involving moral turpitude.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 335?

PRINTER'S NOTE: There being no 7-point serif font type available, the material which should appear in ~~struck-out type~~ in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "add Section 6102.5 to", and insert "amend Section 6102 of".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 13, inclusive, and insert:

"SECTION 1. Section 6102 of the Business and Professions Code is hereby amended to read as follows:

6102. Upon the receipt of the certified copy of the record of conviction of an attorney of a crime involving moral turpitude, the court shall suspend the attorney until judgment in the case becomes final. When a judgment of conviction becomes final, the court shall order the attorney disbarred. ~~the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal.~~ *the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of*

Section 1203.4 of the Penal Code allowing such attorney to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

The other provisions of this article providing a procedure for the disbarment and suspension of an attorney do not apply to an attorney convicted of a crime involving moral turpitude, unless expressly made applicable."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 335 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Phillips, Powers, Rich, Seawell, Slater, Swan, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 463—An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 463?

Amendment No. 1

On page 2, line 1, of the printed bill, as amended, strike out "poultry or a", and insert "a canned."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 463 by the following vote:

AYES—Senators Biggar, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 696—An act to amend Section 4257 of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-eighth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 696?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4257", and insert "4258".

Amendment No. 2

In the title of the printed bill, as amended, strike out all of lines 2 and 3, and insert "to compensation for public services in counties of the twenty-ninth class."

Amendment No. 3

On page 1, line 1, of the printed bill, as amended, strike out "4257", and insert "4258".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out all of line 3, and insert "4258. In counties of the twenty-ninth class, the following".

Amendment No. 5

On page 1, lines 5 and 6, of the printed bill, as amended, strike out "salaries, fees and expenses, to wit", and insert "sums".

Amendment No. 6

On page 2, lines 8 and 9 of the printed bill, as amended, strike out "ex officio supervisor", and insert "commissioner".

Amendment No. 7

On page 2 of the printed bill, as amended, strike out all of lines 18, 19, 20 and 21.

Amendment No. 8

On page 2 of the printed bill, as amended, STRIKE out all of lines 31 to 37, inclusive, and insert:

"Sec. 2. It is hereby found as a fact that the amendments made by this act in Subdivision 3 of Section 4258 of the Political Code do not constitute an increase in the compensation of the members of the board of supervisors, were receiving under provisions of law applicable to them prior to the effective date of this act and the Legislature hereby declares that the provisions of Subdivision 3 of Section 4258 of the Political Code as contained in this act shall apply to present incumbents."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 696 by the following vote:

AYES—Senators Bigger, Brock, Carter, Critchfield, Cunningham, DeLoe, Deuel, Dillinger, Fletcher, Foley, Griffiths, Gordon, Jorgensen, Jones, Keady, Luchay, Mayo, McBride, McCormack, Morse, Myhrum, Phillips, Rice, Seaton, Slater, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 895—An act to add Section 738a to the Code of Civil Procedure, relating to making the State of California a party to quiet title actions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 895?

Amendment No. 1

On page 1, line 15, of the printed bill, as amended, after the period, insert "The scope of such actions shall not include a determination of the validity of the tax giving rise to the lien or claim of lien."

Also:

Amendment No. 1

On page 1, line 16, of the printed bill, as amended May 27, 1941, before "tax", insert "franchise."

Also:

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out "other defendant named", and insert "person other than the plaintiff".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 895 by the following vote:

AYES—Senators Bigger, Brock, Carter, Critchfield, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Jones, Keady, Luchay, Mayo, McBride, McCormack, Morse, Myhrum, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, and Ward—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1326—An act to amend Sections 2, 12 and 19 of the Municipal Water District Act of 1911, relating to the organization, government and powers of municipal water districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1326?

Amendment No. 1

On page 3 of the printed bill, as amended, at the end of line 14, after the period, insert "Any use, under this section, of a public highway now or hereafter constituted a State highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highways Code."

Also:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "2."

Amendment No. 2

On page 3 of the printed bill, as amended, strike out lines 25 to 38, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1326 by the following vote:

AYES. Senators Breed, Brown, Carter, Crippenden, Dillinger, Fletcher, Foley, Judah, Kachel, Maye, McCrede, McCormack, Parkinson, Phillips, Powers, Quinn, Rich, Sewell, Slater, Swan, Swing, Tickle, and Ward—23.

NOES. None.

Above bill ordered enrolled.

Senate Bill No. 131—An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1919, as amended, and portions of the lands granted to the City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon certain trusts and conditions," approved May 25, 1919, and granted to the said City of Newport Beach by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions," approved April 5, 1927, which have been and which may be hereafter improved, filled, and reclaimed, unavailable and unuseful for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions may be irrevocably alienated and conveyed free of public use and trust by the said county or the said city to the owner or owners of uplands contiguous thereto, or otherwise sold as herein provided.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 131?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out the title, and insert

"An act relating to tidelands and submerged lands granted to cities, counties, or cities and counties and providing a procedure for the sale or other disposition of portions thereof which have been or may become no longer available or useful or susceptible of being used for navigation, commerce, and fishery."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 1, and insert

"SECTION 1. Whenever tidelands or submerged lands, or portions thereof, which have been granted by the State to any city, county, or city and county have been improved by adapting the same to use for purposes of commerce and navigation, and by reason thereof portions have been filled and reclaimed and, as so filled and reclaimed, are thereby excluded from the public channels and are no longer available or useful or susceptible of being used for navigation, commerce, and fishery, and are no longer in fact tidelands or submerged lands, such portions thereof shall be freed from the public use and trust for navigation, commerce and fishery and may be sold or otherwise disposed of upon compliance with the provisions of this act.

SEC. 2. The governing body of any city, county, or city and county to which such lands have been granted may apply to the State Lands Commission requesting it to determine the status of described portions of the land so granted and requesting authority to sell or otherwise dispose of the lands. The application shall be in writing and shall be in such form and contain such information as the State Lands Commission may by rule prescribe.

SEC. 3. Upon the receipt of an application under this act the commission shall set a time and place for hearing thereon and shall notify the applicant. The com-

Investigation must consist of independent intelligence in to determine the facts as to the status of each and either before or after the hearing.

After such hearing and testimony the commission shall either deny all or a portion of the claims or shall make its order authorizing the use of all or such portion of the lands described in the claimants as upon the conditions set forth in Section 1 of this act.

The commission may, in its discretion, require the seller to remove from sale the oil, gas, and mineral interests at the lease. Such requirement, if made, shall be set forth in the order.

The costs and expenses necessarily incurred by the contractor under this act shall be paid by the corporation.

Any award made by the commission under this act shall be conclusive

Sec. 10. The same shall be preserved in the stationery who shall record it in the office of the recorder of deeds.

SEC. 6. At any time after the passage of any act, other than the laws described therein only be added and corrected laws of the general laws and laws mentioned in the legislative act, pertaining and relating to such laws, as may be deemed by the legislative body of the city, subject to such amendments as may be deemed necessary.

[illegible]

SEC. 7. Any moneys of money, such as a toll, revenue, or city and county in connection with the harbor improvement act shall be deposited in the treasury of the county, city and county or in a special harbor fund, and shall be used by it for the improvement, development, and conduct of its harbor exclusively and for no other purpose."

Amendment No. 3

On page 1 of the initial $h(t)$, we measured $\text{C}_{\text{HCO}_3^-}$ using 2, 3 and 4, and subtracted all of pages 2 and 3.

Alto:

Amendment No. 1

Strike out all of the title of the printed bill, as amended, and insert

"An act declaring portions of the lands granted to the County of Orange by an act entitled 'An act granting certain tidelands and submerged lands of the State of California to the County of Orange,' approved May 25, 1919, and certain portions of the lands granted to the City of Newport Beach by an act entitled 'An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon certain trusts and conditions,' approved May 25, 1919, and certain portions of the lands granted to the City of Newport Beach by an act entitled 'An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions,' approved April 5, 1927, to be hereinafter referred to as the 'tidelands, improved, filled, and reclaimed lands, and submerged lands of the State of California, and fisheries,' and excluding such portions from use for navigation, commerce, and fisheries, and providing that said portions may be lawfully alienated and conveyed free of public use and trust by the said owners of the said lands to the owner or owners of uplands contiguous thereto, or otherwise sold as herein provided."

Amendment No. 2

On page 3 of the printed bill, as amended, strike out lines 42 to 51, inclusive; and strike out all of pages 4 and 5, and insert:

"SECTION 1. That portions of the lands heretofore granted to the County of Orange by an act entitled 'An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions,' approved March 25, 1919, as amended, and granted to the City of Newport Beach by an act entitled 'An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach, upon

certain trusts and conditions," approved May 25, 1919, and by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the City of Newport Beach upon certain trusts and conditions," approved April 5, 1927, have been heretofore improved by adapting the same to use for navigation in connection with the plan heretofore adopted and established for the improvement and development of Newport Bay in said County of Orange as a harbor, and that in so adapting said lands to said use portions thereof which lie between the line of mean high tide and the bulkhead or other harbor or channel lines established by the United States Government have been filled and reclaimed, and that such portions of said lands as have been so filled and reclaimed are thereby excluded from the public channels and are no longer available or useful or susceptible of being used for navigation, commerce, and fishing, and are no longer in fact tidelands or submerged lands; and that the said portions of said lands which have been heretofore and which are now so improved, filled, and reclaimed are hereby declared to be free from the public use and trust for navigation, commerce, and fishery.

SEC. 2. That in connection with and in aid of the further improvement and development of the said Newport Bay as a harbor, portions of the said lands heretofore granted to the said county or the said city may be hereafter improved by adapting the same to use for navigation, and that in so adapting said lands to said use portions thereof which lie between the line of mean high tide and the bulkhead or other harbor or channel lines as may be established by the United States Government may be hereafter filled and reclaimed, and portions of said lands so improved, filled, and reclaimed will be thereby excluded from the public channels and will no longer be available or useful or susceptible of being used for navigation, commerce, and fishing, and will no longer in fact be tidelands or submerged lands; and that such portions of said lands as shall be hereafter so improved, filled, and reclaimed by or in connection with the further improvement and development of said Newport Bay as a harbor shall, when so improved, filled, and reclaimed, be deemed free from the public use and trust for navigation, commerce and fishery.

SEC. 3. That any and all of said portions of said lands hereinbefore referred to, which have been or which shall hereafter be improved, filled, and reclaimed, as hereinbefore provided, if and when so improved, filled, and reclaimed, may be irrevocably alienated and conveyed free of the public uses and trusts in said acts, by the said County of Orange or said City of Newport Beach to the owner or respective owners of the uplands lying contiguous thereto in exchange for lands of such owner or owners necessary or desirable for the improvement, development and conduct of said harbor on such terms as may be deemed by the legislative body of said county or said city to be in the public interest.

SEC. 4. That any and all of said portions of said lands hereinbefore referred to which have been or which shall hereafter be improved, filled, and reclaimed, as hereinbefore provided, if and when so improved, filled, and reclaimed, may be otherwise sold and conveyed free of the public uses and trusts in said acts on such terms as may be deemed by the legislative body of said county or said city to be in the public interest. No such sale and conveyance shall be made under this section unless a notice of intention of the board of supervisors of said county or of the council of said city to make such sale and conveyance, describing the property to be sold and conveyed, the price to be paid therefor, to whom it is proposed to sell and convey, and fixing the time when the board or council will meet to consummate such sale and conveyance has been published for at least three weeks in some newspaper of general circulation published in said county or city, a copy thereof has been posted for at least three weeks in a conspicuous place on the lands proposed to be sold and conveyed, and a copy thereof has been mailed to the owner or owners of land lying contiguous to the lands proposed to be sold and conveyed at the address or addresses of such owner or owners as shown on the assessment rolls of said County of Orange. At the time and place specified in such notice, such lands may be sold and conveyed to the person named in such notice unless a higher bid accompanied by the full consideration offered for such lands is received, in which event the same shall be sold and conveyed to the highest bidder.

SEC. 5. Any sums of money paid to the said county or the said city in connection with the alienation and conveyance of any portion or portions of the lands hereinbefore referred to, shall be deposited in the treasury of the said county or the said city in a special harbor fund, and shall be used by said county or said city for the improvement, development and conduct of said harbor exclusively, and for no other purpose."

Also:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 8 to 20, inclusive, and insert "amended, which".

Amendment No. 2

On page 2, lines 29 and 30, of the printed bill, as amended, strike out "or the said city".

Amendment No. 3

On page 3 of the printed bill, as amended, strike out lines 40 to 46, inclusive; and in line 47, strike out "April 5, 1941".

Amendment No. 4

On page 4, line 15, of the printed bill, as amended, strike out "or the said city".

Amendment No. 5

On page 4, lines 36 and 37 of the printed bill, as amended, strike out "for said City of Newport Beach".

Amendment No. 6

On page 4, line 42, of the printed bill, as amended, strike out "or said city".

Amendment No. 7

On page 4, line 49, of the printed bill, as amended, strike out "or said city".

Amendment No. 8

On page 4, line 52, of the printed bill, as amended, strike out "one of the council of said city".

Amendment No. 9

On page 5, line 6, of the printed bill, as amended, strike out "or city".

Amendment No. 10

On page 5, lines 18 and 19, of the printed bill, as amended, strike out "for the said city".

Amendment No. 11

On page 5, lines 21 and 22, of the printed bill, as amended, strike out "for the said city".

Amendment No. 12

On page 5, line 23, of the printed bill, as amended, strike out "or said city".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 131 by the following vote:

AYES: Senators Baggett, Brown, Cramer, Cuthbertson, Curren, Gentry, Donald, Dillinger, Fletcher, Foster, Gorman, Ingerson, Jett, Kitch, Lusk, May, McGrath, McCormick, Milford, Phillips, Powers, Quinn, Ross, Scovell, Shaffer, Sisson, Swift, Tickle, and Ward—28.

NOTES—None.

Above bill ordered enrolled.

Senate Bill No. 421—An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 421?

Amendment No. 1

On page 2, line 16, of the printed bill, as amended, at the beginning of said line, insert "(or)".

Amendment No. 2

On page 2, line 20, of the printed bill, as amended, after "officers", insert "and employees".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 23 to 28, inclusive, and insert "likewise send officers and employees out of the State for the purpose of securing information relative to improvements in methods of highway design, construction, maintenance and administration developed by other States; provided, however, that traveling expenses outside of the State for officers and employees of the department for travel outside of the State authorized under this subdivision shall not".

Amendment No. 4

On page 2 of the printed bill, as amended, after line 29, insert

"Officers and employees of the department may be sent out of the State, subject to the provisions of Section 452 of the Penal Code to meet with officers or employees of the Federal Government in connection with Federal-State cooperative highway work, without reference to the limitations on amount specified in subdivision (c) hereof."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 421 by the following vote:

AYES—Senators Biggar, Carter, Cunningham, Denel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—26.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1182—An act to provide for the organization and government of water storage and conservation districts; to provide for the acquisition, construction, maintenance and operation of works for the purposes of such districts, including the drainage, reclamation and irrigation of land; and to prescribe and define the powers, duties, purposes and responsibilities of such districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1182?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 1, and insert

"FORMATION

SECTION 1. The holders of title or evidence of title to a"

Amendment No. 2

On page 2, line 8, of the printed bill, as amended, strike out "If any parcel of land is assessed on the assess-", and insert

"SEC. 2. If any parcel of land is assessed on the assess-".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 32 to 52, inclusive; and on page 3, strike out lines 1 to 47, inclusive, and insert

"SEC. 3. The rights, privileges and immunities created by this act in favor of any holder of title or evidence of title, including such aforesaid rights, to lands contained in the district may for his benefit and on his behalf be exercised by, and are hereby extended to, his legal representative in all cases where said legal representative is an official of said corporation owning land within the district or is a guardian, executor, or administrator of an estate who is appointed as such under the laws of this State and who as such is entitled to the possession of lands included within said water storage and conservation district belonging to the estate which he represents and who has been by the court duly authorized to exercise the particular right, privilege or immunity which he seeks to exercise; provided, however, that he must, before he casts a ballot at any election of the district, present the board of election or some clerk thereof with a certified copy of his authority, which must be kept and filed with the returns of the election."

Amendment No. 4

On page 3, line 48, of the printed bill, as amended, strike out "3", and insert "4".

Amendment No. 5

On page 4, line 27, of the printed bill, as amended, strike out "At the hearing the board shall hear all relevant evidence in", and insert

"SEC. 5. At the hearing the board shall hear all relevant evidence in".

Amendment No. 6

On page 5 of the printed bill, as amended, strike out lines 12 to 21, inclusive, and insert "board."

SEC. 6. After making and entering such an order defining and".

Amendment No. 7

On page 5 of the printed bill, as amended, strike out line 41, and insert "SEC. 7. Where a consolidation of officers as hereinafter provided for".

Amendment No. 8

On page 5 of the printed bill, as amended, strike out line 48, and insert "SEC. 8. At such election there shall be elected a board of five".

Amendment No. 9

On page 6 of the printed bill, as amended, strike out line 22, and insert "SEC. 9. Said board of supervisors shall then cause a copy of such".

Amendment No. 10

On page 6 of the printed bill, as amended, strike out line 28, and insert "Sec. 10. Immediately upon the formation of the district as herein".

Amendment No. 11

On page 6 of the printed bill, as amended, strike out line 40, and insert "Sec. 11. The officers elected at the election hereinbefore provided for".

Amendment No. 12

On page 6 of the printed bill, as amended, strike out lines 41 to 52, inclusive, and on page 7, strike out lines 1 to 6, inclusive, and insert "and qualified.

Sec. 12. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and petition shall be final and conclusive against all persons except the State of California in any proceeding presented by the Attorney General. Any such proceeding must be commenced before the commencement of such a proceeding as is provided for in Section 13, and, or in any case such a proceeding must be commenced within one year after the making and entry of the said order of the board of supervisors.

Sec. 13. Any district formed hereunder, in order to deter-

Amendment No. 13

On page 7 of the printed bill, as amended, strike out lines 28 to 52, inclusive; and on page 8, strike out lines 1 to 3, and insert

"Sec. 14. If at any time after the organization of any district hereunder, the boundaries of the county in which the same was organized shall be so changed or modified as to require the filing of all of the lands contained in said district, then and in that event the records and documents of said district in the possession and care of the board of supervisors of said county, together with a certified copy of the proceedings had by the district under jurisdiction of said board of supervisors, shall be transferred and filed with the clerk of the board of supervisors of the county in which the greater portion of the lands contained in said district are located. All proceedings, petitions, orders or other documents which have been filed with the recorder of the county in which said district was organized, and which, or a certified copy thereof, have not been transferred to the county to which said district is transferred, shall be certified to by said county recorder and filed for record with the county recorder of the county to which said district has been transferred, and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to said district. From and after the transfer in the manner above specified the board of supervisors of the county to which the district is transferred shall have and exercise all of the jurisdiction, power and authority over said district as was theretofore exercised by the board of supervisors of the county wherein such district was originally formed and thereafter any act or duty which is herein required to be done by the board of supervisors or any officer of the county in which said district was organized shall be performed by the corresponding board of supervisors or other official of the county to which said district has been transferred, and in general the said district shall thereafter conduct and manage its affairs through its proper officials and in cooperation with the proper officials of each county in which any of the lands contained in said district are located as though said district was originally organized in the county to which it was transferred.

OFFICERS

Sec. 15. The officers of the district shall be a board of five".

Amendment No. 14

On page 8 of the printed bill, as amended, strike out line 42, and insert

"SEC. 16. In each water storage and conservation district formed under this act there shall be an election every four years held at such time and place in the district as shall be provided in the by-laws of the district, at which election an assessor, a collector, a treasurer, and five directors shall be elected to hold office for four years and until their successors are elected and qualified. The board of directors may, in its discretion, consolidate any two or more offices of assessor, collector, and treasurer. The order of consolidation must be made at least 30 days prior to such election; provided, that the board of directors may, at least 30 days before any succeeding election of the district, where the offices have been consolidated, segregate the same.

Sec. 17. Until such time as their salaries shall have been fixed by the".

Amendment No. 15

On page 9 of the printed bill, as amended, strike out line 1, and insert

"Sec. 18. The board of directors shall choose from among its".

Amendment No. 16

On page 9 of the printed bill, as amended, strike out lines 27 to 42, inclusive, and insert

"Sec. 19. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any construction or supply contract awarded or to be awarded by the board, or in the profits to be derived therefrom, but no other character of contract shall be invalid because of interest on the part of a director or officer, unless such director or officer participate in or influence the making or authorization of such contract on behalf of the district; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

POWERS

SEC. 20. Any water storage and conservation district organized and established as herein provided shall have power:

1. To have perpetual succession.
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, appropriation, purchase, gift, devise, condemnation, contract or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers.
5. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by the construction of dams and reservoirs and transport such water for irrigation by means of canals, ditches, laterals, flumes, pipe lines and spread and sink the same into underground storage basins and to build, construct or acquire the necessary spreading basins, sinking wells and sinking basins therefor; to appropriate, acquire and conserve water and water rights for any useful purposes; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding, involving or affecting the ownership or use of water or water rights within or without the boundaries of the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or streams, including the natural subterranean supply of waters therefrom, which may be used or useful, for any purpose of the district, or a common benefit to the lands within the district.
6. To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use.
7. To cause assessments to be levied as herein provided for the purpose of paying any obligation of the district and to accomplish the purpose of this act in the manner herein provided.
8. To make contracts, leases, to employ labor, agents, engineers, attorneys, and other employees, and to do all acts necessary for the full exercise of the powers herein granted.
9. To enter into contracts with the United States and any agency thereof, under any law of the United States for a water supply, or the construction, operation, maintenance of irrigation works; and to provide the manner and method of payments to the United States under such contract and for the apportionment of assessments, and the levy thereof, upon the lands in the district to secure revenue for such payments; and to provide for the construction of works by the district; to provide for the borrowing or procuring of money from the United States or any agency thereof and the entering into contracts, and or the issuance of bonds, warrants or other evidence of indebtedness for the repayment thereof.
10. To issue and sell bonds and warrants of the district providing for interest at a rate of not more than 7 per cent per annum, such bonds and warrants to be repayable over a period of not more than 50 years.
11. To enter into contracts with any individual, public corporation or public utility company for the use, sale and/or purchase, transportation and delivery of water for the use and benefit of the lands of the district and also to provide for the purchase of flowage rights and the joint use and maintenance of irrigation canals, dams, structures, and other irrigation facilities necessary and useful for the service of water for the irrigation of lands within the district and for any other purposes of this act.

Sec. 21. The board of directors shall have the power and it".

Amendment No. 17

On page 10, line 7, of the printed bill, as amended, strike out "Said", and insert "SEC. 22. Said".

Amendment No. 18

On page 11, lines 2 and 3, of the printed bill as amended, strike out "Bond Certification Commission," and insert "Treasury Securities Commission,"

SEC. 23."

Amendment No. 19

On page 11 of the printed bill, as amended, strike out line 19, and insert "Sec. 24. Said board shall take policy in such construction contracts."

Amendment No. 20

On page 12 of the printed bill as amended, strike out lines 10 to 11, inclusive, and insert "the district shall be passed as provided in Sections 104 to 120, inclusive, of this act."

SEC. 25. The board of directors shall proceed to carry out the project of the district in accordance with the plans and specifications of the duly approved and adopted report of said board. Whenever construction work is to be done said board shall give notice by advertisement, printed in a newspaper of general circulation in the county in which the work is to be done, to be posted at least two consecutive weeks, calling for bids for the same. If less than the whole work provided for in said plans and specifications is to be done, the portions to be done must be particularly described in such notice. Said notice shall set forth that plans and specifications of the work to be done can be seen at the office of the board, and that the board will receive sealed proposals thereon, and that the contract may be let to the lowest responsible bidder, unless the same shall have been opened and proposals which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board may let said work either in portions or as a whole to the lowest responsible bidder, or it may contract only on all bids had made and select their contracts with private persons or corporations, companies, firms or individuals, or less than the lowest bid price required to enter into contracts upon a guarantee that price bonus which said price will not exceed the full amount of the guaranteed bid or may proceed to contract the work upon its own responsibility, provided that in case of emergency or urgent necessity the board of directors, by unanimous vote of those present at any meeting, or in special meeting, may award contracts without advertising for bids, but the amount of any contract so awarded shall not exceed ten thousand dollars. (\$10,000.)

SEC. 26. Contracts for the purchase of materials only shall be awarded to the lowest responsible bidder, provided, however, that the board may reject any or all bids and thereafter either readvertise for bids or solicit offers from not less than three responsible persons to furnish materials and upon receipt of or offer or offers for a less price than that specified in the lowest rejected bid enter into a contract for the furnishing of the materials with the person who so offers to furnish the same at the lowest price.

SEC. 27. The board shall require the successful bidder to file with the board good and sufficient bonds, to be approved by the board, conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 303 of the Statutes of 1919, as amended, and to be subject to the provisions of that chapter. The work shall be done under the direction and to the satisfaction of, and be approved by the board.

SEC. 28. The use of property required for the irrigation of the lands of any district formed under the provisions of this act, and for domestic and other incidental and other beneficial uses, within such district, together with the rights of way for canals and ditches, sites for reservoirs and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to the regulation and control of the State in the manner prescribed by law.

SEC. 29. In case of condemnation proceedings, the board of directors shall proceed in the name of the district under the provisions of Title 7, Part 3 of the Code of Civil Procedure.

SEC. 30. The board of directors shall have power to construct the irrigation works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of a canal or canals of said works may intersect or cross, in such manner as to afford security for life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, and shall comply with all lawful rules and regulations of the owner or agency in charge thereof; and every company whose railroad shall be intersected or crossed by said works shall enter with said board in forming said intersections and crossings and shall grant the privileges aforesaid; and if such railroad company and said board or the owners and contractors of said property, thing or franchise so to be crossed, can not agree upon the amount to be paid therefor, or the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as is herein provided in respect to the taking of land.

SEC. 31. A right of way is hereby given, dedicated, and set apart to locate, construct, and maintain said works over and through any of the lands which are now or may be the property of this State, except that where such land is already devoted to

1. Attacking the organization of said county or district and conservation district, within three months of the date of the organization thereof.

2. Attacking the inclusion of land within or the exclusion of land from any such district, within six months of the date of the inclusion or exclusion.

3. Attacking the assessment of any such district, within 90 days of the date upon which the assessment roll is filed with the county treasurer.

4. Attacking any full or charge of any such district, within 90 days of the date upon which such toll or charge becomes payable.

5. Attacking the receipt of any money paid by the district, within 90 days after the date of the execution and delivery of such receipt to the treasurer of the district as provided by Section 41 hereof.

6. Attacking any other proceeding or action taken or thing done by said district or by the board of directors thereof under the provisions of this act, within three months of the date of such proceeding, action or thing.

SEC. 37. The court, board or other tribunal before which any action, proceeding or contest is brought to determine or determine upon the regularity, legality, validity, or correctness of any proceeding taken or thing done pursuant to any of the provisions of this act, shall determine the constitutionality of laws or which does not affect the substantial rights of the parties concerned. In all actions, proceedings or contests the law of pleading and practice contained in the Code of Civil Procedure of California, in so far as they are not inconsistent with the provisions of this act, shall apply. The costs of any action, proceeding or contest may be allowed and apportioned between the parties or taxed to the defeated party, in the discretion of the court, board or other tribunal before which the same is heard. No action, proceeding or contest or defense whatsoever shall be commenced or maintained other than within the time and manner in this act specified and in the determination thereof all findings of fact or conclusions of the State Engineer or the board of directors upon all matters shall be conclusive. Unless the contest, proceeding or contest or defense is instituted or maintained within three months after such findings or conclusions are made.

SEC. 38. No compensation or reward shall be paid to any person who shall receive any fee for law services rendered to be performed by him under the provisions of this act.

The county treasurer of any county in which any of the lands contained in the district are located during the time for the collection of assessments of the district may require the board of directors of such district to provide and pay for such additional help as may be required to make for the failures relating to the collection of the said assessments.

SEC. 39. The rights of way, ditches, flumes, pipe lines, dams, water rights, reservoirs and other property of the character belonging to any district organized under this act shall not be taxed for State and county or municipal purposes.

TAXES

SEC. 40. Between 30 and 90 days after the organization.

Amendment No. 21

On page 12 of the printed bill, as amended, strike out line 22, and insert "SEC. 41. Between the date on which the district was organized and".

Amendment No. 22

On page 12 of the printed bill, as amended, strike out line 38, and insert "SEC. 42. Within 60 days after the said estimate and the said assess-".

Amendment No. 23

On page 13, line 7, of the printed bill, as amended, strike out "The said board of super-", and insert

"SEC. 43. The said board of super-".

Amendment No. 24

On page 13 of the printed bill, as amended, strike out line 24, and insert

"SEC. 44. The board of directors of any district hereafter organized hereunder may at their option adopt the assessment roll of the county or counties in which the land of the district is contained to so far as such assessment roll affects the lands in the district, and file with the clerk of the board of supervisors a certified copy of such assessment roll, in lieu of the assessment book mentioned in Section 41 of this act.

SEC. 45. When said statement is completed, the board of supervisors".

Amendment No. 25

On page 13, line 33, of the printed bill, as amended, strike out "Within 10 days", and insert

"SEC. 46. Within 10 days".

Amendment No. 26

On page 13 of the printed bill, as amended, strike out line 47, and insert

"SEC. 47. Within 10 days after the assessment is completed, the".

Amendment No. 27

On page 14 of the printed bill, as amended, strike out line 3, and insert "SEC. 48. The various orders of the board of supervisors made at the".

Amendment No. 28

On page 14 of the printed bill, as amended, strike out line 13, and insert "SEC. 49. No action to determine the validity in any respect of any".

Amendment No. 29

On page 14 of the printed bill, as amended, strike out line 18, and insert "SEC. 50. From and after the filing of the assessment book".

Amendment No. 30

On page 14 of the printed bill, as amended, strike out line 24, and insert "SEC. 51. Within 10 days after each tax shall have become".

Amendment No. 31

On page 14, line 32, of the printed bill, as amended, strike out the second "The", and insert "SEC. 52. The".

Amendment No. 32

On page 14, line 39, of the printed bill, as amended, strike out "Within 30 days after the tax shall become", and insert "SEC. 53. Within 30 days after the tax shall become".

Amendment No. 33

On page 15 of the printed bill, as amended, strike out line 3, and insert "SEC. 54. At the time and place stated in said notice or at".

Amendment No. 34

On page 15 of the printed bill, as amended, strike out line 16, and insert "SEC. 55. A certificate of sale shall be executed in duplicate by the".

Amendment No. 35

On page 15 of the printed bill, as amended, strike out line 28, and insert "SEC. 56. The recorder upon receiving certificates of sale must".

Amendment No. 36

On page 15 of the printed bill, as amended, strike out line 43, and insert "SEC. 57. Any person interested in any property sold may redeem the".

Amendment No. 37

On page 16 of the printed bill, as amended, strike out line 8, and insert "SEC. 58. If no redemption shall be made within said one year, the".

Amendment No. 38

On page 16 of the printed bill, as amended, strike out line 21, and insert "SEC. 59. All property sold for taxes to the district shall subsequently".

Amendment No. 39

On page 16 of the printed bill, as amended, strike out line 25, and insert "SEC. 60. The title acquired by the district, in case it becomes the".

Amendment No. 40

On page 16 of the printed bill, as amended, strike out line 33, and insert "SEC. 61. If for any reason any tax or parcel of land con".

Amendment No. 41

On page 16 of the printed bill, as amended, strike out line 45, and insert "CONSTRUCTION UNDERTAKINGS
SEC. 62. The board of directors shall upon the organiza".

Amendment No. 42

On page 17 of the printed bill, as amended, strike out line 15, and insert "SEC. 63. If the board of directors proposes to acquire any property".

Amendment No. 43

On page 17 of the printed bill, as amended, strike out line 24, and insert "SEC. 64. Except where it is proposed to be acquired by eminent domain".

Amendment No. 44

On page 17, line 29, of the printed bill, as amended, strike out "this paragraph", and insert "Section 66".

Amendment No. 45

On page 17 of the printed bill, as amended, strike out line 48, and insert "SEC. 65. Said board of directors may in their report recommend"

Amendment No. 46

On page 18, line 2, of the printed bill, as amended, strike out "Upon the completion of said exami-", and insert

"SEC. 66. Upon the completion of said exami-"

Amendment No. 47

On page 18, line 27, of the printed bill, as amended, strike out "16", and insert "67".

Amendment No. 48

On page 18, line 33, of the printed bill, as amended, strike out "Pending final", and insert

"SEC. 68. Pending final".

Amendment No. 49

On page 18 of the printed bill, as amended, strike out line 39, and insert

"SEC. 69. Immediately after hearing and being made a part of record."

Amendment No. 50

On page 18, line 45, of the printed bill, as amended, strike out "Section 31", and insert "Sections 143 to 151, inclusive,".

Amendment No. 51

On page 18 of the printed bill, as amended, strike out line 48, and insert

"SEC. 70. If the result of such election shows that more than one-".

Amendment No. 52

On page 19, line 3, of the printed bill, as amended, strike out "in case of the adoption of said", and insert

"SEC. 71. In case of the adoption of said".

Amendment No. 53

On page 19, line 22, of the printed bill, as amended, strike out "One of said assessors shall", and insert

"SEC. 72. One of said assessors shall"

Amendment No. 54

On page 19 of the printed bill, as amended, strike out line 39, and insert

"SEC. 73. The said assessors shall (excepted property and outlay) to the"

Amendment No. 55

On page 20 of the printed bill, as amended, strike out line 14, and insert

"SEC. 74. Said rolls when completed shall be duly certified by said".

Amendment No. 56

On page 20, line 21, of the printed bill, as amended, strike out "Thereafter the board of directors of the water", and insert

"SEC. 75. Thereafter the board of directors of the water".

Amendment No. 57

On page 20, line 44, of the printed bill, as amended, strike out "At such hearings the adjustment board shall hear such", and insert

"SEC. 76. At such hearings the adjustment board shall hear such".

Amendment No. 58

On page 21 of the printed bill, as amended, strike out line 5, and insert

"SEC. 77. Said adjustment board, after said hearings, must make".

Amendment No. 59

On page 21, line 11, of the printed bill, as amended, strike out "Two copies of said", and insert

"SEC. 78. Two copies of said"

Amendment No. 60

On page 21, line 24, of the printed bill, as amended, strike out "16a", and insert "79".

Amendment No. 61

On page 21, line 37, of the printed bill, as amended, strike out "16b", and insert "80".

Amendment No. 62

On page 22, line 5, of the printed bill, as amended, strike out "17", and insert "81".

Amendment No. 63

On page 22, line 29, of the printed bill, as amended, strike out "18", and insert "82".

Amendment No. 64

On page 22, line 36, of the printed bill, as amended, strike out "19", and insert "83".

Amendment No. 65

On page 22, line 45, of the printed bill, as amended, strike out "Unless bonds shall have been authorized as herein-", and insert

"SEC. 84. Unless bonds shall have been authorized as herein-".

Amendment No. 66

On page 23, line 3, of the printed bill, as amended, strike out the semicolon and insert a colon.

Amendment No. 67

On page 23 of the printed bill, as amended, strike out line 16, and insert "SEC. 85. Such notice must be sent through the mail, address to".

Amendment No. 68

On page 23 of the printed bill, as amended, strike out line 22, and insert "SEC. 86. If any such installment shall remain unpaid at the expira-".

Amendment No. 69

On page 23 of the printed bill, as amended, strike out line 28, and insert "SEC. 87. Immediately after the said installment has become delin-".

Amendment No. 70

On page 23, line 39, of the printed bill, as amended, strike out "The", and insert "SEC. 88. The".

Amendment No. 71

On page 23 of the printed bill, as amended, strike out line 45, and insert "SEC. 89. Out of the proceeds of said sale the county treasurer must".

Amendment No. 72

On page 23, line 50, of the printed bill, as amended, strike out "Except where bonds", and insert

"SEC. 90. Except where bonds".

Amendment No. 73

On page 24, line 6, of the printed bill, as amended, strike out "A certificate of such sale shall be executed", and insert

"SEC. 91. A certificate of such sale shall be executed".

Amendment No. 74

On page 24 of the printed bill, as amended, strike out line 26, and insert "SEC. 92. If no redemption shall be made within said one year, the".

Amendment No. 75

On page 24 of the printed bill, as amended, strike out line 40, and insert "SEC. 93. In any district having no outstanding bonds any parcel of".

Amendment No. 76

On page 25, line 6, of the printed bill, as amended, strike out "20", and insert "94".

Amendment No. 77

On page 25 of the printed bill, as amended, strike out line 11, and insert "SEC. 95. Each such supplementary assessment shall be spread between".

Amendment No. 78

On page 25, line 14, of the printed bill, as amended, strike out "Such supplementary assessment shall be", and insert

"SEC. 96. Such supplementary assessment shall be".

Amendment No. 79

On page 25 of the printed bill, as amended, strike out line 20, and insert "SEC. 97. Upon making of such order, the board shall cause to be pre-".

Amendment No. 80

On page 25, line 25, of the printed bill, as amended, strike out "Upon", and insert

"SEC. 98. Upon".

Amendment No. 81

On page 25, line 34, of the printed bill, as amended, strike out "At any time", and insert

"Sec. 99. At any time"

Amendment No. 82

On page 25, line 41, of the printed bill, as amended, strike out "Such supplementary", and insert

"Sec. 100. Such supplementary"

Amendment No. 83

On page 25 of the printed bill, as amended, strike out line 46, and insert

"Sec. 101. The board of directors may also continue upon the request".

Amendment No. 84

On page 25, line 50, of the printed bill, as amended, strike out "Section 15.", and insert "Sections 92 to 70, inclusive.

Sec. 102."

Amendment No. 85

On page 26 of the printed bill, as amended, strike out lines 14 to 52, inclusive; and on page 27, strike out lines 1 to 10, inclusive, and insert

"BONDS"

SEC. 103. No water storage and conservation district organized under the terms of this act may issue bonds in excess of such as may be authorized and designated by the California Public Securities Commission or such other State commission, department or agency that may supersede said commission or succeed to its functions.

SEC. 104. Whenever in any water storage and conservation".

Amendment No. 86

On page 27 of the printed bill, as amended, strike out line 31, and insert "SEC. 105. The notice of such special election shall be given by the".

Amendment No. 87

On page 28 of the printed bill, as amended, strike out line 13, and insert "SEC. 106. Affidavits of publication and posting of notices of election".

Amendment No. 88

On page 28 of the printed bill, as amended, strike out line 15, and insert "SEC. 107. Only owners of lands which have been assessed as provided".

Amendment No. 89

On page 28 of the printed bill, as amended, strike out line 20, and insert "SEC. 108. The ballots cast at such election shall contain the words".

Amendment No. 90

On page 28, line 25, of the printed bill, as amended, strike out "At the close of", and insert

"SEC. 109. At the close of".

Amendment No. 91

On page 28, line 32, of the printed bill, as amended, strike out "The board of directors shall immediately", and insert

"SEC. 110. The board of directors shall immediately".

Amendment No. 92

On page 28 of the printed bill, as amended, strike out line 44, and insert "SEC. 111. If a majority of the votes cast at such election are in favor".

Amendment No. 93

On page 28, line 49, of the printed bill, as amended, strike out "Said bonds shall be of the", and insert

"SEC. 112. Said bonds shall be of the".

Amendment No. 94

On page 29, line 3, of the printed bill, as amended, strike out "7", and insert "6".

Amendment No. 95

On page 29 of the printed bill, as amended, strike out line 17, and insert

"SEC. 113. Said bonds shall be substantially in the following form:".

Amendment No. 96

On page 30 of the printed bill, as amended, strike out line 27, and insert

"SEC. 114. If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities

thereof shall not exceed 50 years from the date thereof and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds.

SEC. 115. The treasurer of said district shall place the bonds prepared".

Amendment No. 97

On page 30 of the printed bill, as amended, strike out line 46, and insert

"SEC. 116. Upon a sale of any of the bonds provided herein the treasurer of the district is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

SEC. 117. The proceeds of sale of said bonds shall be placed in the".

Amendment No. 98

On page 30, line 51, of the printed bill, as amended, strike out "At any time within", and insert

"SEC. 118. At any time within".

Amendment No. 99

On page 31 of the printed bill, as amended, strike out line 30, and insert

"SEC. 119. All moneys collected by a county treasurer upon any assess-".

Amendment No. 100

On page 31 of the printed bill, as amended, strike out line 41, and insert

"SEC. 120. Whenever the board of directors shall by resolution declare".

Amendment No. 101

On page 31, line 46, of the printed bill, as amended, strike out "an act of the Legislature of the State"; strike out lines 47 to 51, inclusive; on page 32, strike out lines 1 to 4, inclusive; and in line 5, strike out "June 13, 1913, as amended, and as provided by".

Amendment No. 102

On page 32 of the printed bill, as amended, strike out lines 8 to 10, inclusive, and insert "certified copy of such resolution with the California Districts Securities Commission, which commission, and the State Controller in con-".

Amendment No. 103

On page 32 of the printed bill, as amended, strike out lines 20 and 21, and insert "to be legal investments for the purposes stated in the California Districts Securities Commission Act, as amended,".

Amendment No. 104

On page 32 of the printed bill, as amended, strike out line 33, and insert

"SEC. 121. The lien of any assessment upon which bonds shall have".

Amendment No. 105

On page 32 of the printed bill, as amended, strike out lines 44 to 52, inclusive; and on page 33, strike out lines 1 to 6, inclusive, and insert

"SEC. 122. Where bonds of the district have been authorized to be".

Amendment No. 106

On page 33 of the printed bill, as amended, strike out line 14, and insert

"SEC. 123. At least 90 days before any interest date of the bonds,".

Amendment No. 107

On page 33, line 47, of the printed bill, as amended, strike out "If any part of such installment or any interest", and insert

"SEC. 124. If any part of such installment or any interest".

Amendment No. 108

On page 34 of the printed bill, as amended, strike out line 1, and insert

"SEC. 125. When any installment shall have become delinquent, said".

Amendment No. 109

On page 34, line 16, of the printed bill, as amended, strike out "at the time", and insert

"SEC. 126. At the time".

Amendment No. 110

On page 34 of the printed bill, as amended, strike out line 43, and insert

"SEC. 127. Any person interested in the said property may redeem the".

Amendment No. 111

On page 35, line 11, of the printed bill, as amended, strike out "Every", and insert

"SEC. 128. Every".

Amendment No. 112

On page 35, line 15, of the printed bill, as amended, strike out "The county treasurer of each county," and insert:

"Sec. 129. The county treasurer of each county."

Amendment No. 113

On page 35, line 34, of the printed bill, as amended, strike out "Any parcel of land bid in," and insert:

"Sec. 130. Any parcel of land bid in."

Amendment No. 114

On page 35, line 50, of the printed bill, as amended, strike out "If any land so held by a county treasurer as trustee," and insert:

"Sec. 131. If any land so held by a county treasurer as trustee."

Amendment No. 115

On page 36, line 8, of the printed bill, as amended, strike out "Any balance remaining in such bond", and insert:

"Sec. 132. Any balance remaining in such bond".

Amendment No. 116

On page 36, line 16, of the printed bill, as amended, strike out "22a", and insert "133".

Amendment No. 117

On page 36 of the printed bill, as amended, strike out line 30, and insert:

"Sec. 134. Upon receipt of payment as above provided by the treasurer".

Amendment No. 118

On page 37 of the printed bill, as amended, strike out lines 1 to 47, inclusive, and insert:

GENERAL FINANCIAL PROVISIONS

Sec. 135. All claims against the district shall be paid by".

Amendment No. 119

On page 38, line 9, of the printed bill, as amended, strike out "24a", and insert "136".

Amendment No. 120

On page 38 of the printed bill, as amended, strike out line 27, and insert:

"Sec. 137. The treasurer of the district shall and it shall be his duty".

Amendment No. 121

On page 38 of the printed bill, as amended, strike out lines 42 to 52, inclusive; and on page 39, strike out lines 1 to 4, inclusive, and insert:

"Sec. 138. The board of directors or other officers of the".

Amendment No. 122

On page 39 of the printed bill, as amended, strike out lines 16 to 41, inclusive, and insert:

"Sec. 139. The treasurer of the district shall receive to the".

Amendment No. 123

On page 40, line 3, of the printed bill, as amended, strike out "28a", and insert "140".

Amendment No. 124

On page 40, line 19, of the printed bill, as amended, strike out "The funds of the district shall not, except for", and insert:

"Sec. 141. The funds of the district shall not, except for".

Amendment No. 125

On page 40, line 32, of the printed bill, as amended, strike out "29", and insert "142".

Amendment No. 126

On page 40 of the printed bill, as amended, strike out line 48, and insert:

"ELECTIONS"

Sec. 143. Except as herein otherwise provided, every".

Amendment No. 127

On page 41, line 7, of the printed bill, as amended, strike out "31", and insert "144".

Amendment No. 128

On page 41, line 17, of the printed bill, as amended, strike out "At least 10 days before", and insert:

"Sec. 145. At least 10 days before".

Amendment No. 129

On page 41, line 31, of the printed bill, as amended, strike out "The polls shall", and insert

"SEC. 146. The polls shall".

Amendment No. 130

On page 41, line 39, of the printed bill, as amended, strike out "The ballots used as the elec-", and insert

"SEC. 147. The ballots used at the elec-".

Amendment No. 131

On page 41, line 51, of the printed bill, as amended, strike out "The election board shall retain and file", and insert

"SEC. 148. The election board shall retain and file".

Amendment No. 132

On page 42, line 6, of the printed bill, as amended, strike out "At the close of the polls the board of election", and insert

"SEC. 149. At the close of the polls the board of election".

Amendment No. 133

On page 42, line 21, of the printed bill, as amended, strike out "Any person interested may contest such election, within", and insert

"SEC. 150. Any person interested may contest such election, within".

Amendment No. 134

On page 42, line 26, of the printed bill, as amended, strike out "No", and insert

"SEC. 151. No".

Amendment No. 135

On page 42 of the printed bill, as amended, strike out lines 38 to 52, inclusive; and on page 43, strike out lines 1 to 4, inclusive, and insert

"SEC. 152. Not less than 10 days before the election, any".

Amendment No. 136

On page 43 of the printed bill, as amended, strike out lines 14 to 50, inclusive; and on page 44, strike out lines 1 to 49, inclusive, and insert

"DISSOLUTION

SEC. 153. An action may be brought by the Attorney Gen-".

Amendment No. 137

On page 45, line 5, of the printed bill, as amended, strike out "When service has been made", and insert

"SEC. 154. When service has been made".

Amendment No. 138

On page 45, line 20, of the printed bill, as amended, strike out "On the day fixed for a hear-", and insert

"SEC. 155. On the day fixed for a hear-".

Amendment No. 139

On page 45, line 29, of the printed bill, as amended, strike out "If upon the", and insert

"SEC. 156. If upon the".

Amendment No. 140

On page 45 of the printed bill, as amended, strike out lines 40 to 52, inclusive; and on page 46, strike out lines 1 to 27, inclusive, and insert

"EXCLUSION

SEC. 157. The boundaries of any water storage and conser-".

Amendment No. 141

On page 46, line 41, of the printed bill, as amended, strike out "44", and insert

"158".

Amendment No. 142

On page 47, line 6, of the printed bill, as amended, strike out "45", and insert

"159".

Amendment No. 143

On page 47, line 29, of the printed bill, as amended, strike out "46", and insert

"160".

Amendment No. 144

On page 48, line 1, of the printed bill, as amended, strike out "47", and insert

"161".

Amendment No. 145

On page 48, line 22, of the printed bill, as amended, strike out "48. In", and insert

"162. Upon the hearing the board of reservoirs shall exclude and only exclude land which in its judgment it believes should be excluded, and insert"

Amendment No. 146

On page 48, line 39, of the printed bill, as amended, strike out "49", and insert "163".

Amendment No. 147

On page 48, line 49, of the printed bill, as amended, strike out "50", and insert "164".

Amendment No. 148

On page 49 of the printed bill, as amended, strike out line 28, and insert

INCLUSION

Sec. 165. The boundaries of the water storage land are—

Amendment No. 149

On page 49, line 39, of the printed bill, as amended, strike out "52", and insert "166".

Amendment No. 150

On page 50, line 5, of the printed bill, as amended, strike out "53", and insert "167".

Amendment No. 151

On page 50, line 30, of the printed bill, as amended, strike out "54", and insert "168".

Amendment No. 152

On page 50, line 47, of the printed bill, as amended, strike out "55", and insert "169".

Amendment No. 153

On page 51, line 4, of the printed bill, as amended, strike out "56", and insert "170".

Amendment No. 154

On page 52 of the printed bill, as amended, strike out line 1, and insert "Sec. 171. When land is included within a water storage and conservancy—"

Amendment No. 155

On page 52, line 14, of the printed bill, as amended, strike out "57", and insert "172".

Amendment No. 156

On page 52, line 48, of the printed bill, as amended, strike out "58", and insert "173".

Amendment No. 157

On page 53, line 14, of the printed bill, as amended, strike out "59", and insert "174".

Amendment No. 158

On page 53, line 25, of the printed bill, as amended, strike out "60", and insert "175".

Amendment No. 159

On page 53, line 36, of the printed bill, as amended, strike out "61", and insert "176".

Amendment No. 160

On page 53, line 41, of the printed bill, as amended, strike out "62", and insert "177".

Amendment No. 161

On page 53 of the printed bill, as amended, strike out line 50, and insert

"FEDERAL COOPERATION"

SEC. 178. In addition to the powers with which water".

Amendment No. 162

On page 54, line 15, of the printed bill, as amended, strike out "64", and insert "179".

Amendment No. 163

On page 54 of the printed bill, as amended, strike out lines 46 and 47, and insert "hereinafter provided"

Sec. 180. Any proposal to enter into a contract with the".

Amendment No. 164

On page 55, line 30, of the printed bill, as amended, strike out "66", and insert "181".

Amendment No. 165

On page 55, line 40, of the printed bill, as amended, strike out "67", and insert "182".

Amendment No. 166

On page 55, line 47, of the printed bill, as amended, strike out "68", and insert "183".

Amendment No. 167

On page 56, line 8, of the printed bill, as amended, strike out "69", and insert "184".

Amendment No. 168

On page 56, line 18, of the printed bill, as amended, strike out "70", and insert "185".

Amendment No. 169

On page 57, line 3, of the printed bill, as amended, strike out "71", and insert "186".

Amendment No. 170

On page 58, line 16, of the printed bill, as amended, strike out "When the security underlying the indebted-", and insert

"SEC. 187. When the security underlying the indebted-".

Amendment No. 171

On page 58 of the printed bill, as amended, strike out line 33, and insert

"GENERAL PROVISIONS"

SEC. 188. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each of said parts thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 189. This act does not change, modify, add to or repeal any other act or law of this State.

SEC. 190. Headings do not in any manner affect the scope, meaning, or intent of the provisions of this act.

SEC. 191. This act shall be known and cited as the "Cali-".

Also:

Amendment No. 1

On page 5, line 3, of the printed bill, as amended, strike out "presented", and insert "published".

Amendment No. 2

On page 6, line 38, of the printed bill, as amended, strike out "30 and 31", and insert "143 to 152, inclusive".

Amendment No. 3

On page 6, line 43, of the printed bill, as amended, strike out "30", and insert "143".

Amendment No. 4

On page 13, line 13, of the printed bill, as amended, after "annum", insert "except as otherwise provided".

Amendment No. 5

On page 13, line 39, of the printed bill, as amended, strike out "15", and insert "64".

Amendment No. 6

On page 19, line 40, of the printed bill, as amended, strike out "22", and insert "111".

Amendment No. 7

On page 23, line 6, of the printed bill, as amended, strike out "10", and insert "47".

Amendment No. 8

On page 28, line 13, of the printed bill, as amended, strike out "Section 38", and insert "Sections 153 to 156, inclusive".

Amendment No. 9

On page 37, line 21, of the printed bill, as amended, strike out "10", and insert "46".

Amendment No. 10

On page 44, line 34, of the printed bill, as amended, strike out "22", and insert "11".

Amendment No. 11

On page 47, lines 16 and 17, of the printed bill, as amended, strike out "Section 22", and insert "Sections 104 to 116 inclusive."

Amendment No. 12

On page 46, line 14, of the printed bill, as amended, strike out "Section 22", and insert "Sections 115 and 116."

Amendment No. 13

On page 49, line 29, of the printed bill, as amended, strike out "Section 22a", and insert "Sections 115 and 116."

Amendment No. 14

On page 50, lines 35 and 36, of the printed bill, as amended, strike out "or the decree of the superior court as hereinafter provided,".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1182 by the following vote:

AYES. Senators Brown, Brown, Callender, Cummings, DeLacy, Deane, Fletcher, Gordon, Jorgensen, Ketch, Knight, Lister, Mayo, McCormack, McPherson, Myhrland, Phillips, Powers, Rich, Seasholtz, Slater, Swan, Tickle, and Ward—24.

NOTES. None.

Above bill ordered enrolled.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Delap moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1057 was passed.

Previous Question

Senator Rich moved the previous question.

Motion carried.

The question being on the motion to reconsider the vote whereby Assembly Bill No. 1057 was passed.

The roll was called, and Assembly Bill No. 1057 refused reconsideration by the following vote:

AYES. Senators Brown, Callender, DeLacy, Deane, Fletcher, Mayo, McCormack, Metzger, Myrland, Parkman, Quinn, Rich, Slater, Swan, and Ward—15.

NOTES. Senators Beck, Carter, Cline, Cummings, DeLinger, Garrison, Gordon, Jorgensen, Judith, Ketch, Lister, McBride, McPherson, Myhrland, Phillips, Powers, Seasholtz, Shelley, Swan, Tickle, and Ward—20.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Carter moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1875 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Rich moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 1350 was passed.

The roll was called, and Assembly Bill No. 1350 refused reconsideration by the following vote:

AYES—Senators Cunningham, DeLap, Deuel, Gordon, Judah, Mayo, McCormack, Phillips, Rich, Slater, and Wagy—11.

NOES—Senators Carter, Collier, Crittenden, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Luckey, McBride, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Swan, Swing, Tickle, and Ward—23.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Bill No. 402 be taken from the inactive file, and placed on the third reading file.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT

Senator Crittenden asked for, and was granted, unanimous consent to postpone reconsideration of the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained, until the next legislative day.

CONSIDERATION OF DAILY FILE

THIRD READING OF SENATE BILLS

Senate Bill No. 201—An act making an appropriation for the conservation and care of all records, books, papers, offices, equipment and real and personal property of the Relief Commission and the Relief Administrator, to take effect immediately.

Recommendation of Presiding Officer

SENATE CHAMBER, SACRAMENTO, June 12, 1941

I recommend that permission be granted to vote upon passage of Senate Bill No. 201.

ELLIS E. PATTERSON, President of the Senate

Bill read third time.

The roll was called, and permission granted to vote on Senate Bill No. 201 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—38.

NOES—None.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—39.

NOES—None.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kuchel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, Wagy, and Ward—21.

NOES—Senators Carter, Crittenden, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Swing—18.

Senate Bill No. 198. An act making an appropriation for general public assistance, declaring the urgency thereof, to take effect as provided therein.

Recommendation of Presiding Officer

SENATE CHAMBER, SACRAMENTO, June 12, 1941.

I recommend that permission be granted to read upon passage of Senate Bill No. 198.

ELLIS E. PATTERSON, President of the Senate.

Bill read third time.

The roll was called, and permission granted to vote on Senate Bill No. 198 by the following vote:

AYES—Senators Biggart, Bond, Brown, Carter, Cramer, Crittenden, Cunningham, DeLap, Deneil, Dillinger, Folsom, Foley, Garrison, Gaudin, Jaspersen, Keating, Kenny, Luckey, May, McBride, Metzger, Montgomery, Muller, Mykura, Parkman, Phillips, Powers, Quinn, Rick, Seawell, Shelley, Slater, Swain, Swing, Tickle, Wagy, and Ward—37.

NOES—None.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggart, Bond, Brown, Carter, Cunningham, DeLap, Deneil, Dillinger, Folsom, Foley, Garrison, Gaudin, Jaspersen, Keating, Kenny, Keuchel, Luckey, May, McBride, Metzger, Montgomery, Muller, Mykura, Parkman, Phillips, Powers, Quinn, Rick, Seawell, Shelley, Slater, Swain, Swing, Tickle, Wagy, and Ward—38.

NOES—None.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Biggart, Bond, Brown, Carter, Cunningham, DeLap, Deneil, Dillinger, Gaudin, Jaspersen, Keating, May, Montgomery, Muller, Mykura, Parkman, Phillips, Rick, Tickle, Wagy, and Ward—27.

NOES—Senators Carter, Crittenden, Dillinger, Foley, Garrison, Jaspersen, Keating, Kenny, Luckey, McBride, Metzger, Powers, Quinn, Seawell, Shelley, Slater, Swain, and Swing—18.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, June 12, 1941.

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 1430

Assembly Bill No. 2273

Assembly Bill No. 2585

Assembly Bill No. 2022

Has had the same under consideration, and recommends the same, back without recommendation, except that they be re-referred to Committee on Finance.

Committee membership: 11, against the vote: Ayes 7, absent 4.

WAGY, Chairman.

Above reported bills re-referred to Committee on Finance.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 12, 1941.

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he requested Henry B. Cramer as a member of the State Board of Prison Directors, has had the same under consideration and respectfully recommends that the said appointment be confirmed by the Senate.

(Signed out)

RICH, Chairman
MAYLAND
TICKLE

BREED
DEUEL

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Rich moved that the Senate confirm and consent to the appointment of Henry B. Cramer of San Diego as a member of the State Board of Prison Directors.

The President put the question, "Will the Senate confirm and consent to the appointment of Henry B. Cramer?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, Deuel, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—25.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Henry B. Cramer.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Edwin L. Carty, Germain J. Buleke, Nate F. Milnor, Lee F. Payne and W. B. Williams as members of the Fish and Game Commission, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH , Chairman	BREED
MYHAND	DEUEL
TICKLE	

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Rich moved that the Senate confirm and consent to the appointment of Edwin L. Carty, Germain J. Buleke, Nate F. Milnor, Lee F. Payne and W. B. Williams as members of the Fish and Game Commission.

The President put the question, "Will the Senate confirm and consent to the appointment of Edwin L. Carty, Germain J. Buleke, Nate F. Milnor, Lee F. Payne and W. B. Williams?"

The roll was called, with the following result:

AYES—Senators Biggar, Breed, Brown, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Kenny, McBride, McCormack, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, and Tickle—22.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Edwin L. Carty, Germain J. Buleke, Nate F. Milnor, Lee F. Payne and W. B. Williams.

RESOLUTIONS

The following resolution was offered:

By Senators Rich, McBride, Ward, Biggar, Cunningham, Keating, Collier, Foley, Kuchel, Fletcher, Metzger, Wagy, Parkman, Powers, Dillinger, Seawell, Myhand, Garrison, Jespersen, Swing, McCormack, Brown, Kenny, Shelley, Swan, Carter, Luckey, Mixter, Judah, Quinn, Crittenden, DeLap, Deuel, Gordon, Mayo, Phillips, and Slater:

Senate Resolution No. 138

WHEREAS, The State Board of Equalization, together with the Members of the Legislature, sponsored the Stewart Riley Tax Plan of 1931 when the State and county finances were in a state of chaos; and

WHEREAS, The revenues derived from the present Tax Laws created as a result of this plan make it apparent that serious tax problems are needed in California; and

WHEREAS, The revenues derived from the taxes have enabled the Public School System to continue unimpaired and education in California to maintain the enviable position which it occupies; and

WHEREAS, The State of California was in operation on a cash basis for the first time in many years and its budget was a magnificent one; and

WHEREAS, A huge war is being won by the State Board of Equalization, the Controller, and Members of the Legislature to the end that all taxpayers may be benefited by a substantial reduction in their tax burden; and

WHEREAS, The State Board of Equalization, together with the State Controller, has, or will, levy, assess, or collect in excess of four hundred sixty million dollars (\$460,000,000) in taxes for the current biennium; and

WHEREAS, The cost of tax administration in this State in proportion to the amount of revenue collected is so low that it sets a standard which every other State in the Union is striving to equal; and

WHEREAS, It is self evident that this satisfactory result is due in no small part to the efforts and diligence of the State Board of Equalization and the Controller, now, therefore, be it

Resolved by the Senate of the State of California That Fred E. Stewart, co-author of the Stewart Riley Plan, be commended for his far-sightedness and efforts in bringing the plan to the successful conclusion which was desired, and be it further

Resolved, That the State Board of Equalization and the Controller be complimented for the outstanding results obtained in the efficient administration of the revenue laws of this State; and be it further

Resolved, That they, and each of them, be urged to continue the tax policies which have proven so effective to the end that the State of California may enjoy the benefits to be derived from sound tax administration.

Resolution read, and unanimously adopted

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: The Committee on Conference reporting

Senate Bill No. 108 As set to amend Sections 4, 7 and 201 of the Alcoholic Beverage Control Act relating to licenses and to the conduct of business and transfer of licenses by an executor, administrator, guardian, trustee, receiver, assignee for the benefit of creditors and others; consisting of the undersigned members, has read, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on April 29, 1941, be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "4, 7 and 201", and insert "and 7".

Amendment No. 2

On page 4 of the printed bill, as amended, strike out lines 4 to 27, inclusive.

KUNNY

McCORMACK

LUCKEY

Senate Committee on Conference

BURNS, HUGH M.

SAWALLISCH

HOWSER, FRED N.

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Riggall, Breed, Carter, DeLap, Duval, Dillinger, Fletcher, Jespersen, Judah, Keating, Kunny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Rich, Seawell, Slater, Swan, Tickle, and Wagy—26.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 30—An act to amend Section 5 of an act entitled "An act to establish a Legislative Counsel Bureau and making an appropriation therefor," approved May 26, 1913, relating to the Legislative Counsel; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in, and that the bill, as amended on May 16, 1941, be further amended as follows:

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section", and insert "Sections 1 and".

Amendment No. 2

On page 1, line 1, of the printed bill, as amended, following "Section", strike out "5", and insert "1".

Amendment No. 3

On page 1 of the printed bill, as amended, following line 2, insert

"SECTION 1. A bureau is hereby created to be known as the Legislative Counsel Bureau, which shall be in charge of a chief, who shall be a civil executive officer and who shall be known as the Legislative Counsel of California. [He shall be selected as soon as may be after the passage of this act and biennially thereafter before the first Wednesday after the first Monday after the first day of January in each odd-numbered year by the Senate and Assembly in joint session.] *He shall be selected by concurrent resolution at the beginning of each regular session and shall serve until his successor is selected and qualified.* The Legislative Counsel in office at the time of the approval of this act shall, until [an election is held] *a selection is made* under this act, hold the office of Legislative Counsel of California created by this act, subject to removal by the Legislature. If a vacancy should occur while the Legislature is not in session, a committee consisting of the Speaker of the Assembly, the Speaker pro tempore of the Assembly, the President pro tempore of the Senate and the Chairman of the Finance Committee of the Senate shall select the Legislative Counsel to serve until the Legislature in [joint] session makes a selection for the office. The Legislative Counsel shall be chosen without reference to party affiliations and solely on the ground of fitness to perform the duties of his office.

SEC. 2. Section 5 of the act cited in the title hereof is hereby amended to read as follows:".

Amendment No. 4

On page 1, lines 4 and 5, of the printed bill, as amended, strike out "seven thousand five hundred dollars (\$7,500)", and insert "six thousand dollars (\$6,000)".

KENNY
TICKLE
PARKMAN

Senate Committee on Conference.

HOUSER, FREDERICK F.
LYON
TENNEY

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Breed, Cunningham, DeLap, Fletcher, Garrison, Gordon, Jespersen, Judah, Kenny, Kuehl, Luckey, McBride, Metzger, Myhand, Parkman, Quinn, Rich, Slater, Swan, Tickle, and Wagy—21.

NOES—None.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 447—An act to amend Section 4265 of the Political Code, relating to compensation for public services in counties of the thirty-sixth class.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 447?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4265" and insert "4267"

Amendment No. 2

In line 3 of the title of the printed bill, strike out "4446" and insert "4448"

Amendment No. 3

On page 1, line 1, of the printed bill, strike out "4265" and insert "4267"

Amendment No. 4

On page 1 of the printed bill, strike out all of line 3, and in line 4, strike out "collected" and insert "collected, and thereon."

Amendment No. 5

On page 1 of the printed bill, strike out all of line 6, and insert "status"

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 447 by the following vote:

AYES—Senators Bigger, Brood, Brown, Cunningham, DeLap, Gordon, Gordon, Jespersen, Judah, Kenny, Kuchel, Lacey, May, McCormack, Metzger, Mitchell, Patterson, Quinn, Rob. Stiles, Scott, Wagoner, and Wicks. [21]

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 92—An act to amend Section 44.2 of the Unemployment Insurance Act, relating to workers' contributions.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 92?

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "amend Section 44.2 of" and insert "and Section 44.3 of."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 22 to 25, inclusive; and on page 2, strike out lines 1 to 32, inclusive, and insert "Section 1. Section 44.3 is hereby amended to the act cited in the title hereof, to read as follows:

Sec. 44.3. If by reason of a worker rendering service for more than one employer during any calendar year after the calendar year 1941, the wages of the worker with respect to compensation during such year exceed three thousand dollars (\$3,000), the worker shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by Section 44, and paid from such wages and paid to the commission, which exceeds the tax with respect to the first three thousand dollars (\$3,000) of such wages paid. Refunds under this section shall be made by the commission of the worker, if makes a claim, establishing his right thereto, after the calendar year in which the compensation was performed with respect to which refund of tax is claimed, and (a) such claim is made within two years after the calendar year in which the wages are paid with respect to which refund of tax is claimed. No interest shall be allowed or paid with respect to any such refund."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 92 by the following vote:

AYES—Senators Bigger, Brood, Brown, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Kuchel, Lacey, Mayo, McBride, McCormack, Metz-

ger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Metzger:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: In accordance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation to the State Personnel Board, to take effect immediately.

Respectfully submitted.

SENATOR METZGER

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 12, 1941

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

(Signed out)

RICH, Chairman	DEUEL
TICKLE	BREED
MYHAND	

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1348: By Senator Metzger—An act making an appropriation to the State Personnel Board, to take effect immediately.

Referred to Committee on Finance.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 383—An act to repeal Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 655, 656, 710, 791.6, 808.5, 843, 844, 886, 957, 1208, 1213 and 1344 of, and to add Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 651, 651.5, 655, 656, 710, 791.6, 808.5, 843, 886, 957, 1208, 1213 and 1344 to the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "808.5".

Amendment No. 2

In line 5 of the title of the printed bill, as amended, strike out "808.5".

Amendment No. 3

On page 1, line 2, of the printed bill, as amended, strike out "SOS 5".

Amendment No. 4

On page 2, line 47, of the printed bill, as amended, after "February", insert "; and except that in the Middlemost House the District 1 election may be taken between May 29th and December 31st."

Amendment No. 5

On page 3 of the printed bill, as amended, strike out lines 29 to 34, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2315—An act to regulate markets at which fresh meat and dressed poultry are sold, in counties with a population of 27,000 or over.

Bill read third time.

Motion to Amend

Senator McBrade moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, strike out "(a)".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 5 to 7, inclusive.

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 6 to 10, inclusive.

Amendment No. 4

On page 2, line 11, of the printed bill, as amended, strike out "Sec. 4.", and insert "Sec. 3."

Amendment No. 5

On page 2 of the printed bill, as amended, strike out line 18; and in line 19, strike out "and 4", and insert

"Sec. 4. The provisions of this act, other than Section 3".

Amendment No. 6

On page 2, line 22, of the printed bill, as amended, strike out "Sections 3 and 4", and insert "Section 3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Joint Resolution No. 26—Relative to National Defense Highways;

Senate Concurrent Resolution No. 46—Relative to the fiftieth anniversary of Leland Stanford Junior University;

Senate Bill No. 24—An act to amend Section 21, to repeal Sections 12901, 12902 and 12906 of the Insurance Code, and to add Sections 12901, 12902 and 12906 thereto, relating to the administration of the laws pertaining to insurance;

Senate Bill No. 120—An act to add Section 41905 to the Revenue and Taxation Code, relating to property taxation, the assessment of property, and the payment of delinquent taxes in installments;

Senate Bill No. 256—An act concerning the ascertainment of principal and income and the apportionment of benefits and excesses among tenants and remaindermen;

Senate Bill No. 303—An act to amend Section 4242 of the Political Code, relating to salaries and compensation for public servants in counties of the thirteenth class;

Senate Bill No. 395—An act to amend Section 622 of the Fish and Game Code, relating to goldfish and not native minnows;

And reports that the same have been properly enrolled, and presented to the Governor on the twelfth day of June, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 436—An act to add Section 81.5 to the State Civil Service Act, relating to qualifications of applicants for civil service positions;

Senate Bill No. 749—An act to amend Section 960 of, and to add Section 960.1, 960.2, 960.3 and 960.4 to, the Streets and Highways Code, relating to the abandonment and vacation of county highways;

Senate Bill No. 786—An act to amend School Code Sections 3.712 and 5.152, relating to the study of the Constitution of the United States;

Senate Bill No. 861—An act to amend Section 4249 of the Political Code, relating to compensation for public services in counties of the twentieth class;

Senate Bill No. 1047—An act to amend Section 5.546 of the School Code, relating to teachers reports;

Senate Bill No. 1162—An act to amend Sections 3, 4 and 6 of an act entitled "An act defining credit unions, providing for their incorporation, powers, management and supervision," approved March 31, 1927, relating to credit unions, including their powers and loans by and between credit unions;

Senate Bill No. 1304—An act to amend Section 724.5 of the Fish and Game Code, relating to catfish in District 24;

Senate Bill No. 1315—An act to amend Sections 579 and 611 of the Agricultural Code, relating to substitutes for butter and cheese which are colored in imitation thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of June, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 642—An act authorizing municipalities as herein defined to acquire, construct, improve and extend within and without their limits sanitation and sewer revenue producing enterprises as herein defined, and providing an additional and alternative method of financing such enterprises through the issuance of revenue bonds payable solely from the revenues of such enterprises, and in no respect secured by the taxing power; limiting the issuance of revenue bonds to the enterprises defined herein and excluding therefrom systems for the generation, production or distribution of electricity, gas or water; authorizing such municipalities to maintain and operate such enterprises and to prescribe, revise and collect fees, tolls, rates, rentals and other charges for the services and facilities furnished thereby; regulating the issuance of such revenue bonds; providing for their payment and the rights and remedies of the holders thereof;

And reports that the same has been correctly enrolled, and presented to the Governor on the twelfth day of June, 1941, at 3 p.m.

RICH, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1882

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

MIXTER, Chairman

Above reported bill ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which were referred:

Assembly Bill No. 1177

Assembly Bill No. 1216

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1954

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 2016

Has had the same under consideration, and reports the same back with the recommendation: Do pass. Bill referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

PHILLIPS, Chairman

Above reported bill is referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Joint Resolution No. 55

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 11.

PHILLIPS, Chairman

Above reported resolution ordered to second reading.

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 2000

Assembly Bill No. 2867

Assembly Bill No. 2608

Assembly Bill No. 1949

Assembly Bill No. 2388

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Vice Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Local Government, to which were referred:

Assembly Bill No. 2642

Assembly Bill No. 911

Assembly Bill No. 930

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 6; absent 3.

CUNNINGHAM, Vice Chairman

Above reported bills ordered to second reading.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1197

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 1840

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 8; absent 3.

McCORMACK, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 344

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

McCORMACK, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which were referred:

Assembly Bill No. 2649

Assembly Bill No. 1992

Assembly Bill No. 946

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

WAGY, Chairman

Above reported bills ordered to second reading.

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 51

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5.

(Signed out)

RICH, Chairman
TICKLE
MYHAND

DEUEL
BREED

Above reported resolution ordered to second reading.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred:

Assembly Bill No. 1005

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading.

Committee on Education

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Bill No. 1529

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 3440

Assembly Bill No. 3441

Assembly Bill No. 3449

Has had the same under consideration, and reports the same back with amendments with the recommendation: *Amend, and do pass as amended.*

Committee membership: 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Assembly Bill No. 1630

Assembly Bill No. 1631

Assembly Bill No. 1704

Has had the same under consideration, and reports the same back with the recommendation: *Do pass.*

Committee membership: 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Concurrent Resolution No. 60

Has had the same under consideration, and reports the same back with the recommendation: *Do adopt.*

Committee membership: 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported resolution ordered to second reading

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1346

Respectfully reports the same back without recommendation.

Committee membership: 11; committee vote: Ayes 9; absent 2.

DEUEL, Vice Chairman

Above reported bill ordered to second reading

REPORT

The following report was ordered printed in the Journal:

Committee Report Pursuant to Assembly Concurrent Resolution No. 17**Mr. President and Members of the Senate:**

The committee appointed pursuant to Assembly Concurrent Resolution No. 17, and composed of the following persons: Senators Frank L. Gordon and John Harold Swan, and Assemblymen Earl D. Ingersoll, John E. Carr and S. L. Heisinger, to consider the matters contained in the resolution, part of which is as follows:

WHEREAS, A number of State office buildings have been constructed at Sacramento within recent years and, in addition thereto, the State finds it necessary to rent office space in order to provide adequate room for its officers and employees; and

WHEREAS, There is pending before the Legislature a bill making an appropriation for the construction of a Social Welfare Building; and

WHEREAS, The State has never undertaken a comprehensive review of governmental functions for the purpose of developing an orderly Building Program in Sacramento and has no official building plan properly related to the needs of the State and the trends of development of the City of Sacramento; and

WHEREAS, The existing Capitol in Sacramento is not only a fitting symbol of the dignity of State Government but is a distinguishing landmark and a primary center of interest in the city; and

WHEREAS, It is desirable that consideration be given to the relationship of the various State office buildings to each other in the interests of efficiency and economy; and

WHEREAS, Proper consideration in any State building program should be given to the economic relationship of the State office buildings to the business interests of the city; and

WHEREAS, Various plans have been proposed for the development and extension of the State office buildings, among which is the plan for the beautification of Capitol Avenue and the development of a plan for the creation of a mall along Capitol Avenue from Tower Bridge to the State Capitol; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there is hereby created a Joint Legislative Committee on State Buildings at Sacramento, which committee shall study, ascertain, collate and appraise all facts and matters relating to the foregoing with particular reference to the study of a permanent plan for the development of the aforesaid mall as said plan has been developed and promoted by the City Planning Commission of the City of Sacramento and various civic bodies interested in the development of State buildings and the beautification of the City of Sacramento to the end that it may prepare and recommend to the Legislature a complete and coordinated program for State office building construction at Sacramento which will be for the best interests of the State and of the City of Sacramento; and be it further

Resolved, That the committee shall consist of three Members of the Assembly appointed by the Speaker and two Members of the Senate appointed by the Committee on Rules.

The committee realizing that no plan has ever been adopted for development of a building program of State buildings made necessary by the growth of State business, held hearings in the Capitol in Sacramento, on February 25 and 26, 1941, to consider the matters contained in the above resolution.

The committee had before it recommendations of the State Planning Board, the State Architect, and also recommendations by the Planning Commission of the City of Sacramento. These recommendations embraced maps and charts and numerous other documents, bringing to the attention of the committee the proposals relative to a permanent plan for erection of State buildings.

In considering the matter of a permanent plan of State buildings, reference was made to the following reports based upon surveys made upon previous occasions:

Report of Chas. Mulford Robinson, "The Improvement of Sacramento," November, 1908.

Report of Dr. Werner Hegemann, October 30, 1913.

Report of the State Capitol Planning Commission to the Governor, September 1, 1916.

Report of the State Capitol Planning Commission to the Governor, November 26, 1917.

Report of Dr. John Nolen, 1915.

Report of Dr. John Nolen, October 30, 1916.

Report of Harland Bartholomew & Associates, March 31, 1929.

These reports secured after considerable study, and at the expense of the city and State, appeared to have been largely ignored, and as a result, State buildings have been erected from time to time without a definite policy or plan.

The following persons representing State boards and Sacramento civic organizations appeared before the committee:

Mr. L. Deming Tilton, Administrative Officer of the State Planning Board.

Mr. H. H. Jaqueth, City Planning Commission and traffic engineer.

Mr. Anson Boyd, State Architect.

Dr. Willis Miller, Chief Planning Technician, State Planning Board.

Mr. George C. Conover, manager of Hale Bros., and Chamber of Commerce director.

Mr. Arthur S. Dudley, Secretary-treasurer, Chamber of Commerce.

Mr. Fred Klaus, city engineer, and acting city manager.

Mr. Harry Wanzer, city councilman, and president, Chamber of Commerce.

Mr. Roy Cothrin, managing director, Down Town Association.

Mr. Chris Jones, president, Jones, Brand & Hullin, and Chamber of Commerce.

Mr. John T. Skelton, president, Down Town Association.

Mr. Bart W. Cavanaugh, city civil service board.

Dr. R. B. Giffen, president, city planning commission.

Mr. Tilton, Administrative Officer of the State Planning Board, and Mr. Anson Boyd, State Architect, testified concerning the future development of State buildings in Sacramento. Mr. Boyd presented exhibits to the committee showing that sites had been considered for the erection of a Social Security Building which

would have a right of way to the houses of all State functions relating to the administration of Social Security. Large plans for a new State Capitol, Social Welfare Department, and other buildings are being considered.

Mr. Boyd testified that the erection of a Social Security Building was being urgently requested by the Federal Government, but the present protection of valuable records and papers existing in the State Capitol and the State Planning Board in the Federal Social Security Administration, and the State Planning Board, and the State Architect, would be a structure capable of housing some 3,500 employees, and requiring a floor space of 250,000 square feet. These witnesses reported that the present State Capitol building was architecturally fine, that would give a permanent home to the State Planning Board and Social Security.

Both Mr. Tilton and Mr. Boyd presented exhibits to the committee, which exhibits showed that they had studied various sites for the erection of the Social Security Building, and also exhibits showing their studies of a Permanent Building Programmed State Housing in Sacramento.

In view of the fact that it was desirable to erect a large structure designed along lines reflecting the growth of the State Government in Social Security, Mr. Tilton reported that the State Planning Board had recommended the site in the blocks between 15th and 16th Streets and between N and N Street.

The proposed Social Security Building, which would house certain Federal functions, would, without doubt, be the largest building constructed under this plan. From a financial point of view, it is proposed that the State appropriate the sum of \$1,500,000 for the purchase of the site and construction of the building, under a plan whereby the Federal Government, over a period of 10 years, would reimburse the State of California for the total amount appropriated for the purchase of the site and the erection of the building.

Mr. Boyd testified that from an architectural standpoint, a building of the contemplated size and architectural beauty required a commodious site and especially one that would permit of subsequent expansion of the Social Security Building.

It was proposed to close M Street between 15th and 16th, so that the Social Security Building could occupy a site larger than one entire city block. Furthermore, Mr. Tilton and Mr. Boyd, in contemplation of other exhibits showing the proposed extension of State buildings to Sacramento from N Street, and south from N Street between the block of 10th and 11th, indicated that any additional State buildings should be erected to the west of the present State Capitol, and that by erecting the Social Security Building upon the above site, it would automatically stop extension of State building beyond 16th Street.

Civic leaders and city officials evidenced their interest in the location of the Social Security Building by reason of traffic conditions that might result from the establishment of this building in an improper location, but all agreed that they would cooperate in any way possible in the erection of a Social Security Building upon whatever site was chosen by the State Planning Board and the State Architect in line with their studies.

In view of these facts and circumstances, the city officials present agreed to cooperate with the State in the closing of Capitol Avenue between 15th and 16th Streets, in order that the State could secure this additional ground area without cost for the Social Security Building.

Mr. Tilton was especially concerned in regard to the lack of planning in future development of State buildings in Sacramento, and pointed out the need of additional buildings by reason of the fact that present State buildings were inadequate to house all the State departments now located in Sacramento.

Mr. Tilton and Mr. Boyd testified that the planning authorities felt there was a definite need for a long range plan for future State building construction in Sacramento. They suggested the Capitol Avenue Mall Plan as the most logical plan to adopt for future development for more State buildings in Sacramento. This plan would also contemplate the erection of State buildings, as and when they were needed, of a factory type such as the State Planning Office, to the south of N Street, from 10th to 11th Streets. This permanent plan of building development was concurred in by the various city officials and city officials represented at the hearing.

Mr. Tilton pointed out in the committee that if the present grounds immediately east of the Capitol were improved, it would enhance the appearance of the Capitol. This would create an impressive view from both the Capitol and the Social Security Building at the east end of Capitol Park.

The various civic leaders and public officials present, who were primarily interested in the utility and beautification of State buildings and grounds have at heart the beautification of the City of Sacramento, as well as the utility and architectural designs of State buildings, agreed to cooperate in every way with any permanent plan established by the State Planning Commission, and recommended by this committee to the State Legislature.

This committee, recognizing the continual growth of the State of California, and the necessity of erecting additional State buildings in Sacramento, feels that it is vital to the welfare of the State that the Legislature establish a permanent policy

governing future construction of State buildings in Sacramento. In considering this permanent plan, your committee is also convinced that it is extremely important that such a plan should take into consideration the wishes of the citizens of Sacramento, and the plans prepared for the orderly development and beautification of the city.

In an effort to accomplish this desirable result, both for the benefit of the State, and of the city, your committee is assured that the city and county officials of Sacramento, the Chamber of Commerce, and all public leaders of Sacramento, will give their wholehearted support and cooperation. Such cooperation will be necessary in order that transportation and traffic problems can be met and solved. The City Planning Commission, in order to facilitate execution of a Permanent State Building Plan, has assured your committee that certain zoning restrictions will be established in that area of the city covered by any proposed plan for additional State buildings.

Mr. Jacqueth, Secretary of the City Planning Commission, and Traffic Engineer, presented to the committee city plans calling for the removal of the car tracks on Capitol Avenue, the widening of Capitol Avenue, and a possible building "set back" plan. He also explained that the city is planning to extend 5th Street, south of Broadway to provide a wide arterial for traffic entering the downtown section from the area south of Broadway, and expressed his hope that the State could adopt a definite plan of State buildings in Sacramento, so that the City of Sacramento and its officials could adapt the city plan to a permanent State plan.

In connection with the matter of traffic, Mr. Tilton of the Planning Board, pointed out the very objectionable congestion and traffic hazards now surrounding the State Capitol. He recommended that the permanent plan include, if possible, the opening of 12th Street through the Capitol Park from I. to N Street by way of a subway under a widened terrace on the easterly side of the Capitol.

The committee and those appearing before it discussed also the remodeling of the present historic Capitol. In considering this particular problem, the committee noted the fact that certain bills have been introduced in the Legislature to either erect a new Capitol, or to enlarge it by additions. Your committee feels that California now has one of the most beautiful and imposing Capitol buildings in America. Any additions to the Capitol would destroy its symmetrical lines and beauty. The existing Capitol, because of its sturdy construction, will last for many years, and we feel that any exterior additions or alterations are unnecessary and impractical. We also feel that a new building in place of this structure is unneeded and would be a waste of public money.

In this connection, your committee is of the opinion that the present Capitol should be used primarily for legislative and executive purposes. There is not sufficient office space for members of the Legislature. Moreover, the executive offices require more space and a more convenient arrangement.

Provision should be made in the present Capitol for offices for the Lieutenant Governor, President pro tempore of the Senate, Speaker and Speaker pro tempore of the Assembly. Proper and suitable offices should be provided for all ranking legislative leaders.

It is recommended, therefore, that the Legislature instruct the State Planning Board and the State Architect to make a survey of the Capitol and ascertain if Government agencies now occupying space in this building could not be transferred to other quarters, so that there would be ample room for the Governor, Lieutenant Governor, and officials of the Assembly and Senate, and their assistants, in order to expedite the work of the executive and legislative branches of State Government.

We also recommend that interior alteration of the Capitol be undertaken to carry out the above purposes, and in connection therewith, that an additional elevator be installed in the Assembly side of the Capitol for the convenience of the public and to relieve the congestion during legislative sessions.

Further, we recommend that larger and more commodious committee rooms be provided in order that the many citizens of California who appear before committees in connection with legislation may have better accommodations. It is also recommended that the State Architect undertake a study of the ventilation of the Assembly and Senate Chambers, as well as committee rooms, so that proper air conditioning may be installed.

At the present time the Department of Agriculture is housed in several buildings for which the State is required to pay considerable rental. This department is growing by leaps and bounds by reason of additional duties imposed by law upon the Director of Agriculture and the department. It is inconvenient and inefficient to have the various departments and divisions of any department scattered throughout the city. The Department of Agriculture is now desirous of constructing a new building in Sacramento so that all of its activities could be concentrated under one roof.

Mr. Jess Hession, Deputy Attorney General, appeared before the committee and testified that the Attorney General's Department desired additional room. He stated that if sufficient room could be provided, Attorney General Warren would move the greater part of his office staff from San Francisco to Sacramento. Mr. Hession also suggested that the upper floor of the Library and Courts Building be

vacated by the departments that occupied that space, so that the entire floor could be used by the Attorney General.

The above are but two instances of the present need for space that will result in additional buildings in Sacramento and create the necessity for a Permanent Plan for State Buildings. They closely connect with the opinions of the State Planning Board and the State Architect concerning space and committee the urgent need for the development of the Capitol Avenue Mall area.

In this connection it should be noted that the State of California owns the garage property located on the southeast corner of 9th and L Streets. Space in this garage does not at the present time furnish sufficient room for parking of State cars. It was also pointed out to the committee that traffic hazards and congestion are caused by the parking of automobiles upon the streets surrounding present State office buildings. Moreover, considerable traffic congestion is created at certain times of the day by the thousands of employees going to and from State buildings by automobile.

In order to remove the problem of parking, traffic hazards and congestion, and as a means of advancing development of the Capitol Avenue Mall, your committee suggests the following plan: The Capitol Avenue Mall be built between 8th and 9th, L to N Streets. Your committee is impressed with the idea that if this policy is followed a public might arise in the State. In our actual committee would be given that the Capitol Avenue Mall would be ultimately developed. These properties could be held by the State, be put to a utilitarian use and additional State buildings erected thereon when and as needed.

During the discussion before the committee, it became evident that it would be desirable that this committee undertake studies of State Building Programs for buildings and townships where buildings are now either in San Francisco, Oakland, Fresno, Los Angeles and San Diego, since it is obvious that State buildings are necessary in those cities for the building of State business.

We recommend, therefore, that the resolution creating this committee be amended to give the committee power to continue its studies in the above named cities, and that your committee should be supplied with sufficient funds to carry into effect the full purpose of the resolution creating it.

In view of the above, and in accordance with sound city and State planning, your Committee makes the following definite recommendations:

1. That the Legislature adopt a permanent policy for a program of State building construction in the City of Sacramento, and other cities throughout the State where State buildings are necessary; that this plan be a definite plan binding as far as possible upon future State Administrations and Legislatures.

2. That the recommendations of the State Planning Board and the State Architect for the construction of a Social Security Building in the blocks between 15th and 16th Streets, and the alley L and M Streets to the alley M and N Streets, be approved, and that the Legislature immediately appropriate the sum of \$1,500,000 for the purpose of purchasing the site and for the erection of said building; that the Legislature adopt such other legislation which may be necessary to provide for the reimbursement to the State for the money spent for said site and said building.

3. That future State buildings on N Street facing Capitol Park be deferred pending development of the Capitol Avenue Mall.

4. That no buildings of any nature be erected within the confines of Capitol Park proper.

5. That the State Architect undertake a study for the alteration of the present Capitol in accordance with the recommendations set forth in this report.

6. That the Capitol Avenue Mall be established as part of the State Building Program in Sacramento, and that future State buildings of suitable scale, type and use be constructed upon said Capitol Avenue Mall.

7. That as funds become available for the construction of a building for the Department of Agriculture, said building be constructed on the Capitol Avenue Mall.

8. That further study be given by the State Planning Board, the State Architect and city officials in the extension of 12th Street through Capitol Park in order to eliminate traffic congestion and parking around the Capitol.

9. That the State Planning Board and the State Architect cooperate in every way possible with city officials and civic leaders of the City of Sacramento to the end that the State Building Plan as proposed herein be carried out.

Respectfully submitted

EARL D. DESMOND, Chairman
JOHN EDWARD CAIN
S. L. HEISINGER

JOHN HAROLD SWAN
F. L. GORDON

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 61—Relative to amending the Joint Rules of the Senate and Assembly by adding Joint Rule No. 38, further defining the powers and duties of the Joint Legislative Budget Committee.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swing, Tickle, and Ward—24.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 1936—An act to amend Section 6501 of the Public Resources Code, to add Sections 6501.2 and 6505, and to repeal Sections 6505, 6506, 6507, 6508, 6509, 6510, and Chapter 2 of Part 2 of Division 6, comprising Sections 6601 to 6715, inclusive, thereof, relating to State lands, providing for the leasing thereof and prescribing the powers and duties of the State Lands Commission in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Waggy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1716—An act to amend Sections 735.3, 735.4, 736.3, 736.13, 736.14, 737.5, 737.7 and 737.11 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Concurrent Resolution No. 11—Providing for the appointment of a joint committee to study and to report upon the water problems of the State.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Concurrent Resolution No. 11?

Amendment No. 1

On page 2 of the printed measure, as amended, strike out lines 44 to 48, inclusive, and insert "as the Joint Committee on Water Problems, consisting of the Speaker of the Assembly and five members of the Assembly appointed by the Speaker, and the President pro tempore of the Senate and four members of the Senate appointed by the Committee on Committees thereof, is hereby created, to make a thorough".

Also:

Amendment No. 1

On page 3, line 4, of the printed measure, as amended, strike out "Committees", and insert "Rules".

The roll was called, and the Senate concurred in Assembly amendments to Senate Concurrent Resolution No. 11 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Gannon, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Above resolution ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2640—An act to amend Section 737qq of the Political Code, relating to salaries of superior court judges in Santa Clara County.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gannon, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1633—An act to add Section 222 to the Welfare and Institutions Code, relating to the payment of county warrants issued for and to indigents, needy children, to the needy blind and the needy aged.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gannon, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Mayo, Metzger, Mixer, Myhand, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuebel, Luckey, Metzger, Mixer, Myhand, Parkman, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1501—An act to add Sections 3994, 3995 and 3996 to the Elections Code, relating to nominations and filing of nomination papers.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Breed, Crittenden, Kuebel, Metzger, Mixer, Myhand, Quinn, Slater, and Swing—9.

NOES—Senators Biggar, Carter, Cunningham, DeLap, Foley, Gordon, Jespersen, Judah, Keating, Mayo, McBride, Parkman, Rich, Seawell, Shelley, Swan, Tickle, Wagy, and Ward—19.

Assembly Bill No. 1922—An act to amend Section 953a of the Code of Civil Procedure, relating to appeals.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2358—An act to amend Sections 2493 and 2494 of the Business and Professions Code, relating to license fees of the Board of Osteopathic Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 686—An act to add Section 1011.5 to the Fish and Game Code, relating to sharks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixter, Myhand, Parkman, Phillips, Seawell, Swan, Swing, Tickle, Waggy, and Ward—29.

NOES—Senators Biggar, Carter, Quinn, Rich, Shelley, and Slater—6.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 52—Relative to improvement of road from State Highway 119, at Paicines to New Idria Mine, in San Benito County.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Rich, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—33.

NOES—Senator Cunningham—1.

Resolution ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1882—An act to amend Section 2814 of the Business and Professions Code, relating to the Board of Nurse Examiners Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1177—An act to amend Section 39 of, to repeal Section 42 of, and to add Section 41 1/2, 41 1/3 and 42 to, the Unemployment Insurance Act, relating to experience rating.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1216—An act to add a new section to the Unemployment Insurance Act, to be numbered 34 1/2, relating to the qualifications for eligibility for unemployment insurance benefits.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1951—An act to add Section 2.5 to "An act relating to the sale or exchange of surplus products between public institutions owned, managed or controlled by the State or the political subdivisions thereof and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled 'An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State or the political subdivisions thereof,' approved March 18, 1905," approved May 10, 1929, relating to the sale, exchange or other disposition of surplus products made or produced at or by public institutions owned, managed or controlled by the State.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 2.5", and insert "Sections 2.5 and 2.8".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 10, insert:

"Sec. 2. Section 2.8 is hereby added to said act to read as follows:

Sec. 2.8. No public institution owned, managed, or controlled by the State shall purchase any product from any source other than a public institution owned, managed or controlled by the State or a political subdivision thereof, if the Department of Finance determines that such product is available under this act."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Joint Resolution No. 55—Memorializing Congress to enact legislation on Social Security and Old Age Pensions.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed measure, strike out lines 1 to 11, inclusive, and insert:

"WHEREAS, Under the present Social Security Act there are many inequalities due to the varying rates of Old Age Assistance paid in the different States, and such differences in payments have caused much dislocation and confusion among our senior citizens; and

WHEREAS, Many elderly people migrate to the States paying the higher rates of assistance, which increases the tax burden in such States in order to meet the expense of caring for such large numbers of elderly people during the period they must reside in such States to qualify for Old Age Assistance; and

WHEREAS, Many different State laws are being constantly changed and thereby add to the inconvenience, expense and confusion; now, therefore, be it".

Amendment No. 2

On page 2, line 14, of the printed measure, strike out the comma; and strike out lines 15 to 28, inclusive, and insert "and be it further,".

Amendments read and adopted.

Amendment No. 1

On page 1, line 13, of the printed measure, after "That", insert "the Legislature of this State hereby indorses the following recommendations of the Congressional Subcommittee on Social Security and Old Age Pensions of the House Conference on Unemployment and respectfully requests".

Amendment No. 2

On page 1, line 14, of the printed measure, strike out "are memorialized".

Amendment No. 3

On page 1, line 15, of the printed measure, after "legislation", strike out the balance of the line; strike out all of line 16, and on page 2, strike out all of lines 1 and 2.

Amendment No. 4

On page 1, line 15, of the printed measure, after "legislation", insert "to put them into effect."

Amendments read and adopted.

Resolution ordered printed, and to third reading.

Assembly Bill No. 2033—An act to amend Section 9704 of the Elections Code and Sections 752 and 760 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to officers of fifth class cities, the election and qualification of such officers and the dates of meetings of boards of trustees.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1608—An act to establish a county merit system commission for every county, defining its powers and duties, and providing for the organization and government of a merit system for the welfare department employees in every county.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2388—An act to amend Section 4041.5 of the Political Code, relating to the advertising of the resources of counties and the levying of taxes therefor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 586—An act to repeal Section 3721 of the Political Code, relating to assessment and taxation of property affected by the annexation, incorporation, and inclusion of territory by municipal corporations.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1949—An act defining henceforth the boundaries of Alameda County Water District, also ratifying the incorporation in said district of certain lands as shown in the certificate of the president and secretary of the board of directors of said district filed in the office of the Secretary of State of the State of California on May 18, 1940, and as certified to by the certificate of the said Secretary of State filed in the office of the county clerk of Alameda County on May 22.

1940, also providing for the management of said district as enlarged by the present officers thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2642—An act authorizing cities, cities and counties, and counties organized or governed by charters adopted pursuant to the Constitution of the State of California to exercise powers granted by any general law of the Legislature of the State of California by ordinance or ordinances passed and adopted pursuant to the provisions of such charter in lieu of by resolution or resolutions provided for in such general law, ratifying and confirming all action heretofore taken by ordinance in lieu of such resolution, and declaring this act to be an urgency measure, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 18 to 22, and on page 2, strike out lines 1 to 14.

Amendment No. 2

On page 1, line 18, of the printed bill, insert:

"Sec. 2. This act shall be immediately repealed to effect its purpose. It is the intent of the Legislature to permit by this act any city, city and county or county organized or governed by any freeholders' charter to follow the procedure prescribed in its charter for the adoption of ordinances or to follow the procedure prescribed in any general law for the adoption of a resolution or resolutions."

Amendment No. 3

On page 2, line 21, of the printed bill, after "resolutions", insert a period; strike out the remainder of the line; and strike out lines 22, 23 and 24.

Amendment No. 4

On page 2, line 25, of the printed bill, strike out "Section 4", and insert "Section 3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 911—An act to amend Section 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public emergency defense work.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Local Government:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 11, and insert "same exceed the sum of one thousand dollars (\$1,000), the".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 52, and insert "the sum of one thousand dollars (\$1,000), the same shall be done".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 930—An act to amend Section 10 of the Annexation of Uninhabited Territory Act of 1939, relating to the liability of annexed territory for indebtedness and contracts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Local Government:

Amendment No. 1

On page 1, line 17, of the printed bill, as amended, strike out " ; provided further. "; strike out lines 18 to 21, inclusive; and on page 2, strike out lines 1 to 4, inclusive, and insert a period.

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1197—An act to amend Section 70 of the Streets and Highways Code, relating to the California Highway Commission.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

Strike out the title of the printed bill, and insert

"An act to repeal Section 70 of, and to add a new Section 70 and Sections 70.4, 70.6 and 80 to, the Streets and Highways Code, relating to the California Highway Commission and providing for the establishment, appointment, organization, and expenses thereof."

Amendment No. 2

On page 1 of the printed bill, strike out lines 2 to 17, inclusive, and insert "hereby repealed."

SEC. 2. A new section is hereby added to said code, to be numbered 70 and to read as follows:

70. There is in the department the California Highway Commission consisting of seven members, one of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, from each of the highway districts defined herein.

The State is hereby divided into seven highway districts, as follows:

District 1, comprising the counties of Siskiyou, Madras, Tenney, Shasta, Lassen, Tehama, Plumas, Independence, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine and Mariposa.

District 2, comprising the counties of Del Norte, Mendocino, Butte, Sutter, Lake, Solano, Sonoma, Napa, Humboldt, Glenn, Yuba, Colusa, Marin and Yolo.

District 3, comprising the counties of San Francisco and Alameda.

District 4, comprising the counties of Sacramento, Contra Costa, Merced, Fresno, Tulare, San Joaquin, Stanislaus, Madera, Kings and Kern.

District 5, comprising the counties of San Mateo, San Benito, Monterey, Santa Barbara, Santa Clara, Santa Cruz, San Luis Obispo and Ventura.

District 6, comprising the County of Los Angeles.

District 7, comprising the counties of San Bernardino, San Diego, Orange, Riverside, Imperial, Mono and Inyo.

Of the members first appointed one member shall be appointed to serve until January 15, 1942, two to serve until January 15, 1943, two to serve until January 15, 1944, and two to serve until January 15, 1945.

At the expiration of each term the person appointed to fill the vacancy shall serve for four years; thereafter the term of office of each member shall be four years.

Each member of the commission shall take the oath of office prescribed for other State officers.

SEC. 3. Section 70.4 is hereby added to said code, to read as follows:

70.4. If a vacancy occurs in the office of a member appointed by the Governor, during the term for which he was appointed, the vacancy shall be filled by appointment by the Governor and the appointee shall hold office until the appointment and qualification of his successor. The appointment to fill the vacancy shall be subject to confirmation by the Senate, which confirmation, if the Senate is not meeting at the time of the appointment because of recess or adjournment sine die, shall be

requested at the next meeting of the Senate. If the Senate does not act upon an appointment and bill within one day, the bill shall become law on the day following the day of adjournment. If the Senate refuses to confirm an appointment, it vacates the seat for the rest of the session.

SEC. 4. Section 706 is hereby added to said code, to read as follows:

706. At their first meeting following their appointment the members of the commission shall elect a chairman from the number of the members as chairman for two years or until the end of his term, whichever first ensues. Thereafter a chairman shall be elected to hold for a similar term. The chairman shall receive a salary of six thousand dollars (\$6,000) per year, shall maintain his residence and office at Sacramento, and shall devote his whole time to the duties of his office. The other six members of the commission shall receive a salary of one thousand two hundred dollars (\$1,200) per year, and all members of the commission shall receive in addition their actual and necessary traveling expenses incurred in the discharge of their duties but at a rate not to exceed five cents (\$0.05) per mile.

SEC. 5. Section 707 is hereby added to said code, to read as follows:

80. In addition to his powers and duties as a member of the commission, the chairman shall:

(a) Keep constant informed as to those by proposed legislation or otherwise of the general condition of the State Highway System.

(b) Enforce the proposed program of rebuilding of State Highways.

(c) Make studies and the committee to determine the need for the financing of the proposed program of reconstruction of the State Highway System.

(d) Report his findings and recommendations to the commission from time to time."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

Assembly Bill No. 1840—An act to amend Section 776 of the Vehicle Code, making an appropriation to the Motor Vehicle Support Fund, providing for the use of the funds therein, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "to amend Section 776 of the Vehicle Code, making an"; and strike out lines 2 to 5, inclusive, of said title and insert "making an appropriation out of the Motor Vehicle Support Fund for the support of the Department of Motor Vehicles, declaring the urgency thereof and providing that this act shall take effect immediately."

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 18, inclusive; on page 2, strike out lines 1 to 7, inclusive, and insert

"SECTION 1. The sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, is hereby appropriated out of the Motor Vehicle Support Fund for the support of the Department of Motor Vehicles during the Ninety-third and Ninety-fourth Fiscal Years, to be used for the employment, salaries and equipment of personnel members of the California Highway Patrol.

The money appropriated in this act is not subject to any of the prohibitions, restrictions or limitations contained in the Budget Act of 1941."

Amendments read and adopted.

Bill ordered printed, and referred to Committee on Finance.

Assembly Bill No. 2649—An act to amend Section 4104 of the Public Resources Code, relating to the burning of camp fires or smoking on National forest land.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1992—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Bill read second time, and ordered to third reading.

Assembly Bill No. 946—An act to add Section 6879 to the Public Resources Code, relating to State lands, to permit drilling of oil and gas wells under certain conditions.

Bill read second time, and ordered to third reading.

Assembly Concurrent Resolution No. 51—Relative to amending Rule 35 of the Joint Rules of the Senate and Assembly.

Resolution read, and ordered to third reading.

Assembly Bill No. 1005—An act to amend Sections 5900, 5901, 5902 and 5904 of, to add Section 5930.5 to, and to repeal Section 5882 of, the Elections Code, relating to absent voting.

Bill read second time, and ordered to third reading.

Assembly Bill No. 340—An act to amend School Code Sections 2.90 and 2.92, relating to superintendents of schools.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 6 to 8, both inclusive, and insert "dent of schools and fix and order paid his compensation. The governing board of such a district may, if such district has an average daily attendance of 500 or more, employ such assistant and deputy district superintendents of schools as it may deem necessary and fix and order paid their compensation."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2111—An act to amend Sections 4.962 and 4.973 of the School Code, and to add Section 4.975 thereto, relating to school bonds, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 4.962 and 4.973", and insert "Section 4.962".

Amendment No. 2

On page 1 of the printed bill, strike out lines 24 to 27, inclusive.

Amendment No. 3

On page 2, line 1, of the printed bill, strike out "3", and insert "2".

Amendment No. 4

On page 2, line 5, of the printed bill, after "shall," insert "where heretofore or".

Amendment No. 5

On page 2, line 8, of the printed bill, strike out "district,"; and strike out lines 9 and 10, and insert "district."

Amendment No. 6

On page 2, line 11, of the printed bill, strike out "4", and insert "3".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2149—An act to amend the School Code by adding Part 6 to Division 5 thereof, consisting of Sections 5 1500 to 5 1519, inclusive, to provide for and to regulate the certification of librarians.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 3, lines 47 and 48, of the printed bill, as amended, strike out "any library".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1620—An act to amend School Code Section 6 465, relating to the providing of textbooks to junior college students.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1621—An act to add Section 5 588 to the School Code, relating to the annual teachers institutes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2304—An act to repeal School Code Sections 2 506 and 2 507, relating to elementary school districts.

Bill read second time, and ordered to third reading.

Assembly Concurrent Resolution No. 60—Relative to civics textbooks for use in the public schools.

Resolution read, and ordered to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 1346—An act making an appropriation for the relief of hardship and destitution, providing for the administration thereof, providing the conditions and terms upon which any expenditure for relief may be made, and declaring the urgency of such provisions, and providing that they shall take effect immediately; transferring the duties, powers, purposes, responsibilities, unexpended moneys and jurisdiction of the Relief Commission and Relief Administrator to the State Department of Social Welfare, and providing the time at which such provisions shall take effect.

Bill read second time, ordered engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's veto to:

Senate Bill No. 338

Senate Bill No. 339

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

RECESS

At 5.58 p.m., on motion of Senator Rich, the Senate recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1346

And reports the same correctly engrossed.

RICH, Chairman

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Assembly Joint Resolution No. 33

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 8; committee vote: Ayes 8.

GARRISON, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which was referred: Assembly Bill No. 979

Has had the same under consideration, and reports the same back with amendments, with the recommendation: Amend, and do pass as amended.

Committee membership 8; committee vote: Ayes 8.

GARRISON, Chairman

Committee on Natural Resources

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Natural Resources, to which was referred: Assembly Bill No. 2006

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

WAGY, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 1149

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

Committee on Fish and Game

SENATE CHAIRMAN, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Fish and Game, to which was referred Assembly Bill No. 98,

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

GORDON, Chairman

Above reported bill ordered to second reading

Committee on Elections

SENATE CHAIRMAN, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Elections, to which was referred Assembly Bill No. 1007,

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 9; committee vote: Ayes 7; absent 2.

JESPERSEN, Chairman

Above reported bill ordered to second reading

Committee on Education

SENATE CHAIRMAN, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Education, to which was referred:

Assembly Committee Resolution No. 49,

Has had the same under consideration, and reports the same back with the recommendation: Be referred to Committee on Rules.

Committee membership 10; committee vote: Ayes 7; absent 3.

SLATER, Chairman

Above reported resolution re-referred to Committee on Rules

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)**Assembly Joint Resolution No. 33**—Relative to the extension of flood control works in the Los Angeles River and the construction of such works in the San Fernando Valley.

Resolution read, and ordered to third reading.

Assembly Bill No. 979—An act to add Section 37b to the Reclamation Board Act, relating to flood control and the advancement to the United States of funds to be used therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, after "therefor", insert " , declaring the urgency of this act, to take effect immediately".

Amendment No. 2

On page 1 of the printed bill, as amended, after line 23, insert

"SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of this State, and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

The high waters of the winter of 1940-1941 caused great damage to the flood control works of the Sacramento and San Joaquin River systems and necessitates the immediate prosecution of remedial and other construction in order to provide safety from devastating floods in the coming rainy season. It is necessary that this work be done during the current construction season. This act provides for the

financing of such work in cooperation with the Federal Government and it is necessary that its provisions take immediate effect in order that the contemplated work may be commenced at once."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2006—An act for the protection of the domestic water supplies of cities, towns or districts from pollution by placer mining operations, providing a method of recording information with respect to operators using such methods, and providing penalties for the violation of this act.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1149—An act to add Section 73.5 to the Agricultural Code, relating to fairs and expositions.

Bill read second time, and ordered to third reading.

Assembly Bill No. 98—An act to amend Section 11 of the Fish and Game Code, relating to the compensation of the members of the Fish and Game Commission.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1007—An act to amend Section 2837 of the Elections Code, relating to the election of county central committees.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Water Resources:

PRINTER'S NOTE. There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2837", and insert "Sections 2835 and 2836".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 18, inclusive, and insert "SECTION 1. Section 2835 of the Elections Code is hereby amended to read as follows:

2835. In any county containing more than [six] *five* and less than [fifteen] *20* Assembly districts, the county central committee of each party shall be elected by each Assembly district and shall consist of five members from each Assembly district therein.

SEC. 2. Section 2836 of the Elections Code is hereby amended to read as follows: 2836. In all counties except a city and county, containing [not more than six nor less than] five Assembly districts the county central committee of each party shall be elected by Assembly districts and shall consist of one member for each 700 votes or fraction thereof cast in each such Assembly district for that party's candidate for Governor at the last gubernatorial election."

Amendments read and adopted.

Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolutions were offered:

By Senators Rich, Tuckle, Reed, Doud and Myhand:

Senate Resolution No. 139

Resolved, That the Committee on Rules be authorized and directed to appoint any or all committees of the Senate or Senate members of Joint Commissions which have been or may hereafter be authorized and to fill any or all vacancies thereon either arising from death, resignation or other cause, whether such vacancies arise during the session or after adjournment, also to amend the same if further.

Resolved, That the Committee on Rules be continued for this purpose after the adjournment sine die.

Resolution read, and unanimously adopted.

By Senators Metzger and Biggar

Senate Resolution No. 140

Relative to the health of food handlers.

WHEREAS, There are some diseases which are communicable from one person to another through contaminated foods, meals, and dishes used in public eating places;

WHEREAS, Many persons who are engaged in the preparation of food which is to be served or sold to others, and many persons engaged in the serving or selling of such food to others are ignorant of the fact that they may be afflicted with or are carriers of communicable diseases; and

WHEREAS, It is essential to our public health and National well-being that steps be taken to determine the identity of those food handlers who are afflicted with communicable diseases in order to prevent the spread of such communicable diseases, now, therefore, be it

Resolved by the Senate of the State of California, That the State Board of Public Health is hereby requested to conduct an investigation into the existence of communicable diseases among persons who are engaged in the preparation of food which is to be served or sold to others and among persons engaged in the serving or selling of food, for the purpose of determining the best methods for preventing the spread of communicable diseases from such food handlers to other persons; and be it further

Resolved, That the State Board of Public Health is hereby requested to submit its findings to the Fifty-fifth Legislature together with its recommendations as to legislation needed to prevent such spread of communicable diseases.

Resolution read, and unanimously adopted.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's veto to:

Assembly Bill No. 2049

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted

Senate Constitutional Amendment No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 568

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 253

Senate Bill No. 1328

Senate Bill No. 1272

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfinished business file.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 253—An act to amend the title and Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 2, 4 and 5 of and to add Section 4.5 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 253?

Amendment No. 1

On page 2, line 3, of the printed bill, as amended, after "Section 1.", insert "(a)".

Amendment No. 1.5

On page 2 of the printed bill, as amended, strike out lines 5 to 32, inclusive, and insert "pal court"

(1) Who has attained the age of 70 years and who has been a Judge or Justice of the Supreme Court, a district court of appeal or superior court or municipal court, or any two or more of said courts, for 10 years in the aggregate within the period of 15 years immediately preceding, or

(2) Who has attained the age of 65 years, and who has been a Judge or Justice of the Supreme Court, a district court of appeal or superior court or municipal court, or any two or more of said courts, for 20 years in the aggregate within the period of 24 years immediately preceding, may retire by filing written notice of retirement with the Secretary of State, and a successor shall thereupon be appointed to fill the vacancy.

(b) Every Justice of the Supreme Court, or of a district court of appeal, or judge of a superior court

(1) Who has attained the age of 70 years and who has been a judge of a municipal court or a Judge or Justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts, for 10 years in the aggregate within the period of 15 years immediately preceding, having served over six years of that period as a Judge or Justice of the Supreme Court, a district court of appeal, superior court, or any two or more of said courts, or

(2) Who has attained the age of 65 years, and who has been a judge of a municipal court or a Judge or Justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts, for 20 years in the aggregate within the period of 24 years immediately preceding, having served over six years of that period as a Judge or Justice of the Supreme Court, a district court of appeal or superior court, or any two or more of said courts, may retire if he pays into the Judges' Retirement Fund a sum equal to the amount he would have paid had he been a Judge or Justice of the Supreme Court, a district court of appeal or superior court during the time he was a judge of the municipal court during the 15- or 24-year period. Any sums paid into any State Retirement Fund under any existing law or under any law hereafter adopted for the retirement of judges of a municipal court, shall be deemed paid into the fund for the retirement of Judges or Justices of the Supreme Court, a district court of appeal or superior court or municipal court if such funds are transferred to the fund for the retirement of such judges or justices.

Any justice or judge who has served 30 days less than the aggregate number of years required for retirement shall be deemed to have been a justice or judge for such aggregate number of years within the meaning of this section.

Any justice or judge whose term of office expires within 30 days before he shall have attained the age required for his retirement, shall be deemed to have attained such age within the meaning of this section at any time during the 30-day period immediately preceding his actual attainment of such age."

Amendment No. 2

On page 3, line 31, of the printed bill, as amended, strike out "him or to his estate", and insert "his beneficiary, named by a written designation duly filed with the Secretary of State, or to him, as the case may be."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 253 by the following vote:

AYES—Senators Baggot, Brown, Cunningham, Dillinger, Fletcher, Gordon, Jaspersen, Juch, Keating, Kenny, Kuebel, Mayo, McBride, Metzger, Mixer, Myhand, Rich, Swan, Tickle, and Ward—21.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2623—An act to amend Sections 177 and 178 of the Vehicle Code, relating to transfers of vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Brown, Critchenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jaspersen, Juch, Keating, Kenny, Kuebel, Mayo, McBride, Metzger, Mixer, Myhand, Rich, Swan, Tickle, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 443—An act to amend Section 374.5 of the Vehicle Code, relating to license plates for exempt vehicles.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Brown, Collier, Critchenden, Cunningham, Dillinger, Fletcher, Foley, Gordon, Jaspersen, Juch, Keating, Kenny, Kuebel, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Swan, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 442—An act to amend Section 170 of, to repeal Section 170.5 of, and to add Section 170.5 to, the Code of Civil Procedure, relating to the disqualification of judges.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senate Kuebel moved a call of the Senate.

Motion carried. Time, 9:30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1073—An act to amend Sections 26209, 26243, 26251 and 26271 of, and to add Section 26200.5 to, the Health and Safety Code, relating to the adulteration, mislabeling, misbranding, advertising and sale of drugs and devices, and to the powers of the State Department of Public Health in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, Deuel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Swan, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 60—Relative to condemnation of lands for wildfowl refuge purposes by United States Department of Interior, Fish and Wildlife Service.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Swan, and Ward—24.

NOES—Senators Rich, and Swing—2.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 21—Relative to peace in industry.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Swan, Swing, Tickle, and Ward—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 2651—An act to add Section 1080 to Chapter 7a of Division 5 of the Agricultural Code, relating to commercial feeding stuffs.

Bill read third time.

Motion to Amend

Senator Garrison moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out "sold", and insert "rolled or crushed by the producer and sold by the producer".

Amendment read and adopted.

Bill ordered printed, and to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2617

Senator Metzger moved that Assembly Bill No. 2617 be re-referred to Committee on Agriculture.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 559—An act to amend Section 560 of the Agricultural Code, relating to modified milk, by adding Section 560.1 to the Agricultural Code, relating to vitaminized milk.

Bill read third time.

Motion to Re-refer Assembly Bill No. 559

Senator Jespersen moved that Assembly Bill No. 559 be re-referred to Committee on Agriculture.

Roll Call Demanded

Senators Metzger, Myhand and McCernock demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bigger, Carter, Cunningham, Deuel, Delinger, Fletcher, Garrison, Gordon, Jespersen, Meyer, and Simon—11.

NOES—Senators Brown, Calver, Callahan, DeLap, Foley, Jephth, Keating, Kenny, Kuchel, May, McBrat, McCernock, Metzger, Myhand, Parkman, Powers, Rich, Swing, Tiesle, and Ward—20.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10:10 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called.

Call of the Senate

Pending the announcement of the vote, Senator Kuchel moved a call of the Senate.

Motion carried. Time, 10:13 p.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 559**

Assembly Bill No. 559—An act to amend Section 560 of the Agricultural Code, relating to modified milk, by adding Section 560.1 to the Agricultural Code, relating to vitaminized milk.

Bill read third time.

Motion to Amend

Senator Jespersen moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, after line 16, insert "The provisions of this bill shall not be effective until July 1, 1943."

Amendment read.

Motion to Table

Senator Myhand moved that the above amendment offered by Senator Jespersen be laid on the table.

Roll Call Demanded

Senators Jespersen, Swan and Carter demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Foley, Judah, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Swing, Tickle, and Ward—20

NOES—Senators Biggar, Carter, Deuel, Dillinger, Garrison, Gordon, Jespersen, Kenny, Mixer, and Swan—10.

Previous Question

Senator Collier moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 559.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10:35 p.m., on motion of Senator Kuchel, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 442 passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Jespersen, Judah, Keating, Kenny, Kuchel, McBride, Metzger, Mixer, Parkman, Powers, Rich, Swan, Swing, and Ward—21.

NOES—Senators Biggar, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Mayo, McCormack, Myhand, Phillips, and Tickle—12.

Motion to Reconsider

Senator Fletcher moved to reconsider the vote whereby Assembly Bill No. 442 was passed.

Point of Order

Senator Kuchel arose to the following point of order: That Assembly Bill No. 442 had previously been reconsidered and therefore could not again be reconsidered.

The President ruled that Assembly Bill No. 442 had been amended and substantially changed, and therefore Senator Fletcher's motion to reconsider was in order.

Postponement of Reconsideration

On motion of Senator Fletcher, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 442 was passed, was continued until the next legislative day.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 559

Assembly Bill No. 559—An act to amend Section 560 of the Agricultural Code, relating to modified milk, by adding Section 560.1 to the Agricultural Code, relating to vitaminized milk.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Collier, Crittenden, DeLap, Foley, Judah, Keating, Kuchel, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, and Ward—22.

NOES—Senators Biggar, Carter, Cunningham, Deuel, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Kenny, Mixer, and Swan—12.

Motion to Reconsider

Senator Jespersen moved to reconsider the vote whereby Assembly Bill No. 559 was passed.

Postponement of Reconsideration

On motion of Senator Jespersen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 559 was passed, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1903—An act to add Section 11738.5 to the Insurance Code, relating to workmen's compensation insurance in connection with defense projects of the Federal Government and defense agencies thereof, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Bigger, Brood, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCarroll, Metzger, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brood, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2312—An act to amend Section 3440.5 of the Civil Code, relating to fraudulent transfers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brood, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 402—An act to add Section 719 to the Fish and Game Code, relating to shad and shad roe.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brood, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 215—An act to amend School Code Sections 2.230, 2.231, 2.232, 2.250, 2.251 and 2.252, all relating to union and joint union elementary school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 215?

Amendment No. 1

In line 2 of the title of the printed bill, after the second comma, insert "and to add Article 9, to Chapter 4, of Part 1, of Division 2, of the School Code."

Amendment No. 2

On page 2 of the printed bill, following line 41, insert

"SEC. 7. Article 9 is hereby added to Chapter 4, of Part 1, of Division 2, of the School Code, to read as follows:

Article 9. Cessation of Existence

2.305. Whenever the number of districts comprising a union or joint union elementary school district has been reduced to one, the union or joint union elementary school district shall cease to be a union or joint union elementary school district and the district comprising the union or joint union elementary school district shall revert to the status possessed by it prior to the time it became a part of the union or joint union elementary school district.

The governing board of the union or joint union elementary district shall cease to exist when the union or joint union elementary school district ceases to exist. The county superintendent of schools having jurisdiction over the district comprising the union or joint union elementary school district prior to the cessation of the existence of the union or joint union elementary school district, shall appoint the governing board of such district to serve until the next succeeding first day of July."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 215 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.
NOES—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1117—An act to amend Sections 62 and 62.6 of the Fish and Game Code, relating to Fish and Game District 1 and 1½.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—36.
NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 817

Senator DeLap moved that Assembly Bill No. 817 be re-referred to Committee on Local Government.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2323—An act to amend Section 281 of the School Code, relating to school districts situated partly in two counties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggs, Bruce, Bruce, Carter, Coffey, Crotchen, DeLap, Denel, Dillinger, Fletcher, Fides, Gammie, Gardner, Jaramore, Judah, Keating, Kenny, Knecht, Lacey, Miles, McBride, McCann, McGeary, Miller, Myland, Parkman, Phillips, Powers, Quinn, Rife, Seawell, Shaffer, Slater, Sloan, Swing, Tinkle, and Ward—37.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1869—An act to amend Section 2160 of the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggs, Bruce, Bruce, Carter, Coffey, Crotchen, Cunningham, DeLap, Dillinger, Farnsworth, Fides, Gammie, Gardner, Jaramore, Judah, Keating, Kenny, Knecht, Lacey, Miles, McBride, McCann, McGeary, Miller, Myland, Parkman, Phillips, Powers, Quinn, Rife, Seawell, Shaffer, Slater, Sloan, Swing, and Ward—36.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2380—An act to amend Sections 2020, 2182 and 2184 of, and to add Section 2160 to the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Sections 2182 and 2184", and insert "Section 2182".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out line 12, and insert "choosing or in person and without such counsel."

The State Social Welfare Board shall consider the appeal, and shall dismiss the appeal or award aid as first filed in this chapter. The county board of supervisors shall then pay to such aged person the sum awarded, if any, by the State Social Welfare Board, the payments, if awarded, to commence from the date the applicant was first entitled thereto.

Payments of aid shall be commenced as of the first day of the month in which the application is granted unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; but in no event shall the aid commence prior to the date of application.

An applicant whose application for aid under this chapter has been rejected may not again apply for such aid until the expiration of one year from the date of the previous application, except with the consent of the county or an order of the State Department of Social Welfare.

If the appli—

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 18 to 31, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Kenny asked for, and was granted, unanimous consent to retain Assembly Bill No. 2129 on third reading file until the next legislative day.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2325

Senator Breed moved that Assembly Bill No. 2325 be re-referred to Committee on Transportation.

Motion carried.

Motion to Reconsider

Senator Quinn moved to reconsider the vote whereby Assembly Bill No. 2325 was re-referred to Committee on Transportation.

Postponement of Reconsideration

On motion of Senator Quinn, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 2325 was re-referred to the Committee on Transportation, was continued until the next legislative day.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2186—An act to amend Section 1181 of the Civil Code, relating to proof or acknowledgment of an instrument.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 678—An act to add a new section to the Civil Code to be numbered 955, relating to the assignment of accounts receivable and conditional contracts of sale.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Myhand, Parkman, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—33.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO STRIKE ASSEMBLY BILL NO. 1085 FROM FILE

Senator Gordon moved that Assembly Bill No. 1085 be stricken from the file.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 2135,

Assembly Bill No. 2136,

Assembly Bill No. 2138.

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 15; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bills ordered to second reading.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2567.

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1534.

Has had the same under consideration, and reports the same back without recommendation, except that the bill be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2213.

Has had the same under consideration, and reports the same back without recommendation, except that the bill be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; absent 4.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 2249.

Has had the same under consideration, and reports the same back without recommendation, except that the bill be re-referred to Committee on Finance.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1634 .

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Constitutional Amendment No. 66

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 8; noes 2; absent 1.

SWING, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which were referred:

Assembly Bill No. 1002

Assembly Bill No. 2112

Assembly Bill No. 1769

Assembly Bill No. 2009

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

SWING, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1528

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 10; absent 1.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1846

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 5; noes 3; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 1904

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 7; noes 1; absent 1.

FLETCHER, Chairman

Above reported bill ordered to second reading.

SUNDAY, CALIFORNIA, SACRAMENTO, June 12, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred

Assembly Joint Resolution No. 40.

Has had the honor to make consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 9; members for June, April 8, absent 1.

ELLICHER, Chairman

Above reported resolution ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 2135—An act to add Section 474a to the Political Code, relating to cost of account brought by the Attorney General.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2136—An act to amend Section 474 of the Political Code, relating to cost of account.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2108—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of San Mateo, State of California.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1634—An act adding Section 3704 to the Political Code, relating to deputies for members of the State Board of Equalization.

Bill read second time, and ordered to third reading.

Assembly Constitutional Amendment No. 66—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IV thereof, relating to the introduction of bills by Members of the Legislature.

Resolution read, and ordered to third reading.

Assembly Bill No. 1002—An act to repeal Chapter 16, comprising Sections 8900 to 8970, inclusive, of Division 3 of the Business and Professions Code, relating to yacht and ship brokers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1769—An act to add a new section to the State Civil Service Act, to be numbered 57.5, relating to the officers and employees of the State engaged in the performance of the administration and enforcement of the laws and rules governing persons paroled from the State prisons.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2099—An act to add Section 446 to the Political Code, relating to financial adjustments within departments, defining the methods whereby such adjustments may be made, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2112—An act to add Section 65.1 to the State Civil Service Act, relating to the establishment of new classes of positions in the State Civil Service.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1528—An act to repeal an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1846—An act to add Chapter 13, comprising Sections 22300 to 22414, inclusive, to Division 8 of the Business and Professions Code, relating to the licensing and regulation of junk dealers.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1904—An act to add Section 7512.5 to the Business and Professions Code, relating to the regulation of detectives, investigators and detective agencies.

Bill read second time, and ordered to third reading.

Assembly Concurrent Resolution No. 49—Relative to Cabrillo Day. Resolution read, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1731—An act relating to bids for the construction of public works and improvements.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Swan, Swing, Tickle, and Ward—33.

NOES—Senators Garrison, and Keating—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1139—An act to add Section 4257 to the Labor Code, relating to workmen's compensation insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2458—An act to add Section 1817 to Article 8, Chapter 1, Part 7 of the Labor Code, relating to working laws on public work and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brook, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gortman, Gordon, Jorgensen, Jutvik, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Meyer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Shelley, Tickle, and Ward—34.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1185—An act to repeal Section 156 of the Fish and Game Code and to make unlawful the taking, until December 31, 1946, of any game bird or game mammal in former Fish and Game District 3E.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brook, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gortman, Gordon, Jorgensen, Jutvik, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Meyer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1400—An act to repeal Article 4, comprising Sections 10490 and 10494, inclusive, of Chapter 5, Part 2, Division 2, of, and to add Article 4, comprising Sections 10490 to 10501, inclusive, to Chapter 5, Part 2, Division 2 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brook, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Gortman, Jorgensen, Jutvik, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Meyer, Michael, Parkman, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1406—An act to amend Section 10434 of the Insurance Code, relating to insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brook, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Gordon, Jorgensen, Jutvik, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Meyer, Michael, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Tickle, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Jorgensen moved to reconsider the vote whereby Assembly Bill No. 1731 was passed.

Postponement of Reconsideration

On motion of Senator Jorgensen, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 1731 was passed, was continued until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Parkman moved that Assembly Bill No. 1071 be taken from the inactive file, and placed on the third reading file.

Motion carried.

MOTION TO RECONSIDER

Senator Shelley moved to reconsider the vote whereby Assembly Bill No. 686 was passed.

Postponement of Reconsideration

On motion of Senator Shelley, the further consideration of the motion to reconsider the vote whereby Assembly Bill No. 686 was passed, was continued until the next legislative day.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Ward moved that Assembly Bill No. 913 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tickle moved that Assembly Bill No. 2161 be taken from the inactive file, and placed on the second reading file.

Motion carried.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Tickle moved that Assembly Bill No. 2162 be taken from the inactive file, and placed on the second reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 383—An act to repeal Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 655, 656, 710, 791.6, 843, 844, 886, 957, 1208, 1213 and 1344 of, and to add Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 651, 651.5, 655, 656, 710, 791.6, 843, 886, 957, 1208, 1213 and 1344 to the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 12, 1941

Mr. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred

Assembly Bill No. 1464

Has had the same under consideration and reports the same back with the recommendation: Amended and be passed by the Committee on Finance.

Committee meeting at 11 o'clock on June 12, 1941, page 3, Absatz 2.

SWING, Chairman

Above reported bill re-referred to Committee on Finance.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1464—An act to add Section 19622.5 to, and to amend Section 19626 of the Business and Professions Code, or to amend Section 13 of an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof," to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon, to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," approved June 5, 1933, relating to the disposition of the moneys in the Fair and Exposition Fund.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Governmental Efficiency:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "add Section 19622.5 to, and to"

Amendment No. 2

In line 13 of the title of the printed bill, as amended, after "Fund", insert "and providing for the transfer to the General Fund of certain reverted appropriations".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 to 17, inclusive; and on page 2, strike out lines 1 to 22, inclusive, and insert

"SECTION 1. Section 19626 of the Business and Professions Code is hereby amended to read as follows:

19626. The second balance of the fund is hereby allocated for expenditure without regard to fiscal years, as follows: Twenty-five per cent for permanent improvements at, or support of, the California Polytechnic School; 33 per cent for permanent improvements at, or support of, the University of California; one hundred thousand dollars, \$100,000, annually to Agricultural District No. 1A, of which not less than fifty thousand dollars (\$50,000) shall be expended only for permanent; one hundred thousand dollars (\$100,000) during the Ninety-third Fiscal Year, seventy-five thousand dollars (\$75,000) during the Ninety-fourth Fiscal Year, seventy-five thousand dollars (\$75,000) during the Ninety-fifth Fiscal Year, to the Department of Agriculture for the construction and equipping of three live stock disease diagnostic and testing laboratories, such laboratories to be operated in behalf of the control of live stock diseases within California and the enforcement of such control; the remainder for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, in such amounts as may be allocated by executive order of the Director of Finance.

SEC. 2. The sum of one hundred thirty-three thousand one hundred twelve dollars and twenty cents (\$133,112.20), representing the reverted balances of the

appropriations made by Chapters 32, 341, and 515 of the Statutes of 1935, is hereby transferred to the Fair and Exposition Fund of the State of California."

Amendments read and adopted.

Bill ordered printed, and re-referred to Committee on Finance.

ADJOURNMENT

At 11.55 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 11 a.m., June 13, 1941.

CALIFORNIA LEGISLATURE
FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

NINETY-SECOND LEGISLATIVE DAY
ONE HUNDRED FIFTY-NINTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, June 13, 1941

The Senate met at 11 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.
Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Baggett, Beck, Brown, Calhoun, Callahan, Callahan, Callahan, DeLong, Dene, Dillingham, Eberhart, Evans, Gurnea, Gordon, Jorgensen, Judah, Keating, Kenny, Kuehn, Lacey, Mays, McBride, McCormack, Morgan, Myers, Myhrstedt, Parleman, Phillips, Powers, Quinn, Rich, Seelye, Smith, Slater, Swan, Swann, Tickle, Wagy, and Ward. 39.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. H. W. Opperman, and ordered printed in the Journal:

Grant us strength of purpose this day, our Heavenly Father, that we may meet our problems and responsibilities with an open mind and the firm conviction that, guided by Thee, we will do what is best. Give us that consciousness of Thy presence throughout the day, which will enable us to have vision and understanding. And may Thy blessing rest upon us with the words, "Well done, thou good and faithful servant." In Jesus' name.

Amen

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Marjorie Ann Peterson of Portland, Oregon.

On request of Senator Judah, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Theda Dickinson O'Connor of Santa Cruz.

On request of Senators Swan and Phillips, the privilege of the floor of the Senate Chamber for this day was unanimously extended to the Misses Marilou and Isabel Killian, and Alyse Carli, all of Sacramento.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 11, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1019

Assembly Bill No. 1511

Assembly Bill No. 2573

Assembly Bill No. 782

Assembly Bill No. 788

Assembly Bill No. 1541

Assembly Concurrent Resolution No. 39

Assembly Bill No. 1415

Assembly Bill No. 1756

Assembly Bill No. 1841

Assembly Bill No. 2090

Assembly Bill No. 2254

Assembly Bill No. 2384

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 12, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 70

Assembly Bill No. 1271

Assembly Bill No. 1274

Assembly Bill No. 2300

Assembly Bill No. 1288

Assembly Bill No. 1290

Assembly Bill No. 42

Assembly Bill No. 1591

Assembly Bill No. 124

Assembly Bill No. 207

Assembly Bill No. 626

Assembly Bill No. 628

Assembly Bill No. 937

Assembly Bill No. 1181

Assembly Bill No. 1191

Assembly Bill No. 1255

Assembly Bill No. 1309

Assembly Bill No. 1519

Assembly Bill No. 1526

Assembly Bill No. 1594

Assembly Bill No. 1595

Assembly Bill No. 1717

Assembly Bill No. 1962

Assembly Bill No. 2036

Assembly Bill No. 2152

Assembly Bill No. 2218

Assembly Bill No. 2402

Assembly Bill No. 2440

Assembly Bill No. 2541

Assembly Bill No. 2606

Assembly Bill No. 2128

Assembly Bill No. 2431

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

RECESS

At 11.30 a.m., on motion of Senator Rich, the Senate recessed until 1.30 p.m.

REASSEMBLED

At 1.30 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

RESOLUTIONS

The following resolutions were offered:

By Senator Tickle:

Senate Resolution No. 141

WHEREAS, The Legislature of the State of California will adjourn sine die at 12 m., on June 14, 1941, pursuant to the provision of Senate Concurrent Resolution No. 40; and

WHEREAS, It will be necessary for the Secretary of the Senate subsequent to such adjournment to conduct the business of the Senate concluding the Fifty-fourth Session, and perform the duties provided by law, the Standing Rules of the Senate, Joint Rules and resolutions adopted by the Senate and to employ certain necessary assistance incident thereto; therefore be it

Resolved, That the Comptroller be and he is hereby authorized and directed to draw his warrants in favor of the Secretary of the Senate and in favor of officers and employees who render services to the Senate as certified weekly by the Secretary, from the fund set aside for the pay of officers and employees of the Senate at the per diem provided by law, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judith, Keating, Kenny, Kuebel, Luekey, Mayo, McBride, McCormack, Mixer, Myhand, Packard, Phipps, Powers, Quinn, Shelley, Slater, Swan, and Tickle. 28.

NOES—None.

By Senator Kenny.

Senate Resolution No. 142

Relating to compilation, printing and distribution of codes enacted by the Legislature.

WHEREAS, Since its organization, early in 1930 the California Code Commission has prepared and presented to the Legislature two General Codes, and

WHEREAS, These codes are now ready for the Fifty-fifth Session of the Legislature and certain additions prepared by the commission to part of these codes; and

WHEREAS, It is in the public interest that these codes be compiled and printed by the State Printer, be reviewed and revised and certain adequate law references such as tables of contents, subject and cross references be prepared leading to disposition of statutes; and

WHEREAS, There is a pressing demand for the issuance and publication by the State of corrected editions of certain of these codes; and

WHEREAS, The compiling, editing and publication of these codes requires complete and thorough examination and revision of the Code Commission, which prepared them, and the Supervisor of Documents to examine, prepare and distribute them; now, therefore, be it

Resolved by the Senate of the State of California, That the Supervisor of Documents is requested and directed to study and report to the Legislature at its Fifty-fifth Session his recommendations as to the most economical and effective methods for the editing, compilation, annotation, publication, and sale of the enacted codes prepared by the California Code Commission, and to that end he is requested and directed to confer with the Code Commission and its secretary, the Chief Justice of the Supreme Court, the Board of Governors of the State Bar of California, the Superintendent of Documents at Washington, D. C., and with any other public agency or persons interested in the publication and distribution of these codes; and be it further

Resolved, That the Secretary of the Senate is instructed to send a copy of this resolution to the Supervisor of Documents.

Resolution read, and unanimously adopted.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 420—An act to amend Section 862.2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to sales and conveyances of real property.

The question being—Shall the Senate concur in the following Assembly amendments to Senate Bill No. 420?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended, strike out the colon; and in line 9, strike out "(a) The", and insert "the".

Amendment No. 2

On page 1, line 11, of the printed bill, as amended, strike out "; or", and insert a period.

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 12 to 24, inclusive; and on page 2, strike out lines 1 to 13, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 420 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judith, Keating, Kenny, Kuebel, Luekey, Mayo,

McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 336—An act relating to State school lands and declaring the rights of holders of certificates of purchase affected by "An act relating to and providing for a moratorium with respect to forfeitures of State school lands as provided for in Section 3513 of the Political Code, to take effect immediately," approved January 31, 1935 (Chapter 8, Statutes of 1935), repealing Section 2 of said act.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 336?

Amendment No. 1

In line 5 of the title of the printed bill, as amended, strike out "and", and insert a comma.

Amendment No. 2

In line 14 of the title of the printed bill, as amended, strike out the period, and insert ", providing for the protection from forfeiture of the interests of persons having a conveyance of all or part of the lands described in certificates of purchase, declaring the urgency of this act, and providing that this act shall take effect immediately."

Amendment No. 3

On page 2 of the printed bill, as amended, after line 36, insert

"SEC. 3. Any person having a conveyance of the whole or any portion of the lands described in any certificate of purchase, but to whom the certificate has never been surrendered, may protect his lands from forfeiture by paying such proportion of the interest delinquent upon all the lands in such certificate described as the acreage claimed by him bears to the aggregate acreage embraced in such certificate. He shall first, however, file with the State Lands Commission satisfactory evidence of his possessory right to such land. Upon such payment being made within the time prescribed by law such land shall be, and hereby is, excepted from the forfeiture prescribed by law. Said certificate of purchase shall become null and void only as to the remaining lands therein described. Should due compliance be made with all other provisions of law governing the issuance of patents, a patent shall issue in the name of the original purchaser of such excepted land, but shall be delivered to the person by whom such payment was made, and the title thereby granted shall inure to the benefit of such person, his heirs or assigns.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and as such shall take effect immediately. A statement of the facts constituting such necessity is as follows:

Persons who have a conveyance of the whole or any portion of lands described in any certificate of purchase who desire to protect their lands from forfeiture have only a short time within which to act under the existing provisions of law providing for a moratorium on forfeitures and prescribing procedure for payment of delinquent interest. Unless this act takes effect immediately it will not become operative until a day subsequent to the last date for action to protect such lands from forfeiture which would result in hardship and suffering and would remove lands from the tax rolls. It is therefore necessary that this act take effect immediately in order that its provisions will be effective to accomplish the desired purpose."

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Ward—30.

NOES—None.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1326 by the following vote:

AYES—Senators Bigger, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gannon, Gordon, Juchik, Keating, Kerkel, Mayo, McBride, McCormack, Michael, Powers, Quinn, Rich, Slater, Satter, Swan, Swing, and Ward—25.
NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1328—An act to amend sections 7378x, 4248d and 4248h, and to repeal sections 4248c, 4248e, 4248f, 4248g, 4248i, 4248j, 4248k, 4248l, 4248m, 4248n, 4248o, 4248p, 4248q, 4248r, 4248s and 4248v of the Political Code relating to compensation of public officers.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1328?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "4248d and 4248h, and to", and strike out all of lines 2, 3, and 4, and insert "and 4245 of the Political Code, relating to".

Amendment No. 2

On page 1, line 6 of the printed bill, strike out "4248", and insert "4245".

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 8 to 25, inclusive; and on page 2, strike out all of lines 1 to 11, inclusive, and insert

"4245. In counties of the sixteenth class, the following shall receive as compensation for the services required of them in and on the state of their offices, the following sums:

1. The auditor, three thousand dollars (\$3,000) per annum.
2. The district attorney, eight thousand dollars (\$8,000) per annum.
3. Each supervisor, two thousand one hundred dollars (\$2,100) per annum and, except as otherwise provided, mileage at the rate of ten cents (\$0.10) per mile for each mile traveled in coming to and from the meetings of the board; provided, that only one mileage at any one session of the board shall be allowed. Counties of this class may furnish compensation to the supervisors thereof for one or more trips taken in performance of their official duties for which mileage would otherwise be allowed. All expense for fuel, oil, supplies, traveling and maintenance of such automobiles shall be paid from county funds. Such law enforcement agencies shall be in lieu of any mileage elsewhere provided. The supervisors shall act as grand commissioners in their respective districts.

4. Grand and trial jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars (\$3), and for each mile from their residence to the court, not the sum of ten cents (\$0.10) per mile, such mileage to be allowed for each day such jurors are required to and do attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due and the auditor, unless otherwise specifically ordered, shall draw said warrants on the first and fifteenth days of each and every month, and the treasurer shall pay the same."

Also:

Amendment No. 1

On page 2, line 15, of the printed bill, as amended, after "attend", insert "For attending as a member of a committee of the grand jury, for each day's attendance on such committee, three dollars (\$3) and mileage at the rate of five cents (\$0.05) per mile."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1328 by the following vote:

AYES—Senators Bigger, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gannon, Gordon, Juchik, Keating, Kerkel, Mayo, McBride, McCormack, Michael, Mixer, Myland, Parkman, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wag, and Ward—29.
NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1272—An act to add Section 13.21 to the Building and Loan Association Act, relating to building and loan associations, the Building and Loan Commissioner, the rights of investors and creditors of any such association in the possession of the commissioner (unless the proceeding provided for by Section 13.12 of this act shall have been commenced and no judgment which shall have become final shall have been rendered therein, or unless the time within which such proceeding may be commenced has not expired, or unless a proceeding under Section 13.16d of this act is pending to obtain assets of such association in exchange for investment certificates or unsecured creditors' claims, and authorizing executors, administrators, guardians, receivers, trustees, insurance companies and cemetery associations to exchange investment certificates, or other rights or claims for property or for securities issued by a corporation organized to hold or liquidate such property, and to continue to hold as a legal investment any property or securities so received.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1272?

Amendment No. 1

On page 4, line 13, of the printed bill, as amended, strike out "E", and insert "D".

Amendment No. 2

On page 4, line 28, of the printed bill, as amended, strike out "F", and insert "E".

Amendment No. 3

On page 4, line 49, of the printed bill, as amended, strike out "G", and insert "F".

Amendment No. 4

On page 5, line 11, of the printed bill, as amended, strike out "H", and insert "G".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1272 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Myhand, Parkman, Powers, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

Above bill ordered enrolled.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2380—An act to amend Sections 2020, 2182 and 2184 of, and to add Section 2165a to the Welfare and Institutions Code, relating to aid to the aged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Foley, Gordon, Judah, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Myler, Myhand, Parkman, Powers, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2129—An act to repeal Section 55.8 of the Alcoholic Beverage Control Act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Ruggie, Broad, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Judith, Keating, Keuchel, Lester, McBride, McCormack, Metzger, Mykura, Parkman, Powers, Rich, Slater, Swan, Tickle, and Waggoner—26.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 972.—An act to amend Sections 7455, 7677 and 7705 of the Revenue and Taxation Code and Sections 2 and 4 of the Motor Vehicle Fuel License Tax Act, relating to delinquency of the motor vehicle fuel license tax, including penalties on bonds of delinquent distributors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Ruggie, Broad, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judith, Keating, Keuchel, Lester, McBride, McCormack, Metzger, Mykura, Parkman, Powers, Rich, Slater, Swan, Tickle, Waggoner, and Ward—28.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1882.—An act to amend Section 2814 of the Business and Professions Code relating to the Board of Nurse Examiners Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Ruggie, Broad, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jorgensen, Judith, Keating, Keuchel, Lester, Lester, Meyer, McBride, McCormack, Metzger, Mixter, Mykura, Parkman, Powers, Rich, Slater, Swan, Waggoner, and Ward—30.

NOES. None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY JOINT RESOLUTION NO. 55

Senator Keating moved that Assembly Joint Resolution No. 55 be re-referred to Committee on Welfare and Institutions.

Roll Call Demanded

Senators Garrison, Metzger and Jorgensen demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES. Senators Ruggie, Broad, Brown, DeLap, Gordon, Keating, Keuchel, McCormack, Powers, and Tickle—10.

NOES. Senators Carter, Collier, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jorgensen, Judith, Keating, Meyer, McBride, Metzger, Mixter, Parkman, Quinn, Rich, Seawell, Slater, Swan, Swigg, Waggoner, and Ward—23.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 55

Assembly Joint Resolution No. 55.—Memorializing Congress to enact legislation on Social Security and Old Age Pensions.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Carter, Collier, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, McCormack, Metzger, Myhand, Parkman, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—24.

NOES—Senators Biggar, Breed, Cunningham, Delap, Keating, Kenny, Kuchel, Mixer, Powers, and Tickle—10.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1951—An act to add Section 2.5 to "An act relating to the sale or exchange of surplus products between public institutions owned, managed or controlled by the State, or the political subdivisions thereof and providing for the disposition of moneys received therefrom, and to repeal that certain act entitled 'An act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political subdivisions thereof,' approved March 18, 1905," approved May 13, 1929, relating to the sale, exchange or other disposition of surplus products made or produced at or by public institutions owned, managed or controlled by the State.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2033—An act to amend Section 9704 of the Elections Code and Section 752 and 760 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to officers of fifth class cities, the election and qualification of such officers and the dates of meetings of boards of trustees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 586—An act to repeal Section 3721 of the Political Code, relating to assessment and taxation of property affected by the annexation, incorporation, and inclusion of territory by municipal corporations.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel,

Luckey, Mayo, McBride, Morgan, M. L. M., Myhrum, Patterson, Phillips, Powers, Quinn, Schmitt, Slatery, Swan, Tickle, Tickle, Waggy and Ward—33.
None—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1949—An act defining henceforth the boundaries of the Alameda County Water District, also ratifying the incorporation in said district of certain lands as shown in the certificate of the president and secretary of the board of directors of said district filed in the Office of the Secretary of State of the State of California on May 18, 1940, and as certified to by the certification of the said Secretary of State filed in the office of the county clerk of Alameda County on May 22, 1940, also providing for the management of said district as enlarged by the present officers thereof.

Bill read third time.

Motion to Amend

Senator Breed moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as introduced on January 25, 1941, after line 17, insert:
"Sec. 2. Nothing contained in this act shall be construed to render the change in the boundaries of the Alameda County Water District effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Section 3720 of the Political Code, is filed in the manner and within the time required by that section."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 911—An act to amend Sections 777 and 874 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to public work contracts in cities of the fifth and sixth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Briggs, Bush, Byrnes, Carter, Cunningham, Delap, Donel, Dillinger, Fletcher, Folsom, Gorman, Jorgensen, Juelich, Keating, Kerns, Kuebel, Luckey, Mayo, McBride, McManus, Morgan, M. L. M., Patterson, Powers, Quinn, Seawell, Slater, Swan, Swing, Tickle, Waggy, and Ward—32.
None—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2642—An act authorizing cities, cities and counties, and counties organized or governed by charters adopted pursuant to the Constitution of the State of California to exercise powers granted by any general law of the Legislature of the State of California by ordinance or ordinances passed and adopted pursuant to the provisions of such charter, in lieu of by resolution or resolutions provided for in such general law; ratifying and confirming all action heretofore taken by ordinance in lieu of such resolution; and declaring this act to be an urgency measure, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 6 and 7, and insert "such city, city and county or county may avail itself of any general law of the State of Cali-".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of lines 27 to 33, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1620—An act to amend School Code Section 6.465, relating to the providing of textbooks to junior college students.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Jespersen, Parkman, Phillips, and Slater—4.

NOES—Senators Biggar, Carter, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Keating, Luckey, Mayo, McCormack, Metzger, Mixer, Powers, Quinn, Seawell, Swan, Swing, Wagy, and Ward—21.

Assembly Bill No. 1621—An act to add Section 5.588 to the School Code, relating to the annual teachers institutes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kuehel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2304—An act to repeal School Code Sections 2.506 and 2.507, relating to elementary school districts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—32.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 60—Relative to civics textbooks for use in the public schools.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuehel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—Senator DeLap—1.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 946—An act to add Section 6879 to the Public Resources Code, relating to State lands, to permit drilling of oil and gas wells under certain conditions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jepsen, Judah, Kenny, Kuchel, Luekey, May, McBride, McCormack, Metzger, Mixer, Slater, Swan, Swing, Wagy, and Ward—24.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 979—An act to add Section 37b to the Reclamation Board Act, relating to flood control and the advancement to the United States of funds to be used therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jepsen, Judah, Kenny, Kuchel, Luekey, McBride, McCormack, Metzger, Mixer, Parkman, Slater, Swan, and Swing—23.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 33—Relative to the extension of flood control work in the Los Angeles River and the construction of such works in the San Fernando Valley.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jepsen, Judah, Kenny, Kuchel, Luekey, McBride, McCormack, Metzger, Mixer, Parkman, Slater, Swan, and Swing—22.
 NOES—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill No. 98—An act to amend Section 11 of the Fish and Game Code, relating to the compensation of the members of the Fish and Game Commission.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jepsen, Judah, Kenny, Kuchel, McCormack, Metzger, Mixer, Parkman, Slater, Swan, Swing, and Ward—22.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 49—Relative to real estate brokers and salesmen.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Garrison, Jepsen, Judah, Keating, Kenny, Kuchel, Luekey, McBride, Metzger, Mixer, Parkman, Slater, Swan, Swing, Wagy, and Ward—25.
 NOES—None.

Resolution ordered transmitted to the Assembly.

INACTIVE FILE

Assembly Bill No. 654—An act to amend Sections 154 and 157 and to repeal Section 155 of the Welfare and Institutions Code, relating to the institutions subject to the jurisdiction of the Department of Institutions and appointment of superintendents of those institutions.

Bill read.

Motion to Amend

Senator Kenny moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 14.

Amendment No. 2

On page 1 of the printed bill, as amended, strike out line 20, and insert "Fred C. Nelles School for Boys".

Amendment No. 3

On page 1 of the printed bill, as amended, after line 7, insert "Industrial Workshop for the Blind".

Amendment No. 4

On page 1 of the printed bill, as amended, after line 14, insert "State Blind Shop".

Amendment No. 5

On page 1 of the printed bill, as amended, after line 6, insert "California Institution for Boys".

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1528—An act to repeal an act entitled "An act to regulate boats of less than 15 gross tons capacity operating in California waters and used for carrying passengers for hire, or for carrying persons when let for hire or chartered," approved June 19, 1931.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, Metzger, Parkman, Slater, Swan, Swing, Waggy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2589—An act to amend Section 9 of "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation, and for the selection of jurors therein," approved May 23, 1925, as amended, relating to municipal courts in cities or cities and counties of the second and one-fourth class.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, Metzger, Mixer, Parkman, Powers, Slater, Swan, Swing, Waggy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1071—An act to amend Sections 26472, 26520 and 26541 of, and add Section 26540.7 to the Health and Safety Code, relating to adulterating, misbranding, mislabeling, false advertising and sale of foods and the powers of the State Department of Public Health in relation thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, McBride, Metzger, Mixter, Packman, Satter, Swan, Swing, and Ward—21.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1285—An act to amend Sections 583 and 586 of the Vehicle Code, relating to the stopping, standing or parking of a vehicle.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Brown, Carter, Collier, Crittenden, DeLap, Fletcher, Foley, Garrison, Jespersen, Keating, Kuchel, Luckey, McBride, Metzger, Mixter, Packman, Ponsness, Satter, Swan, and Ward—23.

NOES—Senators Dellinger, Judah, and Ward—3.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2649—An act to amend Section 4104 of the Public Resources Code, relating to the building of camp fires or smoking on National forest land.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dellinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, Metzger, Muller, Packman, Ponsness, Satter, Swan, Swing, Wagy, and Ward—25.

NOES—Senator Garrison—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1002—An act to repeal Chapter 16, comprising Sections 8900 to 8970, inclusive, of Division 3 of the Business and Professions Code, relating to yacht and ship brokers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dellinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Packman, Powers, Satter, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1769—An act to add a new section to the State Civil Service Act, to be numbered 57.5, relating to the officers and employees of the State engaged in the performance of the administration and enforcement of the laws and rules governing persons paroled from the State prisons.

Bill read third time.

Assembly Bill No. 1216—An act to add a new section to the Unemployment Insurance Act, to be numbered 371, relating to the qualifications for eligibility for unemployment insurance benefits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Briggs, Brown, Carter, Collins, Cunningham, Curren, Delap, Dillinger, Fisher, Garrison, Gordon, Hendrick, Jones, Keating, Kiechel, Lackey, McElroy, McHenry, Morgan, Miller, Perkins, Powers, Shaver, Swan, Swing, Wagoner, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2006—An act for the protection of the domestic water supplies of cities, towns or districts from pollution by placer mining operations, providing a method of recording information with respect to operations using such methods, and providing penalties for the violation of this act.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Briggs, Brown, Carter, Collins, Cunningham, Cunningham, Foley, Garrison, Gordon, Hendrick, Keating, Kiechel, Lackey, McElroy, McCormack, Morgan, Miller, Perkins, Powers, Shaver, Swan, Swing, Wagoner, and Ward—24.

NOES—Senators Delap and L.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1992—An act to amend Section 506 of the Public Resources Code, relating to the State Park Commission and the Chief of the Division of Parks.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Briggs, Brown, Carter, Collins, Cunningham, Cunningham, Dillinger, Fletcher, Fisher, Garrison, Gordon, Hendrick, Jones, Keating, Kiechel, Lackey, McElroy, McCormack, Morgan, Miller, Perkins, Powers, Shaver, Swan, Swing, Wagoner, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules has considered:

Senate Bill No. 784—An act to add Sections 21701 and 47201 to the School Code, relating to the public school system and elementary school districts, declaring the urgency thereof, and providing that this act shall take effect immediately;

Senate Bill No. 981—An act to amend Section 11 of an act entitled "An act to restrict the running of dogs of feral, to protect live stock from depredations of dogs, to provide for the issuance of dog license tags by counties, and the disposition of funds received as fees therefor, making the violation of the provisions of this act a misdemeanor and providing penalties therefor, and providing for the collection of damages by owners of live stock injured by dogs," approved June 3, 1921, relating to the enforcement of this act and the payment of fees, salaries, costs, and expenses therefor from live stock indemnity funds, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 1329—An act to add Section 12b to the California Districts Securities Commission Act, relating to notice and hearing of certain proceedings before the California Districts Securities Commission and relating to the change, modification or amendment of bonding plans and of the terms and conditions of refunding bonds of irrigation districts, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of June, 1941, at 3 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1339—An act to provide for the formation, government, operation and dissolution of Tamalpais Forest Fire District, to prevent and extinguish forest, brush and grass fires therein, and protect persons and property, including public property and resources, from injury, loss or damage resulting from any such fires; to provide for the assessment, levy, collection and disbursement of taxes, and revenues therein, and the contribution or payment of public funds therefor; to provide for the reestablishment of the Tamalpais Forest Fire District created by Chapter 560 of the Statutes of 1917 and to confirm to said district so reestablished the title to all property heretofore acquired, or purported to have been acquired, in the name of said district as created by said chapter; to validate certain acts and proceedings of officers of said district, and other public officers purporting to have acted since the repeal of said Chapter 560 of the Statutes of 1917 pursuant to the provisions thereof; to validate and legalize the existence of the de facto Tamalpais Forest Fire District and to provide for the continuation of said district as a legal entity for the period prescribed in this act; to provide for the transfer of the property of the district to the county in which said district is situated and to authorize the county to use such property and to provide for fire protection; to declare the urgency of this act, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the thirteenth day of June, 1941, at 3 p.m.

RICH, Chairman

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 1918

Assembly Bill No. 2016

Assembly Bill No. 2022

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 1457

Assembly Bill No. 1919

Assembly Bill No. 1885

Assembly Bill No. 2097

Assembly Bill No. 1888

Assembly Bill No. 2155

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Concurrent Resolution No. 59

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 11; committee vote: Ayes 11.

MIXTER, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Assembly Bill No. 2213

Assembly Bill No. 2598

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

MIXTER, Chairman

Above reported bills ordered to second reading.

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 12, 1941.

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 697

Has laid the same upon the calendar, and reports the same back with amendments with the recommendations. Aye, and so passed.

Committee membership 11; committee vote, Aye 6, nay 5.

DEUEL, Vice Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 12, 1941.

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1447

Has laid the same upon the calendar, and reports the same back with amendments with the recommendations. Aye, and so passed.

Committee membership 11; committee vote, Aye 11.

DEUEL, Vice Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1918—An act to amend Section 11792 of the Insurance Code, relating to State Compensation Insurance Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2016—An act to amend Section 124 of the Welfare and Institutions Code, relating to the Social Welfare Fund and the purposes for which the money thereon may be used and making an appropriation, deferring the amount thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2022—An act making an appropriation for acquisition and development of, and construction, improvements and equipment at State beaches, parks and monuments.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1457—An act making an appropriation to the Department of Finance for the purpose of reconditioning and framing the picture "Driving the Last Spike."

Bill read second time, and ordered to third reading.

Assembly Bill No. 1885—An act to amend Section 4060 of the Public Resources Code, relating to the State Board of Forestry Fire Prevention Fund, and making an appropriation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1888—An act to amend Section 3110 of the Public Resources Code, relating to the Petroleum and Gas Fund and making an appropriation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1919—An act to amend Section 1031 of the Military and Veterans Code, relating to the Veterans' Home of California, and abolishing the Veterans' Home of California Federal Fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2097—An act to add a new section to the Health and Safety Code, to be numbered 115, relating to the creation of the Department of Public Health Fund, and providing for the expenditure of moneys from said fund.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2155—An act making an additional appropriation for construction, improvements, and equipment at the University of California.

Bill read second time, and ordered to third reading.

Assembly Concurrent Resolution No. 59—Relative to the provisions of Sections 10, 11 and 12 of the Budget Act of 1941, and the transfer of funds pursuant thereto.

Resolution read, and ordered to third reading.

Assembly Bill No. 2213—An act to amend Sections 19621, 19622, 19624 and 19626 of the Business and Professions Code, relating to fairs and exhibitions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 3, line 14, of the printed bill, strike out all of said line, and all of lines 15 to 33, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 2598—An act to add Section 19624.5 to the Business and Professions Code, and to add Section 87.5 to the Agricultural Code, relating to the Forty-eighth District Agricultural Association.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "19624.5", and insert "19626.3".

Amendment No. 2

On page 1, line 6, of the printed bill, as amended, strike out "four thousand dollars (\$4,000)", and insert "one thousand five hundred dollars (\$1,500)".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 12 to 15, inclusive, and insert

"Sec. 2. Section 19626.3 is hereby added to the Business and Professions Code, to read as follows:

196263. Out of the general balance of the fund there is hereby allocated one thousand five hundred dollars (\$1500) to the Forty-eighth.

Amendments read and adopted.

Bill ordered printed, and to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 607—An act to amend Sections 118, 2020 and 2021 and to repeal Section 2023 of, and to add Sections 1015 and 1195 to, the Welfare and Institutions Code, relating to public assistance and the administration thereof, making an appropriation, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 47 and 48, insert

"In the exercise of its functions under this section, the State Department of Social Welfare shall exercise no authority with respect to the selection, tenure of office and compensation of any individual if he is employed in accordance with such standards."

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1347—An act to amend Sections 3076, 3079 and 3084 of, and to add Sections 1016, 1181 and 1196 to, the Welfare and Institutions Code, relating to public assistance for the blind and the administration thereof, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

In line 1 of the title of the printed bill after "3084", insert "and to repeal Section 3000".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "and 119.6", and insert ", 119.6 and 3083.5".

Amendment No. 3

In line 3 of the title of the printed bill after "Code," insert "and to add Chapter 3 to Part 1 of Division 5 of the Welfare and Institutions Code,".

Amendment No. 4

On page 2 of the printed bill, between lines 23 and 24, insert

"In the exercise of its functions under this section, the State Department of Social Welfare shall exercise no authority with respect to the selection, tenure of office and compensation of any individual if he is employed in accordance with such standards."

Amendment No. 5

On page 2 of the printed bill, between lines 33 and 34, insert

"Sec. 3.5. Section 3000 of said code is hereby repealed."

Amendment No. 6

On page 2 of the printed bill, after line 51, insert

"Sec. 5.5. Section 3083.5 is hereby added to said code, to read as follows:
3083.5. Any person granted aid under this chapter, shall not be eligible for aid under Chapter 3 of this part until the expiration of one year from the date upon which he filed his application under this chapter. The county shall review annually

the case of every person receiving aid under this chapter to determine whether he will be eligible for aid under Chapter 3 of this part during the ensuing year period. The determination by the county as to the chapter under which it is to grant aid shall be subject to review by the State Social Welfare Board upon appeal by the applicant."

Amendment No. 7

On page 3, line 43, of the printed bill, after "Sec. 7," insert "Chapter 3 is hereby added to Part 4 of Division 5 of the Welfare and Institutions Code, to read as follows:

CHAPTER 3. AID TO PARTIALLY SELF-SUPPORTING BLIND RESIDENTS

Article 1. General Provisions

3400. The purpose of this chapter is to provide a plan for this State whereby the blind residents of this State may be encouraged to take advantage of and to enlarge their economic opportunities, to the end that they may render themselves independent of public assistance and become entirely self-supporting.

To achieve this objective, resources and income beyond the necessities of bare decency and subsistence are required. This chapter, by allowing the retention of necessary income and resources by those of the blind showing a reasonable probability of being able and willing to undertake the acquisition of resources and income necessary for self-support, will encourage them in their efforts to become self-supporting.

3401. The provisions of this chapter shall be liberally construed to effect its objects and purposes.

3402. No person concerned with the administration of this chapter shall dictate how any applicant shall expend the aid granted to him.

3403. As used in this chapter, "blind persons" means any person who by reason of loss or impairment of sight is unable to provide himself fully with the necessities of life and who has not income and resources through his own means, as defined under this chapter, sufficient to provide a reasonable and decent standard of living.

3404. As used in this chapter, "Department of Social Welfare" means the State Department of Social Welfare.

3405. Any person who, in order to secure for himself or another the aid provided in this chapter, makes a false statement under oath, shall be deemed guilty of perjury. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device obtained aid under this chapter, he shall make restitution and all actions necessary to secure restitution may be brought against him.

3406. Whenever any aid under this chapter is refunded to a county, the State shall be entitled to a share of the amount received, proportionate to the amount of State funds paid.

3407. All aid given under this chapter shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise and in case of bankruptcy the aid shall not pass through any trustee or other person acting on behalf of creditors.

Article 2. State and County Aid

3420. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State, maintaining, supporting, or caring for, as hereinafter provided in this chapter, any blind person, resident of such county, and not an inmate of any institution supported in whole or in part by the State or any of its political subdivisions, and not in excess of three hundred dollars (\$300) per annum for each such blind person so maintained, supported and cared for, or aid not in excess of six hundred dollars (\$600) per annum in the event such blind person has no county residence as provided in this chapter.

3421. It shall be the duty of each county to aid blind persons as provided in this chapter.

Article 3. Persons Eligible for Aid

3430. No person who has become blind while a resident of the State is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age and unless, except as provided in Section 3432, he has been a resident of the county in which his application is filed for a period of six months immediately preceding the filing of his application.

3431. No person who became blind while he was a nonresident of the State, is entitled to aid under the provisions of this chapter, unless he is at least 16 years of age and unless, except as provided in Section 3432, he has been a resident of the county in which his application is filed, for a period of one year immediately preceding the filing of his application and a resident of the State for a period of 10 years immediately preceding the filing of his application.

3432. Any person otherwise eligible who has resided in the State for the required period and who has no county residence may file his application in the county in which he resides, and the aid, if granted to him, shall be paid entirely by

the State until the first day of the first month beginning after the date upon which he gains such county residence or until the day upon which he gains county residence is the first day of the month in which event the county shall assume its share of the costs thereon.

3443. For the purposes of this chapter neither the residence nor domicile of the husband or wife shall be deemed the residence or domicile of the other, but each will have a separate residence or domicile dependent upon proof of the fact and not on legal presumption.

For the purposes of this chapter a minor child shall be deemed to have resided in the State during any period in which such child has been physically present in the State.

3444. No applicant shall receive aid under the provisions of this chapter while he is an inmate of any institution maintained or owned or in part by the State or any of its political subdivisions, but recipients of aid under the provisions of this chapter who are patients in a public hospital for a period not exceeding 30 days, and blind persons employed in a shop maintained by the State when such shop does not provide board and room to the employee shall not be considered inmates of public institutions. No applicant shall be denied the aid provided for in this chapter, however, because he is attending or intends to attend any public high school in this State, the University of California, or any other institution of higher learning in this State.

Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, when he is no longer an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. Payment of the aid granted shall commence within one month following such approval, and the condition that payment be made only by receipt of his first monthly payment, shall cease to be such condition.

If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the amount of the aid of assistance awarded him shall not be provided that the aid shall be restored when the recipient ceases to be an inmate, without further order from the board of supervisors.

3445. No aid to needy blind shall be given under the provisions of this chapter to any individual who receives aid under the Old Age Security Law, which is Chapter 1, Division 2 of this code.

3446. No person who publicly solicits aid or is one of the State shall be eligible to receive aid under the provisions of this chapter. "Publicly solicits" shall be construed to mean either begging, carrying or exhibiting signs, placards, or notices for the securing of alms, or carrying receptacles, for the purpose of securing alms, or doing the same by proxy; or stationary or house to house begging; or any other means of publicly seeking alms.

3447. Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of three thousand dollars (\$3,000).

The term "personal property" shall not include a policy or policies of insurance which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars (\$1,000).

3449. Free board and lodging supplied to an applicant, because of his necessity therefor, by a friend or relative who is not responsible for his support or who is financially unable to support him, shall not be a ground for refusing aid.

3450. Any person qualified for and receiving aid under the provisions of this chapter in any county of the State, who removes to another county in the State, shall be entitled to aid under the provisions of this chapter from the first day of the first month beginning after the date from which he ceases one year of residence in the county to which he has removed, unless the day upon which he attains one year of residence is the first day of the month in which event the transfer of costs shall take place upon this day, and such transfer shall not work a forfeiture during such one-year period of the aid previously awarded under this chapter.

For the purposes of this section, it is presumed that the period of time for the acquisition of one year's residence in the county to which the person has removed, shall start to run upon the date of removal from the county in which he has previously acquired residence. Any residence once acquired is presumed to continue unless terminated by a subsequent act of the recipient. The county to which such person has removed shall pay for the excessive medical or hospital care, or both, during the one-year period of residence under this section. The county providing such medical or hospital care, or both, may demand payment of the county granting the aid in an amount not in excess of the cost thereof and it shall be a proper charge and duty of the county granting the aid to pay such medical or hospital care, or both.

Any blind person who leaves his county for the purpose of attending an institution of learning located in the State shall be deemed, for the purposes of this chapter, not to have moved from his county.

If a recipient returns to the county granting aid to him, after an absence of less than one year, he shall not be deemed to have lost his residence therein.

Article 4. Administration and Procedure

3460. The administration of this chapter is vested in the State Department of Social Welfare and the counties to be performed in accordance with the provisions of this code applicable to aid to needy blind. Unless otherwise expressly provided in this chapter, all provisions of this code applicable to the powers and duties of the State Department of Social Welfare and the counties with respect to the needy blind shall apply to the powers and duties of the State Department of Social Welfare and the counties with respect to aid to the blind under this chapter.

3461. The State Department of Social Welfare through the Division of the Blind shall supervise the administration of the provisions of this chapter.

3462. The privilege of treatment and operations for the prevention of blindness or the restoration of sight available to the needy blind under Section 3051 of this code shall be available to the blind receiving aid under this chapter.

Article 5. Terms and Conditions of Aid

3470. Each applicant for aid under the provisions of this chapter shall file with the county in which he resides, an application, accompanied by an affidavit, signed by himself, stating, if known, his age, sex, counties of residence during the preceding 10 years, his financial resources and income, the name and address of his spouse, parent, or adult child, the degree of his blindness, how long he has been blind, what employment and education he has had, his general physical condition, and such other statistical data as the Department of Social Welfare requires.

The application shall forthwith be transmitted to the board of supervisors of the county.

3471. The county board of supervisors shall not grant any certificate of qualification for aid under the provisions of this chapter until it has been satisfied that the applicant is entitled to such aid by the evidence of two reputable citizens of the State that they knew that the applicant has the required residential qualifications to entitle him to the aid asked for, and by the evidence of a duly licensed and practicing physician skilled in the diseases of the eye that the applicant is blind. The physician shall describe the condition of the applicant's eyes and testify to the degree of his blindness. The evidence of each person shall be in writing, signed by him, and he shall be subject to cross-examination by the county board of supervisors or any other person appointed by the board of supervisors to conduct such investigation.

3472. If the county board of supervisors is satisfied that the applicant is entitled to aid under the provisions of this chapter, it shall, without delay, issue an order therefor. The amount of aid to which any applicant shall be entitled shall be, when added to the income of the applicant from all other sources, fifty dollars (\$50) per month. Income from any of the following sources of a combined total value not exceeding four hundred dollars (\$400) per annum shall not be considered for any purpose:

- (a) Income from applicant's labor or services;
- (b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;
- (c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;
- (d) The value of gifts other than regular contributions by relatives legally responsible under this act;
- (e) The value of the use and occupancy of premises owned and occupied by the applicant;
- (f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income.

3473. An applicant for aid under this chapter shall in addition prove that he is able to secure and willing to use resources and income he is permitted to retain under this chapter, for the purposes of achieving self-support.

The county shall determine whether the applicant has the qualifications necessary for aid under this chapter and may, despite his application, deny him aid under this chapter, and, if eligible thereunder, grant him aid to the needy blind under Chapter 1 of this part. Any applicant denied aid under this chapter may file an appeal with the State Social Welfare Board.

An applicant granted aid under this Chapter 3 shall not be eligible for aid under Chapter 1 of this part for a period of one year from the date upon which he filed his application for aid and an applicant granted aid under Chapter 1 of this part shall not be eligible for aid under this Chapter 3 for a period of one year from the date upon which he filed his application for aid under Chapter 1 of this part.

At least annually the county shall review the records of every applicant receiving aid under this chapter and shall determine whether he is eligible to aid under this chapter or should be the first recipient of the three current next period, be granted aid at expense under Chapter 1 of the Code. Any person placed by the county shall be subject to review by the State Social Welfare Board upon the appeal of the applicant.

3474. If any person receiving aid under the provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal officer of the county to demand judicial aid of the kindred in the order of their responsibility for support.

Upon such request the district attorney, or other civil legal officer of the county, shall sue and sue on behalf of the county, to obtain recovery in the superior court of the county of the sums due and to be paid under this chapter. (1) to recover for the county any and all sums due and to be paid on aid under this chapter relative to persons pecuniarily able to pay aid. (2) to secure recovery respecting the payment to the county of any sums which may become due in the future for which the relative may be liable. The receipt of aid by the applicant under the provisions of this chapter shall not constitute any receipt or acknowledgment of such sums. The sums so received shall be paid over by the county to the settlement with the State.

Article 6. Fiscal Procedure

3480. From the sums appropriated in Section 3420 of this code the State Treasurer shall pay to each county an amount which shall be used exclusively for aid to the blind under this chapter, equal to one-half of the sums expended by the county as such aid under this chapter. The county shall certify that the State shall pay the county the sum of money so estimated and approved by the State Department of Social Welfare for the preceding period and shall have no receipt therefor.

3481. The method of computing and paying the amounts provided for in Section 3480 for each quarter shall be as follows:

(a) The Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under Section 3480. This estimate shall be based on a report which shall be filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter, and stating the amount appropriated or made available by the county for such expenditures in such quarter, and if the amount is less than that portion of the total sum of such estimated expenditures which is required under this chapter to be paid by each such county, the source or sources from which the difference is expected to be derived, (2) records, showing the number of blind individuals receiving aid under the authority of this chapter in the county, and (3) such other information and investigation as the Department of Social Welfare may find necessary.

(b) The Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount expended for any prior quarter greater or less than the amount estimated by the Department of Social Welfare for such prior quarter.

(c) The State Controller shall disburse and the necessary warrants, and prior to such disbursement, in the Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified. Upon the order of the Department of Social Welfare, the amount approved by the governor, may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarter shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.

3482. Reports of aid to blind paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the Department of Social Welfare. Such reports shall be audited by the Department of Social Welfare and the State Controller and when and in the amount approved, shall be allowed to said county or counties and county as a credit to apply against advances made under the terms of Section 3481.

SEC. 8. Between the effective date of this act and October 1, 1941, the counties shall review all grants of assistance under Chapter 1 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to the needy blind, to determine which persons are eligible for assistance under Chapter 1 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to the needy blind, and which persons are eligible for assistance under Chapter 3 of Part 1 of Division 5 of the Welfare and Institutions Code, relating to the partially self-supporting blind residents of this

State. Any determination of the county shall be subject to review by the State Social Welfare Board upon the appeal of the person affected.

SEC. 9."

Amendment No. 8

On page 4, line 11, of the printed bill, after "approval", insert "and provides for the assistance of those blind residents of this State whose grants of assistance are adversely affected by such conformity".

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Carter moved that Assembly Bill No. 2580 be taken from the inactive file, and placed on the third reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2580—An act to add Chapter 3, comprising Sections 259, 259.1 and 259.2 to Division 2 of the Probate Code, relating to inheritance rights of aliens and declaring that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators: Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators: Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Slater, Swan, Swing, Tickle, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2183—An act to amend Section 1161a of the Code of Civil Procedure, relating to unlawful detainer.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators: Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Slater, Swan, Swing, Tickle, Wagy, and Ward—26.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1039—An act to amend Sections 8 and 9.4 of, and to add Section 8.1 to, The Personal Income Tax Act, relating to deduction of a net operating loss, other deductions and the computation of capital gains and losses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dool, Dillinger, Doolittle, Evans, Feltz, Gorman, Jordan, Keating, Kachel, Loeckey, McCormack, Metzger, Meyer, Milton, Mitchell, Perkins, Pearson, Slater, Swain, Tinkle, Wagy, and Wood, 28.

NOTES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2388—An act to amend Section 10415 of the Political Code, relating to the apportioning of the resources of counties and the levying of taxes thereon.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dool, Dillinger, Doolittle, Evans, Feltz, Gorman, Jordan, Keating, Kachel, Loeckey, McCormack, Meyer, Milton, Mitchell, Perkins, Pearson, Slater, Swain, Wagy, and Wood, 28.

NOTES—None.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF MOTION TO RECONSIDER

Senator Jespersen moved to withdraw his motion to reconsider the vote whereby Assembly Bill No. 1731 was passed.

Motion carried.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND RE REFERENCE OF SENATE BILL NO. 1067

Senator Garrison moved that Senate Bill No. 1067 be withdrawn from Committee on Military and Veterans Affairs, and referred to Committee on Finance.

Motion carried.

RECESS

At 4:25 p.m., on motion of Senator Rich, the Senate recessed until 9 p.m.

REASSEMBLED

At 9 p.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Slater moved a call of the Senate.

Time, 9:02 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Concurrent Resolution No. 11 Providing for the appointment of a joint committee to study and to report upon the water problems of the State;

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 9 of Article XIII of said Constitution, relating to State and county boards of equalization;

Senate Joint Resolution No. 27—Relative to the investigation by the Joint Committee on Water Problems of water service from Shasta Reservoir to the area lying south of the Pit River and memorializing Congress to investigate and make provision for serving water to this land;

Senate Bill No. 92—An act to add Section 44.3 to the Unemployment Insurance Act, relating to workers' contributions;

Senate Bill No. 131—An act declaring portions of the lands granted to the County of Orange by an act entitled "An act granting certain tidelands and submerged lands of the State of California to the County of Orange in said State upon certain trusts and conditions," approved May 25, 1940, as amended, which have been and which may be hereafter improved, filled, and reclaimed, unavailable and unuseful for navigation, commerce, and fisheries, and excluding such portions from use for navigation, commerce, and fisheries, and providing that such portions may be irrevocably alienated and conveyed free of public use and trust by the said county to the owner or owners of uplands contiguous thereto, or otherwise sold as herein provided;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of June, 1941, at 5 p.m.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 154—An act to amend Sections 26541 and 26542 of the Health and Safety Code, relating to food and beverages, and the standards prescribed by the State Board of Public Health in relation thereto;

Senate Bill No. 215—An act to amend School Code Sections 2.230, 2.231, 2.232, 2.250, 2.251 and 2.252, and to add Article 9, to Chapter 1, of Part 1, of Division 2, of the School Code, all relating to union and joint union elementary school districts;

Senate Bill No. 232—An act to amend School Code Section 4.102a, relating to, and making an appropriation for, vocational rehabilitation;

Senate Bill No. 253—An act to amend the title and Section 1 of an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Sections 2, 4 and 5 of, and to add Section 4.5 to, an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges;

Senate Bill No. 260—An act to amend Section 343 of the Agricultural Code, relating to fees for inspection of animals;

Senate Bill No. 335—An act to amend Section 6102 of the Business and Professions Code, relating to attorneys convicted of crimes involving moral turpitude; And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of June, 1941, at 5 p.m.

RICHL, Chairman

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 401—An act to add Section 555 to the Labor Code, relating to days of rest of officers and employees of cities of the first class;

Senate Bill No. 421—An act to amend Section 141 of the Streets and Highways Code, relating to the powers of the Department of Public Works;

Senate Bill No. 447—An act to amend Section 4267 of the Political Code, relating to compensation for public services in counties of the thirty-eighth class;

Senate Bill No. 463—An act to amend Section 26470 of the Health and Safety Code, relating to adulterated food and the failure to comply with standards of freshness and purity;

Senate Bill No. 568—An act to add Section 1.92 to the School Code, relating to transportation of pupils to and from elementary and secondary schools other than public schools;

Senate Bill No. 620—An act to amend Section 6 of, and to add Section 10 to, an act entitled "An act providing for State and county exhibits at the Golden Gate International Exposition to be held in the San Francisco Bay region, California, providing for the construction of a State building or buildings therefor and the gardening and improvement of the surrounding grounds, providing for the disposition

or demolition of buildings, structures and other property upon the termination of the exposition, creating a California Commission for the Golden Gate International Exposition to have charge and control of such exhibition and such building or buildings, defining its powers and duties and authorizing its organization therefor," approved May 25, 1941, relating to the disposal of the property of the California Commission for the Golden Gate International Exposition, transferring the California Commission for the Golden Gate International Exposition and transferring its powers, duties, purposes, responsibilities and jurisdiction to the Department of Finance; And reports that the same have been correctly compiled and presented to the Governor on the thirteenth day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules has reported:

Senate Bill No. 696—An act to amend Section 148 of the Political Code, relating to compensation for public services in counties of the twenty-ninth class;

Senate Bill No. 859—An act permitting the State Land Commission to transfer by deed or other instrument certain interests and submerged lands belonging to the State of California situate in or adjacent to the County of San Diego, State of California;

Senate Bill No. 895—An act to add Section 778a to the Code of Civil Procedure, relating to making the State of California a party to quiet title actions;

Senate Bill No. 1073—An act to add Section 1406a to the Political Code, relating to the Surface Water Drainage Amendment No. 6 of the Sacramento and San Joaquin Drainage District;

Senate Bill No. 1316—An act to amend Sections 1012, 1018, 1019, 1023, 1025, 1028, 1030, 1034, 1035, 1042 and 1043 of, and to add Section 1046 to, the Military and Veterans Code, relating to veterans, including the administration of estates of incompetent and deceased veterans and the conduct of the Veterans' Home and the powers and duties of the officers thereof;

Senate Bill No. 1326—An act to amend Sections 12 and 19 of the Municipal Water District Act of 1911, relating to the organization, government and powers of municipal water districts;

Senate Bill No. 1342—An act to amend Section 1014a of the Political Code, relating to township offices;

Senate Bill No. 1343—An act to amend Sections 8931, 8938, 8939 and 9100 and to repeal Section 9053, to add Section 9055 to the Health and Safety Code, and to repeal Chapter 100 of the Statutes of 1909, relating to cemetery districts; And reports that the same have been correctly compiled and presented to the Governor on the thirteenth day of June, 1941, at 5 p.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 135

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to second reading.

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 1433

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

TICKLE, Chairman

Above reported bill ordered to second reading.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 1296

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 13; committee vote: Ayes 7; absent 6.

KEATING, Vice Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1433—An act to add a new section, to be numbered 10a, to the Motor Vehicle Fuel License Tax Act and a new section, to be numbered 7406, to the Revenue and Taxation Code, relating to distributions of motor vehicle fuel to certain contractors, to defer assessment and determination of motor vehicle fuel license tax in certain instances, and providing that this act shall take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1296—An act to amend Section 1305 of the Penal Code, relating to bail.

Bill read second time, and ordered to third reading.

UNFINISHED BUSINESS (RESUMED)**CONSIDERATION OF ASSEMBLY AMENDMENTS**

Senate Bill No. 801—An act to amend Sections 2, 15, 18, 18.1, 19.1 and 21 of the Agricultural Prorate Act, relating to agricultural proration programs, including definitions, proration program committees, equalization pools and the deposit of moneys.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 801?

Amendment No. 1

In line 5 of the title of the printed bill, strike out the period, and insert "; and to declare the urgency of this act and that this act shall take effect immediately."

Amendment No. 2

On page 7 of the printed bill, between lines 29 and 30, insert

"(f) For the purpose of providing for the adjustment of production of any agricultural commodity by means of tree or vine pulling, the program committee may receive applications from growers for acreage adjustment payments. The program committee shall, upon proper review and certification, make such acreage adjustment payments on an equitable basis from funds collected for such purpose on a uniform basis from all commercial growers of such agricultural commodity in this State, or from funds received from Federal, State or other agencies for such purpose.

No program of production adjustment adopted hereunder shall authorize payments for the removal of acreages of trees or vines of the species, variety or varieties specified in the program which have, during the three years immediately preceding the date of application, produced an annual yield per acre in excess of the comparably computed average yield from bearing trees or vines of the same species, variety or varieties for the State as a whole, such yields and averages to be determined by the director from statistical data compiled by State or Federal agencies or such other data as the director deems to be representative and reliable."

Amendment No. 3

On page 9 of the printed bill, after line 20, insert

"Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of this State and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The economic conditions confronting many of the producers throughout the State are such as to require immediate assistance. A heavy production power and tax paying ability are to be maintained and thereby and with the standards of living and of citizenship are to be kept at a reasonable standard. Legislative remedies affecting the marketing of agricultural commodities must take effect immediately if they are to be of benefit during the current marketing season.

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 801 by the following vote:

AYES. None.

NOES. Senators Rogers, Howell, Canning, Lusk, Donald, DeLongor, Fletcher, Foley, Gordon, Thompson, Keating, Jackson, Moore, McLaughlin, Metzger, M. Land, Parkman, Powers, Rich, Slater, Saxon, and Ward. 21.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1716. An act to amend Sections 735.3, 735.4 and 736.1 of the Agricultural Code, including definitions, collections and hearings relating to the stabilization and marketing of third work and first season.
And appointed Messrs. Donald, Rogers, McLaughlin, and Thompson as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 108. An act to amend Sections 4, 7 and 20 of the Alcoholic Beverage Control Act, relating to licenses and to the conduct of business and transfer of licenses by an executor, administrator, guardian, trustee, receiver, assignee for the benefit of creditors and others.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1060. An act to amend School Code Section 5.750, relating to absences from duty of employees of school districts;
And appointed Messrs. Cane, Thomas and Saltsman as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 3. An act to amend Sections 50, 81 and 372 of the Vehicle Code, relating to vehicles and vehicular traffic, including the definition of unladen weight, the definition of street or highway, and the payment of weight fees for commercial vehicles.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1937
Assembly Bill No. 159
Assembly Bill No. 1075
Assembly Bill No. 1124

Assembly Bill No. 1856
Assembly Bill No. 2465
Assembly Bill No. 1596
Assembly Bill No. 2629

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 389

ARTHUR A. OIINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's veto to:

Assembly Bill No. 243

ARTHUR A. OIINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators McCormack, McBride, and Myhand as a Senate Committee on Conference concerning Assembly Bill No. 1716 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Kenny, Ward, and Carter as a Senate Committee on Conference concerning Assembly Bill No. 1060 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Jespersen, Gordon, and Brown as a Senate Committee on Conference concerning Senate Bill No. 801 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 135

By Senator Biggar:

Senate Resolution No. 135

WHEREAS, Senate Resolution No. 104 directed the Senate Committee on Investigation of Interference with the Legislative Process to conduct an investigation, subpoena witnesses, take testimony and make transcripts thereof; and

WHEREAS, Funds provided by said resolution were not sufficient to cover the expenses of the committee; now, therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant from the Contingent Fund of the Senate in favor of Senator Ed Fletcher in the sum of two hundred thirty five dollars and fifty nine cents (\$235.59) to meet necessary expenses of said committee, vouchers covering all items of expense to be filed with the Controller by the chairman of the committee created pursuant to Senate Resolution No. 104.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Luckey, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Slater, Swan, and Ward—21.

NOES—None.

RESOLUTIONS

The following resolutions were introduced:

By Senator Myhand:

Senate Resolution No. 143

Resolved, That the Secretary of the Senate be and he is hereby directed to prepare files of all bills and other records of the Senate and to deposit such books,

bills and other records with the Secretary of State as provided by law, to attend to the correspondence of the Senate and to keep in touch of the public as may apply, the due passage of legislative measures as provided in the Joint Rules of the Senate and Assembly. The Secretary is further directed to index, correct, compare and proofread the Journal of the Senate and cause the information therein contained concerning resolutions for use of Members of the Legislature, State officers and the general public, as a permanent record of the system, transmitted during the Forty-fourth Session to the Legislature, and to complete the constitution of the Constitution and a book on the California Legislature and to attend to the distribution thereof. The Secretary is further directed to prepare and, at the expiration of the last sitting period, have published a Final Calendar in the houses of the Legislature, Senate and Assembly, to compile the history of all bills introduced, those passing, the number that shall have become laws, that that shall have been read a second time, and that shall have been introduced, so as to provide a perfect history of the Senate's business and provide for the introduction of subsequent sessions of the Legislature. When and if all of this is completed, the Secretary is directed to forward one copy to each public library in the State and shall distribute others as he deems fit. (House No. 22 amended.)

All of the publications above provided for are to be ordered by the Secretary pursuant to the provisions of Senate Rule No. 22 and Joint Rule No. 18 and paid for from the Legislative Printing Fund.

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beggan, Brown, Canningham, Deard, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Keating, Kiechel, Lacey, Mayo, McBride, McCormack, Metzger, Mitchell, Parkman, Phillips, Powers, Rich, Slater, Swan, and Ward—24.

NOTES—None.

By Committee on Rules

Senate Resolution No. 144

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in a sum of three thousand dollars (\$3,000) in favor of Joseph A. Beck, Secretary of the Senate, and the Treasurer is hereby directed to pay the same, for postage, telephone service, telegraph service, supplies, rental of typewriters, illuminating resolutions, bills from State Department of Finance, H. S. Crocker Company, Newbert Hardware Company, traveling expenses and any other incidental expenses in connection with conducting the business of the Senate and performing any duties imposed by the Rules or resolutions of the Senate, also to pay any bills for incidental expenses of the Senate heretofore incurred but for which payment has not been provided by any other resolution.

The Secretary of the Senate is instructed to file with the Controller receipts covering all expenditures made hereunder.

(Signed out)

S.

RICH, Chairman
DELL
TICKLE

MYLAND
BREED

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Beggan, Brown, Canningham, Deard, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Keating, Kiechel, Lacey, Mayo, McBride, McCormack, Metzger, Myland, Parkman, Phillips, Powers, Rich, Slater, Swan, and Ward—24.

NOTES—None.

By Senator Tickle

Senate Resolution No. 145

Resolved, That Frank N. Kiechel, Chief of the Bureau of Buildings and Grounds, be, and he is hereby directed to lease the Senate Chamber and all the committee rooms and other rooms used by the Senators and officers of the Senate in such condition that they will be available for use of the Senate at any time; and it is further directed that no persons other than the Members, officers and attaches of the Senate be permitted to occupy or use the offices, committee rooms and other rooms now occupied by the Senate without permission as hereinafter provided, and that the desks, furniture and other equipment of the Senate be at the disposal of the Secretary of the Senate pursuant to adjournment of this session until the Senate shall reconvene, and that no person except Members of the Senate be per-

mitted to occupy any of the Senate's offices or make use of Senate equipment without permission of the Secretary; and be it further

Resolved, That the Secretary be and he is hereby made responsible for the safe-keeping of Senate property after adjournment of this session until the Senate shall reconvene again; and be it further

Resolved, That the Secretary be directed to deliver a copy of this resolution to the Chief of the Bureau of Buildings and Grounds and a copy to the Director of Finance.

Resolution read, and unanimously adopted.

By Committee on Rules:

Senate Resolution No. 146

WHEREAS, The Members of the Senate will desire to have shipped to their various places of residence their bill files, books, stationery and other printed matter at the close of this session; therefore, be it

Resolved, That the Sergeant-at-Arms, Joseph F. Nolan, be authorized to procure such boxes, packing and other materials as are necessary for the purpose of shipping the same, properly packed, and to pack and ship the same to said Members; and the State Controller is hereby authorized to draw his warrant on the Contingent Expense Fund of the Senate in favor of said Joseph F. Nolan, in a sum not to exceed eight hundred dollars (\$800) and the State Treasurer is hereby directed to pay the same; and it is further directed that said Joseph F. Nolan shall furnish to the Controller vouchers and receipts for all expenditures made by him.

(Signed out)

RICH, Chairman MYHAND
DEUEL BREED
TICKLE

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Powers, Rich, Slater, and Swan—22.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1192

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 7; absent 4.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 2360

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; noes 1; absent 4.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1192—An act to amend Section 20, and repeal Section 24 of, the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2360—An act to amend Section 1501 of the Welfare and Institutions Code, relating to and to needy children.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out "(over 22 and 28, and in line 24, strike out "(12)", and insert "(11)".

Amendment No. 2

On page 2, line 4 of the printed bill, as amended, strike out "(12)", and insert "(12)".

Amendment No. 3

On page 2, line 6 of the printed bill, as amended, strike out "(14) A child of a father," and insert "(13) A child of a parent."

Amendment No. 4

On page 2 of the printed bill, as amended, after line 6, insert "(14) A fatherless child who is a child of an employable father who refuses to accept such child, shall be deemed to be a child of a parent."

Amendments read and adopted.

Bill ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Senate Bill No. 1161

Respectfully reports the same back without recommendation.

Committee membership 11; committee vote: Ayes 7, absent 4.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 1163—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, to which was referred:

Assembly Bill No. 1429

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

SWING, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, JUNE 12, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which was referred

Assembly Bill No. 2013

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; noes 2; absent 3.

CRITTENDEN, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1429—An act to amend Section 1 of an act entitled "An act granting to the City of South San Francisco the salt marsh, tide and submerged lands of the State of California, including the right to wharf out therefrom to the City of South San Francisco and regulating the management, use and control thereof," approved April 10, 1925, relating to lands granted to the City of South San Francisco.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2013—An act to amend Section 736.12 of the Agricultural Code, relating to the marketing of fluid milk and fluid cream.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture:

Amendment No. 1

On page 1, line 4 of the printed bill, (inserted) after "dipper", insert "may, in the same lot and in combination with the several types or methods of distribution commonly used for distributing, putting up or compressing, including, but not limited to, various sizes, types and kinds of containers, and be".

Amendment No. 2

On page 2 of the printed bill, strike out lines 10 and 11, and insert "respectively, including all costs of hauling, processing, packaging, selling, and delivery, including reasonable container charges to insure the prompt return of multiple containers to the owners thereof, and such other necessary costs as are incurred in the several types or methods used in such marketing".

Amendment No. 3

On page 2, lines 12 and 13, of the printed bill, strike out "in accomplishing such hauling, processing, packaging, selling and delivery".

Amendment No. 4

On page 2 of the printed bill, strike out all of lines 20 to 46, inclusive.

Amendment No. 5

On page 4 of the printed bill, insert

"(4) A distributor or retail store shall not sell or distribute fluid milk or fluid cream in any marketing area wherein an order establishing minimum wholesale and minimum retail prices therefor is in effect by any type or method of sale or distribution not provided for in such order without first having obtained written authority to do so from the director. If the director grants such authority he shall specify the minimum price or prices therefor which he deems reasonable, and in accordance with the intent and purpose of this chapter, which authority and prices shall remain in effect until the next hearing upon supplies of minimum wholesale and minimum retail prices in said area, or until amended or terminated by the director."

Amendments read and adopted.

Bill ordered printed, and to third reading.

COMMUNICATIONS

The following communication was received and read, and on motion of Senator Deane, ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF FINANCE

SACRAMENTO, June 13, 1941

To the Honorable Members of the Senate
Sacramento, California

Gentlemen: To advise that the members of the Legislature may be informed as to the expenditures which may result from a transfer of Federal funds now contributed to the administrative budget of the State Department of Social Welfare, I wish to call your attention to the fact that approximately 70 per cent of such administrative budget comes from Federal aid. Some three times additional appropriations from the Federal Government as total as \$1,586,677 might become necessary.

It has been the experience of other States that such loss of Federal funds may not be made up by retroactive grants from the Federal Government.

Enclosed for the Senate are three copies of a statement from the Department of Social Welfare showing the amount of Federal retroactive funds in relation to the total budget of the Department of Social Welfare for the administration of the categorical aids.

In addition to the loss of Federal administrative grants used for the support of the State Department of Social Welfare, the 58 counties of the State would stand to lose portion totaling \$1,011,000 of the more income which otherwise would be available to them, in meeting the local cost of administering the three categorical aid programs. The loss of these Federal administrative funds would further complicate the fiscal picture in State and county budgets involved in the threatened withdrawal of Federal aid for old age pension.

Respectfully submitted,

GEORGE KILLION, Director of Finance

DEPARTMENT OF SOCIAL WELFARE

Expenditures from State and Federal Funds for Administration of Categorical Aids

	State Funds	Federal Funds	Total
Administration of Aids to Needy Aged			
Amount		\$1,198,261 00	\$1,198,261 00
Percentage of total		100%	100%
Administration of Aid to Needy Blind:			
Amount	\$108,975 00	\$108,975 00	\$217,951 00
Percentage of total	50%	50%	100%
Administration of Aid to Needy Children:			
Amount	\$279,441 00	\$279,441 00	\$558,881 00
Percentage of total	50%	50%	100%
Total	\$388,416 00	\$1,586,677 00	\$1,975,093 00
Percentage of total	20%	80%	100%

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 9:45 p.m., on motion of Senator Slater, further proceedings under the call of the Senate were dispensed with.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Jespersen moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 559 was passed.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Jespersen moved a call of the Senate.

Motion carried. Time, 9.50 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1005—An act to amend Sections 5900, 5901, 5902 and 5904 of, to add Section 5930.5 to, and to repeal Section 5882 of, the Elections Code, relating to absent voting.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, Denel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, Mayo, McBride, Metzger, Myhand, Parkman, Slater, Swan, Swing, and Wagye—23.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1846—An act to add Chapter 13, comprising Sections 22300 to 22414, inclusive, to Division 8 of the Business and Professions Code, relating to the licensing and regulation of junk dealers.

Bill read third time.

Motion to Amend

Senator Luckey moved the adoption of the following amendments:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, as amended, strike out "Chapter 13, comprising Sections 22300 to 22414, inclusive, to Division 8", and insert "Article 3, comprising Sections 21600 to 21608, inclusive, to Chapter 9 of Division 8 of".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, strike out "licensing and".

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 1 and 2, and insert "SECTION 1. Article 3, comprising Sections 21600 to 21608, inclusive, is hereby added to Chapter 9 of Division 8 of the Business".

Amendment No. 4

On page 1 of the printed bill, as amended, strike out line 5, and insert

"Article 3. Junk

21600. As used in this article, "junk" means any and all second-hand and used machinery and scrap iron, including automobiles, tools, implements or parts or portions thereof, and any and all second-hand and used furniture or other personal property, other than live stock, or parts or portions thereof.

21601. As used in this article, "junk dealer" includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

21602. As used in this article, "junk yard" includes any yard, plot, space, inclosure, building or any other place where junk is collected, stored, gathered together and kept.

21603. This article shall not apply to any of the following:

(a) Second-hand furniture merchants.

(b) Pawnbrokers.

(c) Second-hand car dealers or merchants in connection with automobile and motor vehicle sales agencies but not carried on and conducted in conjunction with a junk yard.

(d) Persons engaged in the business of selling new automobile tires or batteries or other equipment taking in part payment used articles of the same kind and thereafter selling or disposing of the same.

(e) Second-hand oil well supply and equipment dealers not conducting or carrying on their business in connection with a junk yard.

(f) Second-hand clothing merchants and ragpickers.

21604. This article shall not apply to any person who sells junk acquired in the conduct of any business other than that of junk dealer.

21605. Every junk dealer in this State is hereby required to keep a written record of all sales and purchases made in the course of his business. Such record shall be exhibited as required in any proceeding in this State.

21606. Every junk dealer shall set out in the written record required by this article all of the following:

(1) The name and date of each sale or purchase made in the conduct of his business of junk dealing.

(2) The name, address and description of each piece of motor vehicle junk is purchased or obtained, and the license number of any motor vehicle used in transporting the junk to the junk dealer's place of business.

(3) The name, address and occupation of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's place of business.

21607. Every junk dealer shall preserve the written record required by this article for at least two years after making the final entry of any purchase or sale of junk.

21608. Any junk dealer who fails in any respect to keep the written record required by this article, or who refuses, upon demand of any county officer or the State Highway Commission, to produce the written record required by this article, or who refuses, upon demand of any county officer or the State Highway Commission, to produce the final entry of any purchase or sale of junk made in the course of his business,

Amendment No. 5

On page 1 of the printed bill, as amended, strike out lines 7 to 23, inclusive, and strike out pages 2 to 4, inclusive.

Amendments read and adopted.

Roll ordered printed, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Transportation

SENATE JOURNAL, SENATE CHAMBER, June 13, 1941.

MR. PRESIDENT: Your Committee on Transportation, to which was referred:

Assembly Bill No. 2646

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee amendments, 41, committee pages 7, about 4.

MCCORMACK, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 2646—An act to amend Sections 276 and 511 of the Vehicle Code, relating to operators' licenses and prima facie speed limits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Transportation:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Sections 276 and 511", and insert "Section 276".

Amendment No. 2

In line 2 of the title of the printed bill, strike out "and prima facie speed limits.", and insert a period.

Amendment No. 3

On page 1 of the printed bill, strike out all of lines 10 and 11, and insert "If an applicant for an operator's license has any condition which in the opinion of the department".

Amendment No. 4

On page 1 of the printed bill, strike out all of lines 13 and 14, and insert "son, may result in the existence of a ground for which a license might be refused under this code, the department".

Amendment No. 5

On page 1 of the printed bill, strike out all of lines 18 to 27, inclusive; and on page 2, strike out all of lines 1 to 48, inclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO RE-REFER ASSEMBLY BILL NO. 999

Senator DeLap moved that Assembly Bill No. 999 be re-referred to Committee on Judiciary.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 913—An act to amend Section 1270 and to repeal Section 1270.5 of the Fish and Game Code, relating to deer seasons.

Bill read third time.

Motion to Amend

Senator McBride moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "and 4½", and insert ", 4, 4½, and in that part of District 4½ comprising San Diego County,".

Amendment read.

Motion to Table

Senator Swing moved that the above amendment be laid on the table.

Motion carried.

The roll was called, and Assembly Bill No. 913 passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Cunningham, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Keating, Kuebel, Luckey, McCormack, Mixer, Myhand, Parkman, Phillips, Seawell, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Carter moved that Assembly Bill No. 1009 be taken from the inactive file, and placed on the third reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1009—An act to amend Section 137 of the Civil Code, relating to the support of a spouse pending divorce proceedings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kuebel, Luckey, McCormack, Metzger, Mixer, Myhand, Parkman, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11 p.m., on motion of Senator Jespersen, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and reconsideration of Assembly Bill No. 359 refused by the following vote:

AYES: Senators Hager, Carter, Cunningham, Dunn, Fletcher, Garrison, Gordon, Judah, May, Shinn, Sisk, and West—13.

NOES: Senators Hines, Jones, Quinn, Callahan, DeLap, Dillinger, Foley, Keating, Kuebel, Mayo, Mixter, Myhand, Parkman, Powers, Quinn, Roth, Tracy, Tuley, and Ward—22.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAIRMAN, SACRAMENTO, June 13, 1941.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Weybrot, Dilworth and Hustain as a Committee on Conference concerning.

Senate Bill No. 801: An act to amend Sections 2, 16, 18, 184, 191 and 21 of the Agricultural Pesticide Act, relating to agricultural pest-control programs, including definitions, amounts payable to producers on cancellation plans and the deposit of monies, and to amend the chapter of this act and such acts shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
BY ROBERT J. FINNEY, Assistant Clerk

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, reconsideration of the vote whereby the Governor's veto to Senate Bill No. 1078 was sustained was taken up.

The roll was called, and reconsideration granted by the following vote:

AYES: Senators Bagley, Dunn, Hines, Cunningham, Cunningham, DeLap, Fletcher, Gordon, Judah, Keating, Kuebel, Mayo, Mixter, Myhand, Parkman, Powers, Roth, Seimell, Tuley, Ward, West, and Ward—22.

NOES: Senators Carter, Dunn, Dillinger, Foley, Garrison, Jespersen, McBride, Quinn, Shifery, and Sisk—10.

The question being: Shall Senate Bill No. 1078 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Crittenden moved a call of the Senate.

Motion carried. Time, 11.15 p.m.

The President directed the Sergeant at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 12, 1941

To the Honorable Members of the Senate
Sacramento, California

GREETINGS. I am herewith, without my signature, Senate Bill No. 319, entitled, "An act to amend Section 651 of the Fish and Game Code, relating to salmon."

My objections to this bill are as follows:

The bill extends the open season on salmon in the Mokelumne River in District 1 from the present season of May 29th to October 31st to make the season May 29th to December 31st, thus increasing its length by two months.

The Division of Fish and Game reports that this will make it possible for fishermen to take salmon on the spawning grounds in this river during their spawning season.

The division further points out that at the present time the commission is trying to rehabilitate the salmon runs on both the San Joaquin and Sacramento River Systems in order to replace the loss that will occur or has occurred through blocking off of spawning beds by the large number of dams that have been put on various rivers and tributaries.

I believe that proper legislation in such matters should follow the advice of our trained experts in the field of conservation. Since the measure is reported as unfavorable for the proper conservation of this species, I am sure that the sportsmen of the State will be satisfied to abide by the present season.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 12, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 169, entitled "An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses."

My objections to this bill are as follows:

This bill provides that the owner of a slaughterhouse who feels that the building requirements of the department are unreasonable may protest to the director; that the protest shall be determined by an arbitration committee of three, one selected by the department, one by the owner and the third by the first two; and that the decision of the arbitration committee shall be final and binding upon the department and the owner. During the Fifty third Session of the Legislature, I returned without my signature Senate Bill No. 285 which similarly provided for such arbitration. The reasons then given are applicable to this bill and are here restated:

"The correspondence I have received from several small slaughterhouse operators indicates that this bill was introduced in response to their complaints that higher and more burdensome standards have been fixed for them in the administration of the present law than the average of sanitary and building standards required and actually in force in other slaughterhouse establishments. I agree that such discriminations would be inexcusable; in fact they would constitute a violation of duty on the part of officials charged with the enforcement of the present law. If any such violations have occurred, or if unreasonable standards or requirements are made, they can and will be corrected by administrative order. Complaints with reference thereto should be made to the Director of Agriculture.

The provisions of this bill, it seems to me, would defeat its purpose to establish uniformity in sanitary and building requirements for all establishments subject to regulation. It would permit the arbitrary fixing by arbitration committees of different standards and requirements in different localities and in individual plants than obtained in others.

The Legislature may deem it advisable to set up uniform standards more specifically than the present law provides. But this act would break down all standards. It would delegate to unofficial agencies powers which should be exercised only by duly qualified administration officers. It would be detrimental to the establishment of reasonable and uniform public health and sanitary regulations affecting the operations of slaughterhouses."

There now exists a further reason why this bill should not become law, which is that it would undoubtedly defeat the efforts of the Department of Agriculture and of the California meat packing industry to secure Federal recognition of California meat inspection so that meat packed in California plants under State inspection may be sold to Federal agencies and particularly to the Military and Naval authorities of the United States. At the present time these authorities will accept only Federal inspected meat. That the Legislature is fully cognizant of this situation is demonstrated by Senate Joint Resolution No. 4 adopted at the present session of the Legislature, memorializing the Congress and the President to take action to provide that meat inspected and passed under the California Meat Inspection Law may be sold to and purchased by the United States and its agencies. I doubt that the Legislature in enacting this bill realized that the destruction of the standards of the California meat inspection service made possible by this bill would defeat such purpose and thereby be disadvantageous to the California

industry. Under the present law the standards are required to conform to the Federal standards as nearly as possible (Agricultural Code, Section 315). Under the law such standards would conform to the National Plans of the different arbitration boards.

For the reasons stated, I am returning the bill without my signature.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Above bill ordered to confidential business file

REPORTS OF STANDING COMMITTEES

Committee on Finance

SENATE CHAMBER, SACRAMENTO, JUNE 13, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 199

Assembly Bill No. 897

Senate Bill No. 200

Assembly Bill No. 1761

Senate Bill No. 1348

Assembly Bill No. 2253

Assembly Bill No. 15

Assembly Bill No. 2585

Assembly Bill No. 151

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 9; absent 2.

MIXTER, Chairman

Above reported bills ordered to second reading

SENATE CHAMBER, SACRAMENTO, JUNE 13, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred:

Senate Bill No. 1007

Assembly Bill No. 1327

Senate Bill No. 1007

Assembly Bill No. 1529

Assembly Bill No. 344

Assembly Bill No. 1840

Assembly Bill No. 777

Assembly Bill No. 1998

Assembly Bill No. 1078

Has had the same under consideration and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 8; present 2.

MIXTER, Chairman

Above reported bills ordered to second reading

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Bill No. 199—An act to establish a revolving fund for financing the Federal Stamp Plan, appropriating money therefor, declaring the urgency thereof, to take effect as therein provided.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 200—An act making an appropriation to the State Department of Social Welfare for the distribution of surplus commodities, declaring the urgency thereof, to take effect as provided therein.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1348—An act making an appropriation to the State Personnel Board, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill No. 1007—An act relating to review of decisions of administrative boards, commissions and officers, providing for a thorough study and report thereon and the formulation of a comprehensive and detailed plan in respect thereto, defining the powers and duties of the Judicial Council in relation thereto, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 4 of the title of the printed bill, after the comma, insert "and".

Amendment No. 2

In line 6 of the title of the printed bill, strike out ", and making an appropriation therefor".

Amendment No. 3

On page 2 of the printed bill, strike out lines 12 to 16, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 1067—An act to add Section 6 to an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, relating to duties of the State Planning Board, and making an appropriation therefor, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

In Section 2 of the printed bill, line 16, strike out "\$-----", and insert "\$5,000".

Amendment read and adopted.

Bill ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 15—An act to provide for the establishment and maintenance of a College of Veterinary Medicine in the University of California, and to make an appropriation therefor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 151—An act to add Sections 556.1 and 556.2 to the Military and Veterans Code, relating to the organization of the State Guard, making an appropriation therefor, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill No. 897—An act authorizing the Director of the State Department of Agriculture to use certain funds in the Department of Agriculture Fund, derived under the provisions of Chapter 241, Statutes of 1935, and Chapter 401, Statutes of 1935, and making an appropriation thereof.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1561—An act to provide for the compilation, publication, and distribution by the Secretary of State of a Roster of public officials of California and to make an appropriation therefor.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2253—An act to make an appropriation from the State Park Maintenance and Acquisition Fund to the State Park Commission for the extension of the State Park System, providing for the acquisition of land in Del Norte County for State park purposes.

Bill read second time, and ordered to third reading.

Assembly Bill No. 2585—An act making an appropriation to the Department of Natural Resources, Division of Parks, for the acquisition of land in Marin County as part of the State Park System.

Bill read second time, and ordered to third reading.

Assembly Bill No. 344—An act to provide for the improvement and reconstruction of a road in the County of Mendocino, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, strike out "seven hundred", and insert "one hundred ninety thousand six hundred and no/100ths".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 777—An act to add Division 25, comprising Chapter 1, Sections 1760 to 1781, inclusive to the Welfare and Institutions Code, creating a Youth Correction Authority, prescribing its powers and duties, providing for commitments thereto of convicted persons under 23 years of age at the time of their apprehension and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 11, line 24, of the printed bill, as amended, strike out "two", and insert "one".

Amendment No. 2

On page 11, line 25, of the printed bill, as amended, strike out "\$200,000", and insert "\$100,000".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1078—An act appropriating money for the construction and equipment of buildings and the improvement of grounds at Morrow Cove, the site of the California Maritime Academy and for the support and maintenance thereof, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "and for the support and maintenance thereof".

Amendment No. 2

On page 2 of the printed bill, as amended, strike out all of lines 5 to 7, inclusive, and insert "project".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1327—An act making an appropriation for the acquisition, development and maintenance of ocean beaches for public use.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, strike out "two million."

Amendment No. 2

On page 1, line 2, of the printed bill, as amended, strike out "\$2,500,000", and insert "\$500,000".

Amendment No. 3

On page 1, line 17, of the printed bill, as amended, after "county", insert "nor shall any portion of this appropriation be expended for the acquisition, development or protection of any ocean beach unless moneys equal to or in excess of the amount to be expended from this appropriation for that purpose shall have been made available by any person, corporation, political subdivision, public district or public agency other than the State; for expenditure by the State for that purpose, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State."

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1529—An act to appropriate funds to the State Department of Education for the support of the California State Historical Association.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of line 2, and insert "five thousand dollars (\$5,000) is".

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1840—An act making an appropriation out of the Motor Vehicle Support Fund for the support of the Department of Motor Vehicles, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment No. 1

On page 2 of the printed bill, as amended, strike out all of lines 21 to 26, inclusive; and insert "Ninety-third and Ninety-fourth Fiscal Years, to enable the employ

ment of additional members of the California Highway Patrol. Said amount shall be added to the appropriation made in Item 149 of the Budget Act of 1941 in reimbursement thereof."

Amendment read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1993.—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, acknowledging the urgency thereof, and providing that this act shall take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out all of lines 3 and 4, and insert "One hundred eighty-eight thousand ninety-four dollars and eighty-one cents (\$188,084.81).".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out all of lines 12 to 15, and insert:

"Sec. 2. The sum of one hundred eighty-eight thousand eighty-four dollars and eighty-one cents (\$188,084.81) shall be paid as follows: Ninety-five thousand two hundred eighty-five dollars and seventy-five cents (\$95,285.75) "

Amendment No. 3

On page 1, line 16, of the printed bill, as amended, strike out "(\$528,744.70) "

Amendment No. 4

On page 2, line 20, of the printed bill, as amended, following the semicolon, insert "ninety-five dollars and one cent (\$95.01) out of any money in the Medical Examiners' Compensation Fund in the State Treasury."

Amendment No. 5

On page 2 of the printed bill, as amended, strike out all of lines 25 and 26, and insert "thousand two hundred seventy-six dollars and fifty-three cents (\$1,276.53) out of any money in the Motor Vehicle Fuel".

Amendment No. 6

On page 2, line 32, of the printed bill, as amended, following the semicolon, insert "one hundred fifty-four dollars and five cents (\$154.05) out of any money in the Optometry Fund in the State Treasury";.

Amendment No. 7

On page 2 of the printed bill, as amended, strike out all of lines 35 to 38, inclusive, and insert "Treasury; two thousand four hundred seventy dollars and fifty-four cents (\$2,470.54) out of any money in the Retail Sales".

Amendment No. 8

On page 2, line 45, of the printed bill, as amended, strike out "five", and insert "three".

Amendment No. 9

On page 2, line 46, of the printed bill, as amended, strike out "(\$50,510.38)"; and insert "(\$50,510.38)".

Amendment No. 10

On page 3 of the printed bill, as amended, strike out all of lines 8 and 9, and insert "thirteen thousand two hundred ninety-three dollars and thirty-three cents (\$19,293.33) out of any money".

Amendment No. 11

On page 3 of the printed bill, as amended, strike out all of lines 13 and 14, and insert "Treasury; and five thousand five hundred twenty-three dollars and twenty-three cents (\$5,523.23) out of any money in the Unem-".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.25 p.m., on motion of Senator Crittenden, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate refused to sustain the objections of the Governor to Senate Bill No. 1078 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Keating, Kuchel, Mayo, McCormack, Metzger, Mixter, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, Wagy, and Ward—27.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Luckey, McBride, Quinn, Slater, and Swan—10.

UNFINISHED BUSINESS (RESUMED)

Assembly Bill No. 2299—An act to add Sections 3107 and 3131 to the Business and Professions Code, relating to offenses against the chapter on optometry.

Bill read third time.

Previous Question

Senator Swing moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 2299.

The roll was called, and the bill refused passage by the following vote:

AYES—Senators Collier, Crittenden, Cunningham, Dillinger, Foley, Jespersen, Keating, McBride, McCormack, Mixter, Parkman, Seawell, Shelley, and Slater—14.

NOES—Senators Biggar, Breed, Brown, Carter, DeLap, Deuel, Fletcher, Garrison, Judah, Kuchel, Luckey, Mayo, Metzger, Myhand, Phillips, Powers, Quinn, Rich, Swan, Swing, Tickle, Wagy, and Ward—23.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 801—An act to amend Sections 2, 15, 18, 18.1, 19.1 and 21 of the Agricultural Prorate Act, relating to agricultural proration programs, including definitions, proration program committees, equalization pools and the deposit of moneys; and to declare the urgency of this act and that this act shall take effect immediately;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on May 22, 1941, be further amended as follows:

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out the semicolon; and strike out lines 5 to 7, inclusive, and insert a period.

Amendment No. 2

On page 9 of the printed bill, as amended, strike out lines 8 to 21, inclusive.

JESPERSEN
GORDON
BROWN

WEYBRET
DILWORTH
HASTAIN

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel,

Luckey, Mayo, McBrink, McCarroll, Morgan, Miller, McInd, Parkman, Phillips, Quinn, Quinn, Rely, Seawell, Slater, Slater, Swan, Swing, Wagy and Ward—35.
 NOES—None.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Fletcher moved that the Senate at this time reconsider the vote whereby Assembly Bill No. 442 was passed.

The roll was called and Assembly Bill No. 442 refused reconsideration by the following vote:

AYES—Senators Biggar, Collier, DeLap, Deuel, Fletcher, Fitch, Garrison, Jespersen, Mayo, McCarroll, Morgan, Phillips, Seawell, Tickle, and Wagy—15.

NOES—Senators Breed, Brown, Carter, Crittenden, Cunningham, Dillinger, Keating, Kuebel, McBrink, McInd, Parkman, Quinn, Rely, Shelley, Slater, Swan, Swing, and Wagy—18.

Bill ordered transmitted to the Assembly.

PERMISSION TO INTRODUCE BILL

The following request for permission to introduce a bill was presented:

By Senator Breed:

Request for Permission to Introduce a Bill

SENATE CHAMBER, SACRAMENTO, June 13, 1941.

MR. PRESIDENT: In compliance with the provisions of Article IV, Section 2, of the Constitution, I request permission to introduce a bill, the title of which is as follows:

An act making an appropriation for the support of the State Department of Social Welfare, to take effect immediately.

Respectfully submitted,

SENATOR BREED

Recommendation of Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 13, 1941.

The Committee on Rules recommends that permission be granted to introduce the bill as requested.

RICH, Chairman
 TICKLE
 DEUEL
 MYHANI
 BREED

The roll was called, and permission granted by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Fitch, Garrison, Jespersen, Keating, Kuebel, Luckey, Mayo, McBrink, McCarroll, Morgan, Miller, McInd, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was introduced, and read the first time:

Senate Bill No. 1349: By Senator Breed—An act making an appropriation for the support of the State Department of Social Welfare, to take effect immediately.

Referred to Committee on Finance.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1731

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's veto to:

Assembly Bill No. 1475

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF GOVERNOR'S VETO

Assembly Bill No. 2049—An act to add Section 6.5 to the Alcoholic Beverage Control Act, relating to the age of whiskey sold at retail.

The question being: Shall Assembly Bill No. 2049 become a law notwithstanding the objections of the Governor?

Previous Question

Senator Swing moved the previous question.

Motion carried.

The question being: Shall Assembly Bill No. 2049 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 11.30 p.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Quinn moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 2325 was re-referred to Committee on Transportation.

The roll was called, and reconsideration refused by the following vote:

AYES—Senators Biggar, Brown, Carter, Dillinger, Foley, Garrison, Gordon, Mayo, McBride, Metzger, Mixter, Powers, Quinn, Shelley, Slater, and Swan—16.

Yeas—Senators Board, Carter, Cather, Crittenden, Cunningham, DeLap, Denel, Fletcher, Jorgensen, Keating, McCann, Parkman, Phillips, Rich, Seawell, Swing, Wagy, and Wood—17.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2108—An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of San Mateo, State of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

Yeas—Senators Board, Carter, Cather, Crittenden, Cunningham, DeLap, Denel, Dillingham, Phillips, Tamm, Cather, Garrison, Keating, Luckey, Mayo, McBride, McCormack, Morgan, Myster, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swain, Swan, Swing, Wagy, and Wood—21.

Noes—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1007—An act to amend Section 2837 of the Elections Code, relating to the election of county central committees.

Bill read third time.

The roll was called, and the bill passed by the following vote:

Yeas—Senators Board, Board, Carter, Cather, Crittenden, DeLap, Denel, Fletcher, Foley, Garrison, Jorgensen, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Phillips, Phillips, Parkman, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Wood—27.

Noes—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2280—An act to add Section 7377 to the Business and Professions Code, relating to cosmetology.

Bill read third time.

The roll was called, and the bill passed by the following vote:

Yeas—Senators Board, Board, Carter, Cather, Crittenden, DeLap, Denel, Dillingham, Fletcher, Foley, Garrison, Gordon, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myster, Phillips, Quinn, Rich, Seawell, Slater, Swan, Tickle, Wagy, and Wood—27.

Noes—Senator Sullivan—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 770—An act to add Chapter 8 to Part 4, Division 6 of the Welfare and Institutions Code, creating a Division of Extramural Care in the Department of Institutions and prescribing its powers and duties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

Yeas—Senators Board, Board, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillingham, Fletcher, Foley, Garrison, Gordon, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Myster, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—33.

Noes—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 340

Senator Mayo moved that Assembly Bill No. 340 be re-referred to Committee on Education.

Motion carried.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Shelley moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 686 was passed.

Motion to Table

Senator Rich moved that the motion to reconsider be laid on the table.

Motion carried.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2315

Senator Mayo moved that Assembly Bill No. 2315 be re-referred to Committee on Public Health and Safety.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2149

Senator Swan moved that Assembly Bill No. 2149 be re-referred to Committee on Education.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 51—Relative to amending Rule 35 of the Joint Rules of the Senate and Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Luckey, Mayo, McCormack, Metzger, Minter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagye, and Ward—32.

NOES—None.

Resolution ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 930

Senator Brown moved that Assembly Bill No. 930 be re-referred to Committee on Local Government.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2162

Senator Shelley moved that Assembly Bill No. 2162 be re-referred to Committee on Public Health and Safety.

Motion carried.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2161

Senator Swan moved that Assembly Bill No. 2161 be re-referred to Committee on Governmental Efficiency.

The roll was called, and the motion lost by the following vote:

AYES.—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Keating, McBride, Quinn, Shelley, Slater, and Swan—11.

NOES.—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Ducl, Fletcher, Gordon, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Swing, Tickle, Wagv, and Ward—20.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2161—An act relating to the immigration inspector of the Division of Immigration and Housing.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES.—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Ducl, Fletcher, Gordon, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Rich, Seawell, Swing, Tickle, Wagv, and Ward—23.

NOES.—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, Shelley, Slater, and Swan—10.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER

Senator Phillips moved to reconsider the vote whereby Assembly Bill No. 2162 was referred to Committee on Public Health and Safety.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Phillips moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 2162 was re-referred to Committee on Public Health and Safety.

Motion to Table

Senator Shelley moved that the motion to reconsider be laid on the table.

Roll Call Demanded

Senators Phillips, Metzger and Gordon demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES.—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Powers, Quinn, Shelley, Slater, and Swan—10.

NOES.—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Ducl, Fletcher, Gordon, Keating, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Tickle, Wagv, and Ward—21.

Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the reconsideration of the motion to re-refer Assembly Bill No. 2162 to Committee on Public Health and Safety.

The roll was called, and reconsideration of the motion to re-refer Assembly Bill No. 2162 granted by the following vote:

AYES.—Senators Biggar, Breed, Collier, Crittenden, DeLap, Ducl, Fletcher, Gordon, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Swing, Tickle, Wagv, and Ward—21.

NOES.—Senators Carter, Dillinger, Foley, Garrison, Jespersen, Keating, McBride, Powers, Shelley, Slater, and Swan—11.

CONSIDERATION OF ASSEMBLY BILL NO. 2162

Assembly Bill No. 2162—An act to add Article 8, comprising Sections 420 to 421, to Chapter 2, Part 1, Division 1 of the Health and

Safety Code, and to repeal Chapter 3, comprising Sections 75 to 77, of Division 1 of the Labor Code, relating to the Division of Immigration and Housing and the Commission of Immigration and Housing in the Department of Industrial Relations, and to the State Department of Public Health.

Bill read third time.

Previous Question

Senator DeLap moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 2162.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Gordon, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Rich, Seawell, Swing, Tickle, Wagy, and Ward—23.

NOES—Senators Carter, Dillinger, Foley, Garrison, Jespersen, McBride, Powers, Shelley, and Swan—9.

Bill ordered transmitted to the Assembly.

MOTION TO TAKE BILL FROM THE INACTIVE FILE

Senator Swing moved that Assembly Constitutional Amendment No. 6 be taken from the inactive file, and placed on the third reading file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California to amend Section 6 of Article IV of the State Constitution, relating to the membership of the Reapportionment Commission.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Mayo, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—34.

NOES—None.

Resolution ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.40 p.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate refused to sustain the objections of the Governor to Assembly Bill No. 2049 by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, DeLap, Denel, Fletcher, Jespersen, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Swing, Tickle, and Ward—27.

NOES—Senators Carter, Cunningham, Dillinger, Foley, Garrison, Gordon, Keating, Slater, Swan, and Wagy—10.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 51: By Senator Phillips—Relative to a Joint Fact Finding Committee and defining its powers and duties.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Senator Ward

Senate Resolution No. 147

Relative to a Senate Interim Committee on Unemployment Insurance

WHEREAS, It is imperative that all persons fully versed upon the subjects of (i) employment and unemployment conditions in California; (ii) the administration, application, operation and effect of the Unemployment Insurance Act, and activities and operations of the Department of Employment including the State Employment Service; (iii) the responsibilities imposed on the Department of Employment and the Federal Security Agency including the Social Security Board and the Bureau of Employment Security; (iv) the collection and disposal of revenues collected in California under the Federal Unemployment Tax Act, and (v) the requirements and conditions imposed upon the governmental agencies of this State by the agencies of the Federal Government under the Federal Social Security Act and the Federal Unemployment Tax Act with respect to unemployment insurance, should be found, assembled and analyzed to the end that the Legislature of California may be enabled to act advisedly and judiciously in the premises for the best interests of California in the consideration and enactment of legislation; and

WHEREAS, The facts are too vast and complex to be ascertained and analyzed through an Interim Committee charged with the study of every phase of the foregoing subjects; now, therefore, be it

Resolved by the Senate of the State of California, That an Interim Committee, to be known as the Senate Interim Committee on Unemployment Insurance, is hereby created to consist of three members of the Senate appointed by the Joint Committee thereof. The committee shall investigate, study and analyze, accurately and in detail, each and every phase of the foregoing subjects for the purposes of considering and enacting legislation.

The committee hereby created is hereby authorized to act during sessions of this Legislature and after that to convene, recess, and to reconvene beyond the convening of the Fifty-fifth Legislature, and to submit for and make reports to the regular or any special session of this Legislature and to the regular session of the Fifty-fifth Legislature.

For the purposes of this resolution, and in addition to the other powers conferred by this resolution, the committee shall have all the powers granted to investigating committees by the Joint Rules of the Senate and Assembly, as they now exist or as they may be hereafter amended, and the provisions of those Rules, in so far as they relate to investigating committees, are hereby made applicable to the committee hereby created the same as though they were incorporated in this resolution.

In addition to the powers conferred upon the committee by the Rules, it may create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee.

The Sergeant at Arms of the Senate, or other persons designated by him, are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day.

The sum of _____ or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this

resolution to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee upon warrants drawn by the Controller upon the Treasurer.

Resolution read, and referred to Committee on Rules.

CONSIDERATION OF ASSEMBLY BILL No. 2022

Assembly Bill No. 2022—An act making an appropriation for acquisition and development of, and construction, improvements and equipment at State beaches, parks and monuments.

Bill read.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the title of the printed bill, as amended, following "acquisition", insert ", maintenance".

Amendment No. 2

On page 1, line 10, of the printed bill, as amended, following "acquisition", insert ", maintenance".

Amendment No. 3

On page 1, line 22, of the printed bill, as amended, following "expended for the", insert "maintenance".

Amendments read and adopted.

Bill ordered printed, and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1949—An act defining henceforth the boundaries of Alameda County Water District, also ratifying the incorporation in said district of certain lands as shown in the certificate of the president and secretary of the board of directors of said district filed in the office of the Secretary of State of the State of California on May 18, 1940, and as certified to by the certificate of the said Secretary of State filed in the office of the county clerk of Alameda County on May 22, 1940, also providing for the management of said district as enlarged by the present officers thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Bigger, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Mayo, McCormack, Metzger, Myhand, Parkman, Powers, Quinn, Rich, Swan, Swang, Tickle, and Ward—25.
 NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1177—An act to amend Section 39 of, to repeal Section 42 of, and to add Section 41.1, 41.2, 41.3 and 42 to, the Unemployment Insurance Act, relating to experience rating.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 5, line 1, of the printed bill, as amended, after "(d)", insert "Prior to making its findings and determination thereon, the commission may order a hearing to be held on any dispute respecting contribution liability and upon such hearing any employing unit whose liability is in dispute shall be afforded reason-

able opportunity for a fair hearing in accordance with rules or regulations promulgated by the commission.

Amendment No. 2

On page 5 of the present bill, the word "and" striking out lines 50 to 52, inclusive; and on page 6 strike out lines 1 to 8, inclusive, and insert:

Sec. 414. Notwithstanding any other provision of this act, whenever the amount in the Unemployment Fund provided for this act for any two years preceding the last competitive year of 1937 is not more than 50 per cent of the total annual payable pay rolls of all employers for the three years preceding such competitive year, the contribution rate for all employers shall be not less than the general rate of 2.7 per centum for the entire competitive quarter and thereafter until the next competitive bill shall equal the Unemployment Fund equals or exceeds an amount equal to amounts determined as prescribed in whichever is the higher of (a) or (b). Whenever the fund falls below the amount prescribed in either (a) or (b) the commission shall so find and such finding shall be conclusive.

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO RE-REFER SENATE BILL NO. 350

Senator Myland moved that Senate Bill No. 350 be re-referred to Committee on Public Health and Safety.

Motion carried.

MOTION TO RE-REFER SENATE BILL NO. 1097

Senator Myland moved that Senate Bill No. 1097 be re-referred to Committee on Judiciary.

Motion carried.

MOTION TO STRIKE SENATE BILL NO. 1093 FROM FILE

Senator Tickle moved that Senate Bill No. 1093 be stricken from the file.

Motion carried.

MOTION TO STRIKE SENATE BILL NO. 1094 FROM FILE

Senator Tickle moved that Senate Bill No. 1094 be stricken from the file.

Motion carried.

MOTION TO STRIKE SENATE BILL NO. 1100 FROM FILE

Senator Tickle moved that Senate Bill No. 1100 be stricken from the file.

Motion carried.

MOTION TO STRIKE SENATE BILL NO. 904 FROM FILE

Senator DeLap moved that Senate Bill No. 904 be stricken from the file.

Motion carried.

MOTION TO STRIKE SENATE BILL NO. 1052 FROM FILE

Senator Phillips moved that Senate Bill No. 1052 be stricken from the file.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1285

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ADJOURNMENT

At 11.55 p.m., on motion of Senator Rich, the President declared the Senate adjourned until 10 a.m., June 14, 1941.

CALIFORNIA LEGISLATURE

FIFTY-FOURTH SESSION

SENATE DAILY JOURNAL

NINETY-THIRD LEGISLATIVE DAY

ONE HUNDRED SIXTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Saturday, June 14, 1941

The Senate met at 10 a.m.

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beck at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Senators Duggan, Russell, Brown, Capps, Collier, Colton, Crenshaw, DeLong, Dovel, Doolittle, Frazier, Frost, Gurnea, Gurnea, Harpelle, Jones, Keith, Kenna, Kiesel, Lusk, Mace, McHugh, McLaughlin, McMillen, Mitchell, Parkinson, Phillips, Quinn, Quinn, Ruff, Sargent, Seaton, Slater, Swan, Swang, Tinkle, Wagy, and Winters.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. H. W. Opperman, and ordered printed in the Journal:

God of Our Fathers, from whom thee and their trust in the founding and forging of our glorious country, we pray this day as we hoist our Flag, that it may always be blessed by Thee, and that we may ever see it wave over a land that is indeed brave and free. As this day of our legislative session begins, it is with humble hearts that we acknowledge Thy goodness and help. May what we have done receive Thy generous benediction. And as we end we pray that Thou wouldst watch over us while we are absent and from the nation. And now the Lord bless thee and keep thee. The Lord make His Face shine upon thee and be gracious unto thee. The Lord lift up His Countenance upon thee and give thee peace.

Amen

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Fletcher, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Julius Rainwater, Director of Public Welfare, of San Diego.

On request of Senator Collier, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Grand Sire James A. Hagerman, Sovereign Grand Lodge, I.O.O.F., of Saskatoon, Saskatchewan, Canada; E. S. Prolos of Wyoming; W. W. Martin of Fort Bragg; Leo F. Pilz and A. W. Sanderson, both of Sacramento.

On request of Senator Mixer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. Chester Mixer of Exeter.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. and Mrs. G. H. Offerman of Sacramento.

On request of Senator Powers, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Jack Powers of Eagleville and Bart Cavanaugh, Jr., of Sacramento.

On request of Senator Swan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Jamison and Sadie Wolfe, both of Sacramento County.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 199

Senate Bill No. 1163

Senate Bill No. 200

Senate Bill No. 1347

Senate Bill No. 1348

And reports the same correctly engrossed.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 607

Senate Bill No. 1067

Senate Bill No. 1007

And reports the same correctly engrossed.

RICH, Chairman

Committee on Welfare and Institutions

SENATE CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1222

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and re-refer to Committee on Finance.

Committee membership 11; committee vote: Ayes 7; noes 1; absent 3.

PHILLIPS, Chairman

Above reported bill re-referred to Committee on Finance.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Senate Bill No. 1349

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 11; committee vote: Ayes 6; absent 5.

MIXTER, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Finance, to which was referred:

Assembly Bill No. 1222

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 6; absent 5.

MIXTER, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following bill read the second time without reference to file:

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill No. 1222—An act to add Sections 28 and 28.1 to the Unemployment Insurance Act, relating to the obligations of this State for funds received from the United States, and to provide that this act take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment No. 1

On page 2 of the printed bill, as amended, between lines 4 and 5, insert

"So that this State and county and all places given by this section:

(a) The commission shall be subject to and shall comply with all applicable provisions of the Public Health Code relating to contracts, licenses and other fiscal matters, including Section 9771, of said code, to the same manner and to the same extent as other State agencies. It is hereto been provided that no provision is not inconsistent with the provisions of the Social Security Act and the rules and regulations of the Social Security Board.

(b) Each officer and employee of the commission whose duties include the handling of property of said bill, shall file with the State of California an official bond conditioned upon the faithful performance of his duties in such amount as the Director of Finance shall fix."

Amendment No. 2

On page 2 of the printed bill, as amended, between lines 11 and 12, insert

"Sec. 17. The sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary, is hereby appropriated to be drawn in the State Treasury not otherwise appropriated for expenditure by the Department of Finance during the Ninety-third and Ninety-fourth Fiscal Years in carrying out the provisions of this act. Of such amount, not more than two thousand dollars (\$2,000) shall be available for premiums on the official bonds required by Section 28 of the Unemployment Insurance Act."

Amendments read and adopted.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, after "Act to", insert "amend Sections 55, 56, 57, and 58 of, and to".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "the obligations of this State for"; and strike out lines 3 and 4, and insert "unemployment insurance, declaring the urgency hereof, to take effect immediately".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out line 12, and insert

"Sec. 2. Section 55 of said act is hereby amended to read as follows:

55. Each eligible individual who is unemployed in any week shall be paid with respect to such week, provided he is otherwise entitled thereto under this act, a benefit in an amount equal to his weekly benefit amount less the amount of wages, if any, [in excess of three dollars] payable to him for services rendered during such week. Such benefit if not a multiple of one dollar (\$1) shall be computed to the next higher multiple of one dollar (\$1). For the purposes of this section only "wages" shall be deemed to include any and all amounts payable as compensation

for personal services, regardless of whether such personal services are or are not rendered in employment otherwise subject to this act.

SEC. 3. Section 56 of said act is hereby amended to read as follows:

56. An individual is not eligible for benefits for unemployment, and no such benefit shall be payable to him under any of the following conditions:

(a) If he left his work because of a trade dispute and for the period during which he continues out of work by reason of the fact that the trade dispute is still in active progress in the establishment in which he was employed.

(b) If without good cause he has refused to accept suitable employment when offered to him, or failed to apply for suitable employment when notified by the district public employment office, and for the 15 weeks following his most recent such refusal or failure.

SEC. 4. Section 57 of said act is hereby amended to read as follows:

57. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that:

(a) A claim for benefits with respect to such week has been made in accordance with such regulations as the commission may prescribe.

(b) He has registered for work, and thereafter continued to report, at a public employment office or such other place as the commission may approve.

(c) He is able to work and available for work; and for the purpose of this requirement no worker shall be deemed able to work unless he was both physically and mentally capable of performing any work of substantially the same kind or nature in so far as physical or mental requirements are concerned as work performed by such individual during a period or periods totaling one month or more out of the 12 months immediately preceding the week with respect to which he is applying for benefits.

(d) He has been unemployed for a waiting period of two weeks. Such weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purposes of this subsection:

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits; provided, that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further, that the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto in all respects, except for the requirements of this subsection (d) and Section 53.

(e) He has during his base year earned wages for employment by employers of not less than three hundred dollars (\$300).

SEC. 5. Section 58 of said act is hereby amended to read as follows:

58. An individual shall not be eligible for benefits:

(a) For the week in which he has left his most recent work voluntarily without good cause attributable to his employer, if so found by the commission, and for [the week] 15 weeks which immediately follow such week.

(b) For the week in which he has been discharged for misconduct connected with his most recent work, if so found by the commission, and for not more than [five] 15 weeks which immediately follow such week, as determined by the commission in each case according to the seriousness of the misconduct.

(c) An individual shall be presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer shall have given notice to the contrary to the commission in writing within five days after the termination of service, setting forth such facts as are necessary to establish a prima facie case in support thereof. If the employer files such notice, the question shall immediately be determined in the same manner as benefit claims.

(d) For the week in which he has wilfully made a false statement or representation or wilfully failed to report a material fact to obtain any benefits under the provisions of this act and for the [three] 20 next following weeks.

SEC. 6. Sections 2, 3, 4 and 5 of this act shall take effect on December 1, 1941.

SEC. 7. Sections 1 and 1.5 of this act are hereby declared to be an urgency measure."

Amendments read and adopted.

Bill ordered printed, and to third reading.

MOTION TO STRIKE SENATE BILL NO. 319 FROM FILE

Senator Crittenden moved that Senate Bill No. 319 be stricken from the file.

Motion carried

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 415

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 745

Senate Bill No. 761

Senate Bill No. 315

Senate Bill No. 1310

Senate Bill No. 747

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended its Senate amendments to:

Assembly Bill No. 2850

Assembly Bill No. 1149

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 416

Senate Bill No. 1168

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 292

Senate Bill No. 1274

Senate Bill No. 721

Senate Bill No. 1337

Senate Bill No. 1151

Senate Constitutional Amendment No. 8

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 2641

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 801—An act to amend Sections 2, 15, 18, 18.1, 19.1 and 21 of the Agricultural Prorate Act, relating to agricultural proration programs, including definitions, proration program committees, equalization pools and the deposit of moneys.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 13, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's veto to:

Senate Bill No. 26

ARTHUR A. OLINIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

UNFINISHED BUSINESS

CONSIDERATION OF GOVERNOR'S VETO

Assembly Bill No. 1475—An act to amend Section 2193 of the Business and Professions Code, relating to applications for a physician's and surgeon's certificate by graduates of foreign medical schools.

Governor's message stating his objections read previously.

The question being: Shall Assembly Bill No. 1475 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Biggar, Breed, Brown, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Judah, Keating, Lueken, Mayo, McBride, McCormack, Mexter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swing, Wag, and Ward—31.

NOES—Senators Carter, Kenny, and Swan—3.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 14, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: I am withdrawing the names of Stewart Meigs and Thomas Newman heretofore nominated by me to membership on the Farm Debt Adjustment Commission.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 14, 1941

*To the Honorable Members of the Senate
State of California, Sacramento, California*

GREETINGS: Will the Senate advise and consent to the following appointments to the Farm Debt Adjustment Commission, pursuant to the provisions of Chapter 587, Statutes of 1941:

Carl Visman, Placerville
George Sturm, Orland

Carl Visman

Carl Visman has been active in work of the California State Grange, and is widely known as an orchardist of the Placerville area. He is a former member of the Farm Debt Adjustment Commission and when on the commission participated actively in its work.

Mr. Visman's address is Placerville, California.

George Sturm

George Sturm is a rancher of Glenn County, and has been active in farm debt adjustment work since its inception.

Mr. Sturm's address is Orland, California.

Respectfully submitted,

CULBERT L. OLSON, Governor of California

Referred to Committee on Rules.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 2651—An act to add Section 1080 to Chapter 7a of Division 5 of the Agricultural Code relating to commercial feeding stuffs.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Bowen, Brown, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swain, Swing, Wagy, and Ward—38.

NOES—Senator Carter, Cunningham, Foley, and Swain—4.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

Senate Bill No. 1067—An act to add Section 6 to an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1936, relating to duties of the State Planning Board, and making an appropriation therefor, to take effect immediately.

Bill read third time.

Recommendation of Presiding Officer

SENATE CHAMBER, SACRAMENTO, June 14, 1941.

I recommend that permission be granted to vote upon passage of Senate Bill No. 1067.

ELLIS E. PATTERSON, President of the Senate.

The roll was called, and permission granted to vote on Senate Bill No. 1067 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swain, Swing, Wagy, and Ward—32.

NOES—None.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Bowen, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swain, Swing, Wagy, and Ward—32.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swain, Swing, Tickle, Wagy, and Ward—35.

NOES—None.

Bill ordered transmitted to the Assembly.

Recommendation of Presiding Officer

SENATE CHAMBER, SACRAMENTO, June 14, 1941.

I recommend that permission be granted to vote upon passage of Senate Bills Nos. 1346, 607, 1347, 1163, 1007, 199, 200 and 1348.

ELLIS E. PATTERSON, President of the Senate.

The roll was called, and permission granted to vote on the above Senate bills by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride,

McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Slater, Swan, Swan, Wagy, and Ward—32.
None—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1007—An act relating to review of decisions of administrative boards, commissions and officers, providing for a thorough study and report thereon and the formulation of a comprehensive and detailed plan in respect thereto, defining the powers and duties of the Judicial Council in relation thereto, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggar, Carter, Collier, Crutcher, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Flory, Garrison, Gordon, Jespersen, Judith, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Slater, Swan, Swan, Wagy, and Ward—33.
None—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following bill read the second time without reference to file.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill No. 1349—An act making an appropriation for the support of the State Department of Social Welfare, to take effect immediately.

Bill read second time.

Recommendation of Presiding Officer

SENATE CHAMBER, SACRAMENTO, JUNE 14, 1941

I recommend that permission be granted to vote upon passage of Senate Bill No. 1349.

ELLIS F. PATTERSON, President of the Senate

The roll was called, and permission granted to vote on Senate Bill No. 1349 by the following vote:

AYES—Senators Baggar, Brock, Carter, Collier, Crutcher, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Flory, Garrison, Gordon, Jespersen, Judith, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swan, Wagy, and Ward—33.
None—None.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Deuel:

Resolved, That Senate Bill No. 1349 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three successive days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Baggar, Brock, Carter, Collier, Crutcher, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Flory, Garrison, Gordon, Jespersen, Judith, Keating, Kenny, Kuebel, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman,

Phillips, Powers, Quinn, Rich, Seward, Shelby, Slater, Swan, Swing, Wagy, and Ward—36.

None—None.

Article IV, Section 15, of the Constitution, was declared suspended.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 607—An act to amend Sections 118, 2020 and 2021 and to repeal Section 2025 of, and to add Sections 1015 and 119.5 to, the Welfare and Institutions Code, relating to public assistance and the administration thereof, making an appropriation, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Baggett, Bond, Byrne, Cramer, Collier, Connerden, Cunningham, DeLore, Donald, Fletcher, Folsom, Gorman, Gordon, Jorgensen, Judah, Keating, Kennedy, Kitch, Langer, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Seward, Shelby, Slater, Swan, Swing, Wagy, and Ward—37.

None—None.

Motion to Amend

Senator Swan moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 48, of the printed bill, as amended, strike out "dollars (\$40)", and insert "five dollars (\$45)".

Amendment No. 2

On page 3, lines 49 and 50, of the printed bill, as amended, strike out "dollars (\$40)", and insert "five dollars (\$45)".

Amendment No. 3

On page 3, line 51, of the printed bill, as amended, strike out "dollars (\$40)", and insert "five dollars (\$45)".

Amendment No. 4

On page 4, lines 11 and 12, of the printed bill, as amended, strike out "forty dollars (\$240)", and insert "seventy dollars (\$270)".

Amendment No. 5

On page 4, line 18, of the printed bill, as amended, strike out "four hundred eighty dollars (\$480)", and insert "five hundred forty dollars (\$540)".

Amendments read.

Motion to Table

Senator Swing moved that the above amendments be laid on the table.

Motion carried.

Motion to Amend

Senator Fletcher moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 48, of the printed bill, as amended, strike out "forty dollars (\$40)", and insert "fifty-five dollars (\$55)".

Amendment No. 2

On page 3, lines 49 and 50, of the printed bill, as amended, strike out "forty dollars (\$40)", and insert "fifty-five dollars (\$55)".

Amendment No. 3

On page 3, line 51, of the printed bill, as amended, strike out "forty dollars (\$40)", and insert "fifty-five dollars (\$55)".

Amendment No. 4

On page 4, lines 11 and 12, of the printed bill, as amended, strike out "two hundred forty dollars (\$240)", and insert "three hundred thirty dollars (\$330)".

Amendment No. 5

On page 4, line 18, of the printed bill, as amended, strike out "four hundred eighty dollars (\$480)", and insert "six hundred sixty dollars (\$660)".

Amendments read.

Motion to Table

Senator Swing moved that the above amendments be laid on the table.

Motion carried.

Previous Question

Senator Swing moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 607.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, McBride, McCormack, Metzger, Mixter, Parkman, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swing, Tickle, Wagy, and Ward—33.

NOES—Senators Biggar, Collier, Mayo, Phillips, and Swan—5.

Bill ordered transmitted to the Assembly.

Senate Bill No. 1347—An act to amend Sections 3076, 3079 and 3084 of, and to add Sections 103.6, 118.1 and 119.6 to, the Welfare and Institutions Code, relating to public assistance for the blind and the administration thereof, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Wagy—37.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

FURTHER CONSIDERATION OF SENATE BILL NO. 1349

Senate Bill No. 1349—An act making an appropriation for the support of the State Department of Social Welfare, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating,

Kenna, Kuebel, Lamm, May, McHenry, McCumber, Metzger, Mixer, Parkman, Phillips, Quinn, Quinn, Hiss, Seward, Seward, Sutter, Sutter, Tickle, Waggy, and Welch. 17.

Notes—None.

Bill ordered transmitted to the Assembly.

Senate Bill No 1346—An act making an appropriation for the relief of hardship and destitution, providing for the administration thereof, providing the conditions and terms upon which any expenditure for relief may be made, and declaring the urgency of such provisions, and providing that they shall take effect immediately; transferring the duties, powers, purposes, responsibilities, unexpended moneys and jurisdiction of the Relief Commission and Relief Administrator to the State Department of Social Welfare; and providing the time at which such provision shall take effect.

Bill read third time.

Motion to Amend

Senator Seward moved the adoption of the following amendments:

Amendment No. 1

Strike out the title of the proposed bill, and insert:

An act abolishing the Relief Commission and the Relief Administrator, and transferring the duties, powers, purposes, responsibilities, unexpended moneys and real and personal property of the Relief Commission and Relief Administrator to the Department of Social Welfare; providing for the expenditure of certain moneys by the State Department of Social Welfare, including a commission for the study of the Integrated of Public Assistance Programs, amending acts and parts of acts specified herein, to take effect on the first term thereof.

Amendment No. 2

On page 1 of the proposed bill, strike out line 1, and insert:

SECTION 1. (a) The Department of Social Welfare shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the Relief Commission and the Relief Administrator under the provisions of the California Unemployment Relief Act of 1935, or of any other law, and of the several officers, deputies and employees of or under the Relief Administrator or the Relief Commission; and whenever by the provisions of any statute or law now in force or which may hereafter be enacted, a duty, jurisdiction, or authority is imposed or conferred upon the Relief Administrator or the Relief Commission, or upon any of the officers, deputies or employees of or under either thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the Department of Social Welfare with the same force and effect as if the title of said last named department had been specifically set forth and named therein, in lieu of the name of the Relief Administrator, the Relief Commission, or any such officer, deputy or employee thereof or thereunder. For the purposes of this act, the terms "Relief Administrator," "Relief Commission," or similar designation, and of the several officers, deputies and employees of or under either thereof, when used in any statute or law now in force or which may hereafter be enacted, shall be construed to refer to and mean the Department of Social Welfare, the same as if the title of such department had been specifically set forth and named therein.

(b) The Department of Social Welfare shall be in possession and control of all records, books, papers, offices, equipment, moneys, funds, appropriations, and real and personal property now or hereafter held for the benefit or use of the Relief Commission or Relief Administrator, and the title to all property held by said Relief Commission or Relief Administrator for the use and benefit of the State is hereby transferred to the State of California to be held in the possession of said Department of Social Welfare.

(c) The Department of Social Welfare shall be and is hereby authorized to expend the moneys already appropriated or made available by law for expenditure by the Relief Commission or Relief Administrator.

SEC. 2. With the moneys the Department of Social Welfare is authorized to expend under Section 1 of this act it shall make sponsorship contributions to the Works Projects Administration for such projects as the Works Projects Administration may see fit to establish for persons eligible for public assistance in this State,

including but not limited to school crossing guards, sewing projects and shoe repair projects.

SEC. 3. With the moneys the Department of Social Welfare is authorized to expend under Section 1 of this act it shall establish and maintain Civilian Conservation Corps recruiting and enrollment service as required by the Federal Government.

SEC. 4. Any county may certify to the State Department of Social Welfare persons receiving public assistance under Chapter 2 of Division 4 of the Welfare and Institutions Code for employment upon Works Projects Administration projects sponsored by the department. The department and the counties shall determine whether or not persons are eligible for employment upon Works Projects Administration projects sponsored by the department in accordance with rules of eligibility established by the department. The counties may certify to the Works Projects Administration persons receiving public assistance under Chapter 2 of Division 4 of the Welfare and Institutions Code for employment upon projects established by the Works Projects Administration other than those sponsored by the department.

SEC. 5. There is hereby established a commission of 15 members, 10 of whom are to be appointed by the Governor from persons residing in this State, two of whom are to consist of Members of the Senate appointed by the President pro tempore, and three of whom are to consist of Members of the Assembly appointed by the Speaker, to make a complete study and investigation of the problem of relief and destitution, the integration of all programs into one program and the feasibility of a Public Works Program it and when an unemployment crisis arises. The commission shall have all the powers of a board of a department under Section 353 of the Political Code. Members of the commission shall serve without compensation but shall be allowed their actual and necessary traveling expenses in connection with the performance of their duties hereunder. Of the money available for expenditure under Section 1 of this act by the State Department of Social Welfare not more than fifty thousand dollars (\$50,000) thereof may be expended by the commission established by this section, which commission shall be known as the Commission for the Study of the Integration of Public Assistance Programs. The commission shall file its report with the Legislature and the Governor on January 1, 1943.

SEC. 6. Effective January 1, 1943, the California Unemployment Relief Act of 1935 and the Unemployment Relief Appropriation Act of 1940 are hereby repealed.

SEC. 7. This act shall take effect October 1, 1941.

SEC. 8. Notwithstanding any other provision of this act, this act shall not take effect unless there is available for expenditure not less than three million five hundred thousand dollars (\$3,500,000) for the relief of hardship and destitution during the fourth quarter of the Ninety-second Fiscal Year and the first quarter of the Ninety-third Fiscal Year.

SEC. 9. This act shall be of no further force and effect on and after January 2, 1943."

Amendment No. 3

On page 1 of the printed bill, strike out lines 2 to 20; and strike out all the rest of the bill.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 678
Assembly Bill No. 383
Assembly Bill No. 1936
Assembly Bill No. 911
Assembly Bill No. 2312
Assembly Bill No. 972
Assembly Bill No. 1951
Assembly Bill No. 2580

Assembly Bill No. 2589
Assembly Bill No. 1903
Assembly Bill No. 2458
Assembly Bill No. 1073
Assembly Bill No. 979
Assembly Bill No. 1071
Assembly Bill No. 1117

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

The Secretary was directed to call the roll.

The roll was called, and the Senators answered to their names:

Senators Bagger, Reed, Clark, Callahan, Connelley, DeLap, Dillinger, Fletcher, Jones, Graham, Thompson, Judah, Johnson, Lusk, Mason, McCormack, Metzger, Parsons, Phillips, Quinn, Ross, Smith, Stone, Spring, and Tisdale 25.

The Secretary announced the adjournment.

Time, 10:03 a.m.

The President directed the Sergeant at Arms to hold the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE RECESS

At 10:04 a.m., on notice of Senator Valley, the Senate recessed until 10:06 a.m., to hear from Grand Sage James A. Hagerman, Sovereign Grand Lodge, I. O. O. F., of Saskatchewan, Province of Saskatchewan, Canada.

REASSEMBLED

At 10:06 a.m., the Senate reassembled.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MOTION TO STRIKE SENATE BILL NO. 1064 FROM FILE

Senator Judah moved that Senate Bill No. 1064 be stricken from the file.

Motion carried.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 292—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities, said dam and appurtenant works to impound waters in Napa County, to provide a supply for State institutions which may feasibly receive water therefrom and to provide for the beneficial utilization of any surplus water which may be impounded; to authorize the Department of Finance to construct said dam and appurtenant works, to acquire the lands and other property necessary therefor, and to contract and otherwise cooperate with the Federal Government and any of its departments or agencies and with any department or agency of the State for the construction of said dam and appurtenant works, and for the acquisition of the lands or property necessary therefor; to make an appropriation therefor, and to declare the urgency thereof and to provide it take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 292?

Amendment No. 1

In line 5 of the title of the printed bill, as amended, strike out "which may feasibly receive water therefrom," and insert "in Napa County and the Veterans' Home."

Amendment No. 2

On page 1, line 2, of the printed bill, as amended, strike out "certain State institutions", and insert "State institutions in Napa County and the Veterans' Home".

Amendment No. 3

On page 2 of the printed bill, as amended, strike out all of line 1; and in line 2, strike out "from" and insert "institutions in Napa County and the Veterans' Home".

Amendment No. 4

On page 2, line 14, of the printed bill, as amended, after "State", insert "; provided that any State-owned public works on any of such property required for the dam or reservoir site shall be replaced or a substitute provided out of the appropriation made by this act. Any use of State highway right of way for any pipe lines or other facilities connected with the project shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highways Code."

Amendment No. 5

In line 3 of the title of the printed bill, as amended, strike out "waters", and insert "the waters of Rector Creek".

Amendment No. 6

On page 1, line 6, of the printed bill, as amended, after "waters", insert "of Rector Creek".

Amendment No. 7

On page 2 of the printed bill, as amended, strike out line 23, and insert "seven hundred fifty-seven thousand dollars (\$757,000)".

Amendment No. 8

On page 2 of the printed bill, as amended, strike out line 31, and insert "SEC. 6. No site or part thereof for a dam or reservoir or both shall be purchased pursuant to this act until the Director of Public Health has reported in writing to the Department of Finance that no sewage water flows or is emptied on, in, or under the site, or that adequate facilities for the treatment or disposal of the sewage water have been constructed which insure that the sewage water will not contaminate any water to be impounded in the reservoir."

SEC. 7. This act is hereby declared to be an urgency".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 292 by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Kenny, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Quinn, Rich, Shelley, Slater, Swan, Swing, Tickle, and Wagon—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1168—An act to amend Section 19626 of the Business and Professions Code, relating to the disposition of moneys in the Fair and Exposition Fund.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1168?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "amend Section 19626 of", and insert "add Section 19626.5 to"

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 15, inclusive, and insert

"SECTION 1. Section 19626.5 is hereby added to the Business and Professions Code, to read as follows:

19626.5. Out of any money otherwise appropriated under this chapter for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, there is hereby annually allocated one hundred thousand dollars (\$100,000) to Agricultural District No. 1A, of which not less than fifty-five thousand dollars (\$55,000) shall be expended only for premiums."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1168 by the following vote:

AYES—Senators Biggar, Breed, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Rich, Shelley, Slater, Swan, Swing and Tickle—27.

NOES—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10:07 a. m. on motion of Senator Swing further proceedings under the call of the Senate were dispensed with.

The roll was called, and the following answered to their names:

Senators Biggar, Breed, Carter, Carter, Critchfield, Cunningham, DeLap, Denel, Dillingen, Fletcher, Folsen, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Laney, Mason, McConnaughy, Metzger, Mixter, Phillips, Rich, Shelley, Slater, Swan, Swing, and Thompson.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1348. An act making an appropriation to the State Personnel Board, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Carter, Critchfield, Cunningham, DeLap, Denel, Dillingen, Fletcher, Folsen, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Laney, Mason, McConnaughy, Metzger, Mixter, Phillips, Rich, Shelley, Slater, Swan, Swing, and Thompson.

NOES. None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1846. An act to add Chapter 13, comprising Sections 22300 to 22314, inclusive, to Division 8 of the Business and Professions Code, relating to the licensing and regulation of junk dealers.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Carter, Critchfield, Cunningham, DeLap, Denel, Fletcher, Gordon, Jaspersen, Kenny, Kuebel, Judah, Mason, McConnaughy, Metzger, Parkman, Phillips, Rich, Shelley, Slater, and Swing—24.

NOES. Senators Dillingen, Folsen, Judah, and Swan—4.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2642. An act authorizing cities, cities and counties, and counties created or governed by charters adopted pursuant to the Constitution of the State of California to exercise powers granted by any general law of the Legislature of the State of California by ordinance or ordinances passed and adopted pursuant to the provisions of such charter, in lieu of by resolution or resolutions provided for in such general law, ratifying and continuing all action heretofore taken by ordinance in lieu of such resolution; and declaring this act to be an urgency measure, to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES. Senators Biggar, Breed, Carter, Critchfield, Cunningham, DeLap, Denel, Dillingen, Fletcher, Folsen, Gordon, Jaspersen, Judah, Keating, Kenny, Kuebel, Laney, Mason, McConnaughy, Metzger, Mixter, Rich, Shelley, Slater, Swan, Swing, and Tuckler—27.

NOES. None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2099—An act to add Section 446 to the Political Code, relating to financial adjustments within departments, defining the methods whereby such adjustments may be made, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Rich, Shelley, Slater, Swan, Swing, and Tickle—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Rich, Shelley, Slater, Swan, Swing, and Tickle—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 66—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 2 of Article IV thereof, relating to the introduction of bills by members of the Legislature.

Resolution read.

Previous Question

Senator Metzger moved the previous question.

Motion carried.

The question being on the adoption of Assembly Constitutional Amendment No. 66.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Breed, Collier, DeLap, Fletcher, Foley, Gordon, Keating, Kuchel, Parkman, Powers, Rich, and Slater—12.

NOES—Senators Biggar, Carter, Crittenden, Cunningham, Deuel, Dillinger, Garrison, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, McCormack, Phillips, Shelley, Swan, and Swing—18.

Assembly Bill No. 1457—An act making an appropriation to the Department of Finance for the purpose of reconditioning and framing the picture "Driving the Last Spike."

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1919—An act to amend Section 1031 of the Military and Veterans Code, relating to the Veterans' Home of California, and abolishing the Veterans' Home of California Federal Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Dwyer, Brand, Carter, Caine, Callahan, Cunningham, DeLap, Dillinger, Ferguson, Fisher, Gattuso, Jordan, Keating, Kenny, Kuebel, Luckey, Mayo, McHale, McCannick, Morgan, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swain, Swain, and Ward—29.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2097—An act to add a new section to the Health and Safety Code, to be numbered 146, relating to the creation of the Department of Public Health Fund, and providing for the expenditure of moneys from said fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Dwyer, Fisher, Brand, Carter, Callahan, Cunningham, DeLap, Dillinger, Ferguson, Fisher, Gattuso, Jordan, Keating, Kenny, Kuebel, Luckey, Mayo, McHale, McCannick, Morgan, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swain, Swain, and Ward—28.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2155—An act making an additional appropriation for construction, improvements, and equipment at the University of California.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Dwyer, Brand, Carter, Callahan, Cunningham, DeLap, Dillinger, Ferguson, Fisher, Gattuso, Jordan, Keating, Kenny, Kuebel, Luckey, Mayo, McHale, McCannick, Morgan, Parkman, Phillips, Powers, Quinn, Rich, Slater, Shelley, Swain, Swain, and Ward—33.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2213—An act to amend Sections 19621, 19622, 19624 and 19625 of the Business and Professions Code, relating to fairs and exhibitions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES: Senators Brand, Brand, Carter, Callahan, Cunningham, DeLap, Dillinger, Ferguson, Fisher, Gattuso, Jordan, Keating, Kenny, Kuebel, Luckey, Mayo, McHale, McCannick, Morgan, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swain, Swain, and Ward—31.

NOES: None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2598—An act to add Section 19624.5 to the Business and Professions Code, and to add Section 87.5 to the Agricultural Code, relating to the Forty-eighth District Agricultural Association.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1918—An act to amend Section 11792 of the Insurance Code, relating to State Compensation Insurance Fund.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2016—An act to amend Section 124 of the Welfare and Institutions Code, relating to the Social Welfare Fund and the purposes for which the money therein may be used and making an appropriation, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, McCormack, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, and Swing—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1296

Senator Keating moved that Assembly Bill No. 1296 be re-referred to Committee on Judiciary.

Motion carried.

Assembly Bill No. 1433—An act to add a new section, to be numbered 10a, to the Motor Vehicle Fuel License Tax Act and a new section, to be numbered 7406, to the Revenue and Taxation Code, relating to distributions of motor vehicle fuel to certain contractors, to defer assessment and determination of motor vehicle fuel license tax in certain instances, and providing that this act shall take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Crittenden, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Keating, Kenny, Kuebel, Lester, Mayo, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Shaffer, Slater, Swan, and Swing—26.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 654—An act to amend Sections 154 and 157 and to repeal Section 153 of the Welfare and Institutions Code, relating to the institutions subject to the jurisdiction of the Department of Institutions and appointment of superintendents of those institutions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuebel, Lester, Mayo, McCormack, Mixer, Parkman, Powers, Rich, Slater, Swan, Swing, and Wagy—27.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1429—An act to amend Section 1 of an act entitled "An act granting to the City of South San Francisco the salt marsh, tide and submersed lands of the State of California, including the right to select out therefrom to the City of South San Francisco and regulating the management, use, and control thereof," approved April 10, 1925, relating to lands granted to the City of South San Francisco.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuebel, Lester, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, and Wagy—28.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2646—An act to amend Sections 276 and 511 of the Vehicle Code, relating to operators' licenses and prima facie speed limits.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuebel, Lester, Mayo, McCormack, Mixer, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tiede, Wagy, and Ward—32.
 NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 344—An act to provide for the improvement and reconstruction of a road in the County of Mendocino, and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Buggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, Wagv, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 777—An act to add Division 2.5, comprising Chapter 1, Sections 1700 to 1783, inclusive, to the Welfare and Institutions Code, creating a Youth Correction Authority, prescribing its powers and duties, providing for commitments thereto of convicted persons under 23 years of age at the time of their apprehension and making an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—30.

NOES—Senators Mayo, and Rich—2.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1078—An act appropriating money for the construction and equipment of buildings and the improvement of grounds at Morrow Cove, the site of the California Maritime Academy and for the support and maintenance thereof, declaring the urgency hereof, and providing that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out line 4, and insert "of three hundred fifty thousand dollars (\$350,000)".

Amendment read.

Motion to Table

Senator Swing moved that the above amendment be laid on the table.

Motion carried.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Slater, Swan, Swing, Tickle, and Ward—30.

NOES—Senator Shelley—1.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Slater, Swan, Swing, Tickle, Wagv, and Ward—32.

NOES—Senator Shelley—1.

Bill ordered transmitted to the Assembly.

Explanation of Vote

I wish to make a statement in reference to the roll call upon Assembly Bill No. 1078 by Assemblyman Voigt and others, appropriating money for the construction and equipment of buildings and the improvement of grounds at Morrow Cove, the

site of the California Maritime Academy, and for the support and maintenance thereof. Because of the fact that I was off the Senate floor at the time this roll call was taken, in connection with the Committee in reference to the State relief situation, I missed the roll call. Had I been present, I would have voted "Aye" upon this measure.

IRWIN T. QUINN

Assembly Bill No. 1327—An act making an appropriation for the acquisition, development and maintenance of ocean beaches for public use.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1840—An act making an appropriation out of the Motor Vehicle Support Fund for the support of the Department of Motor Vehicles, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—28.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1998—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixter, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Kuchel,

Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 15—An act to provide for the establishment and maintenance of a College of Veterinary Medicine in the University of California, and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Bill ordered transmitted to the Assembly.

Explanation of Vote

I wish to make a statement in reference to the roll call upon Assembly Bill No. 15, by Assemblymen Stream and Michael J. Burns, appropriating \$500,000 for the establishment and maintenance of a College of Veterinary Medicine in the University of California. Because of the fact that I was off the Senate floor at the time this roll call was taken, in conference with the Governor in reference to the State relief situation, I missed the roll call. Had I been present, I would have voted "Aye" upon this measure.

IRWIN T. QUINN

Assembly Bill No. 151—An act to add Sections 556.1 and 556.2 to the Military and Veterans Code, relating to the organization of the State Guard, making an appropriation therefor, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Keating, Kenny, Kuchel, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 897—An act authorizing the Director of the State Department of Agriculture to use certain funds in the Department of Agriculture Fund, derived under the provisions of Chapter 241, Statutes of 1935, and Chapter 401, Statutes of 1935, and making an appropriation thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny,

Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swing, Tickle, Wagv, and Ward—32.
NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2253—An act to make an appropriation from the State Park Maintenance and Acquisition Fund to the State Park Commission for the extension of the State Park System, providing for the acquisition of land in Del Norte County for State park purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Carter, Collier, Crittenden, Cunningham, DeLap, Dilinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—30.
NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2585—An act making an appropriation to the Department of Natural Resources, Division of Parks, for the acquisition of land in Marin County as part of the State Park System.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dilinger, Dilworth, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—30.
NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1529—An act to appropriate funds to the State Department of Education for the support of the California State Historical Association.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Brown, Carter, Crittenden, Cunningham, DeLap, Dilinger, Dilworth, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Metzger, Mixer, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—30.
NAYS—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1561—An act to provide for the compilation, publication, and distribution by the Secretary of State of a Roster of public officials of California and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Brown, Carter, Crittenden, Cunningham, DeLap, Dilinger, Dilworth, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Luckey, Mixer, Parkman, Phillips, Powers, Rich, Shelley, Slater, Swan, Swing, Tickle, Wagv, and Ward—30.
NAYS—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 1b to Article IV thereof, relating to the power of the Legislature or the people (1) to confer power on administrative officers, boards or commissions to make decisions, and (2) to provide for appropriate judicial review of such decisions.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Constitutional Amendment No. 8?

Amendment No. 1

On page 2 of the printed measure, as amended, at the end of line 6, insert "Nothing in this section shall be construed as limiting the power of any county, city, or city and county under this Constitution to make and enforce within its limits local, police, sanitary and other regulations and, when not in conflict with general law, to provide by ordinance that decisions of questions of fact made by any administrative officer, board, commission or agency shall be final."

The roll was called, and the Senate concurred in Assembly amendment to Senate Constitutional Amendment No. 8 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, Metzger, Mixer, Phillips, Rich, Shelley, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Above resolution ordered enrolled.

Senate Bill No. 721—An act to amend Section 842 of the Probate Code, relating to the leasing of real property belonging to the estate of a deceased person.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 721?

Amendment No. 1

On page 1, line 1, of the printed bill, as amended, after "Section", insert "1. Section".

Amendment No. 2

On page 1, line 3, of the printed bill, as amended, strike out "Hearing and Order."

Amendment No. 3

On page 2, line 3, of the printed bill, as amended, strike out "bank or trust company as".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 721 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuchel, Luckey, Metzger, Mixer, Phillips, Rich, Shelley, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1151—An act to amend the article heading of Article 1 of Chapter 1 of Title 1, and Sections 2000, 2001, 2003, 2004, 2008, 2009, 2711, 2712, 2870 and 2875, of the Penal Code or to amend the title and Sections 1 and 7 of an act entitled "An act to establish the Southern California Prison under the management and control of the State Board of Prison Directors; to provide for purchase or

acquirement of lands herein by unconditional gift or use of lands owned by the State therefore; and the construction of buildings and other improvements in connection therewith, to provide for the commitment and transfer of prisoners therein and therefrom; to provide for the equipment, conduct, management thereof; and to make an appropriation therefor," approved July 9, 1935, relating to renaming the Southern California Prison.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 11511?

PROPERTY NOTE.—There being no 5-foot stratum type available, the material which should appear on stratum type in the following amendments is indicated by being enclosed within brackets.

Amendment No. 1

In line 4 of the title of the printed bill, as amended, strike out "or to amend the title and", bracketingly enclose lines 5 to 16, inclusive, and insert a comma.

Amendment No. 2

On page 1, lines 6 and 7, of the printed bill, as amended, strike out "State Prison at Chino", and insert "Correctional Institution".

Amendment No. 3

On page 1, lines 15 and 16, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution, or the Rancho of Rince".

Amendment No. 4

On page 1, lines 16 and 17, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 5

On page 2, lines 4 and 5, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 6

On page 2, line 14, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 7

On page 2, line 19, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 8

On page 2, lines 26 and 27, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 9

On page 2, line 33, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 10

On page 2, line 43, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 11

On page 3, lines 6 and 7, of the printed bill, as amended, strike out "California State Prison at Chino", and insert "California Correctional Institution".

Amendment No. 12

On page 3 of the printed bill, as amended, strike out lines 12 to 47, inclusive.

Also:

Amendment No. 1

On page 3, line 1, of the printed bill, strike out "Chino Prison", and insert "California Correctional Institution, Chino".

Also:

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "2711, 2712, 2870 and 2875", and insert "2040, 2710, 2711, 2712, 2870, 2875, 3765, 4534, 4573 and 4700".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, strike out "renaming the Southern California Prison", and insert "prisons and prisoners".

Amendment No. 3

On page 1, line 5, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 4

On page 1, line 10, of the printed bill, as amended, strike out "Correctional Institution, or the"; and strike out line 11, and insert "Institution for Men".

Amendment No. 5

On page 1, line 14, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 6

On page 1, line 19, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 7

On page 2, lines 2 and 3, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 8

On page 2, lines 6 and 7, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 9

On page 2, line 13, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 10

On page 2, lines 18 and 19, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 11

On page 2, line 29, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 12

On page 2, line 38, of the printed bill, as amended, strike out "Correctional Institution, China", and insert "Institution for Men".

Amendment No. 13

On page 2, line 43, of the printed bill, as amended, strike out "Correctional Institution", and insert "Institution for Men".

Amendment No. 14

On page 2 of the printed bill, as amended, after line 48, insert

"SEC. 12. Section 2040 of said code is hereby amended to read as follows:

2040. As used in all chapters of this title, except Chapter [7] 8, the word "board" shall mean the State Board of Prison Directors.

SEC. 13. Section 3765 of said code is hereby amended to read as follows:

3765. If there is good reason to believe that a female against whom a judgment of death is rendered is pregnant, such proceedings must be had as are provided in Section [2011] 3761, except that instead of a jury, as therein provided, the court may summon three disinterested physicians, of good standing in their profession, to inquire into the supposed pregnancy, who shall, in the presence of the court, but with closed doors, if requested by the defendant, examine the defendant and hear any evidence that may be produced, and make a written finding and certificate of their conclusion, to be approved by the court and spread upon the minutes. The provisions of Section [2012] 3762 apply to the proceedings upon such inquiry.

SEC. 14. Section 4534 of said code is hereby amended to read as follows:

4534. Any person who wilfully assists any paroled prisoner whose parole has been revoked, any escape, any prisoner confined in any prison or jail, or any person in the lawful custody of any officer or person, to escape, or in an attempt to escape

from such prison or jail or custody, as practicable as provided in Section [2313] 4313 of the Penal Code.

Sec. 15. Section 4573 of said code is hereby amended to read as follows:

4573. Any person not authorized by law who brings into any State prison or prison road camp or any jail or any county road camp in this State or within the grounds belonging or adjacent to the State prison or county road camp, the possession of which is prohibited by [the State Narcotic Act] *Division 10 of the Health and Safety Code*, or any other law, because of the possession of a narcotic.

Sec. 16. Section 4700 is hereby amended to read as follows:

4700. Whenever a trial or hearing is had on any criminal matter any of the provisions of Sections [2310] 4550 and [2311] 4551 of this code, whenever a hearing is had on the return of a writ of habeas corpus issued by or on behalf of any prisoner in the State prison, whenever a prisoner in the State prison is tried for any crime committed therein, and whenever a trial or hearing is had on the question of the insanity of any such prisoner, the county clerk of the county where such trial or hearing is had shall make and a statement of all the costs incurred by the county for the investigation, and the preparation of the trial, and actual trial of such case, or of the hearing on the return of such writ, and all guarding and keeping of such prisoner, and of the execution of the sentence of such prisoner, exclusive of the cost of any trial or hearing conducted by Section 11925 of the Penal Code, properly certified to by a judge of the superior court of such county, which statement must be sent to the State Board of Prison Directors for its approval; and after such approval said board must cause the amount of such costs to be paid out of the money appropriated for the support of the State prison, to the county treasurer of the county where such trial or hearing was had."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1401 by the following vote:

AYES--Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel, Leskev, Metzger, Meyer, Phillips, R. & S. Smith, Stitt, Sutter, Sweeney, and Wagon. 23.

NOES--Senators Breed, Deuel, and Tickle. 3.

Above bill ordered enrolled.

Senate Bill No. 1274—An act to amend Section 17025 of the Business and Professions Code and Section 6 of an act entitled "An act relating to unfair competition and discrimination, defining certain unfair and discriminatory practices, including loss leader selling and selling below cost, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination, and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties," approved June 10, 1913, relating to unfair competition and discrimination.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1274?

Amendment No. 1

In the title of the printed bill, strike out lines 2 to 10, inclusive, and insert "Code, relating to Unfair"

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 19, inclusive; and on page 2, strike out lines 1 to 8, inclusive.

Amendment No. 3

On page 2, line 9, of the printed bill, strike out "Sec. 2", and insert "Section 1".

Amendment No. 4

On page 2 of the printed bill, strike out lines 14 to 18, inclusive.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1274 by the following vote:

AYES--Senators Bigger, Breed, Brown, Carter, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kuchel,

Luckey, Metzger, Mixer, Phillips, Rich, Shelley, Slater, Swan, Swing, Tickle, and Wagy—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1337—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for support, construction and equipment, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1337?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Dvision", and insert "Division".

Amendment No. 2

On page 1, lines 2 and 3, of the printed bill, strike out "ninety eight thousand eight hundred eighty seven dollars (\$98,887)", and insert "one hundred five thousand four hundred four dollars and fifty cents (\$105,404.50)".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1337 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Kichel, Luckey, Mayo, Metzger, Mixer, Rich, Shelley, Slater, Swan, Swing, Tickle, and Wagy—28.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 416—An act to amend Sections 9, 30, 34, 35, 46, 49, 76, 85a, 90, 92 and 101 of the State Employees Retirement Act, relating to a retirement system for employees and officers of the State of California, and of such cities, school districts, and counties as may elect to include their employees by contract.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 416?

PRINTER'S NOTE.—There being no 7 point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "30, 34, 35, 46, 49, 76," and insert "34, 35, 46, 49, 76, 79,".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out "Employees", and insert "Employees".

Amendment No. 2a

On page 2 of the printed bill, as amended, strike out lines 1 to 13, inclusive.

Amendment No. 3

On page 5 of the printed bill, as amended, between lines 8 and 9, insert

"SEC. 4.5. Section 79 of said act is hereby amended to read as follows:

79. Upon attaining the age of 60 or more years and completing 20 years of continuous State service credited under this act, among which must be included one year of service after becoming a member of the retirement system, any member, who is not a member of the California Highway Patrol, city fireman or city policeman, shall be retired upon his written application to the board.

A member who is also a member of the California Highway Patrol and who has completed 20 years of continuous State Highway Patrol service credited under this act and attained the age of 50 or more years shall be retired upon his written application to the board.

A city fireman or city policeman who has completed at least 20 years of continuous State service credited under this act, and who has attained at least the minimum optional retirement age which shall be less than 55 years or more than 60 years specified in the contract provided in Section 18, or less of 60 years required of other members, shall be exempt from the further application to the board. Any member after three months employed by a contractor for the city and members of the California Highway Patrol, who is separated from State service because of a curtailment of such service as a result of the manner of performing such service, but not because of resignation or dismissal under Article 1, and who has attained the age of 50 years and has satisfied with 15 years of service at State service shall be retired upon his written application to the board, provided said board determines and separation to be of an extended and unusual duration, and not the separation normally experienced by members in positions similar to the time of employment to be of limited duration or employed on a seasonal or intermittent basis."

Also:

Amendment No. 1

In line 1 of the title of the proposed bill, insert "and after '90,' insert '30,'."

Amendment No. 2

On page 2 of the proposed bill, as amended, preceding line 14, insert:

"Sec. 15. Section 30 of this act is hereby amended to read as follows:

"30. *Members who, after their retirement after 20 years of service with the Board of Administration an election in writing to become members; provided, that any person so excluded from membership, who later becomes a member heretofore, shall have the option of making contributions to the retirement system in the amount which he would have contributed had he not been so excluded, and he shall then receive credit for prior service in the same manner as if he had not been so excluded. If he shall affirmatively exercise the option, the contributions of the State, or of the contractor, and because of his membership, shall be the same as they would have been had he not been so excluded."*

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 416 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, Mayo, Metzger, Miller, Phillips, Rife, Slater, Smith, Sullivan, Tellez, and Waga—27

NOTES—None

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1301

Senate Bill No. 17

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 113

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **H. F. LEWRIGHT**, Assistant Clerk

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 113—An act to repeal the article heading of Article 6, Chapter 2, Title 1, Part 3 of, and to add Article 6 consisting of Sections 280 to 283, inclusive, to Chapter 2, Title 1, Part 3 to, the

Political Code, relating to offices for the Senate and the members thereof, and to make an appropriation therefor.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 113?

Amendment No. 1

In line 3 of the title of the printed bill, as amended, strike out "283", and insert "284".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, strike out "Senate", and insert "Legislature".

Amendment No. 3

In line 5 of the title of the printed bill, as amended, strike out "and to make an appropriation there"; and strike out line 6, and insert a period.

Amendment No. 4

On page 1, line 3, of the printed bill, as amended, strike out "283", and insert "284".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out line 9; and in line 10, strike out "ate", and insert "280. Legislative offices for the use of the Members of the Legislature".

Amendment No. 6

On page 1, line 15, of the printed bill, as amended, strike out "Senate", and insert "legislative".

Amendment No. 7

On page 1, line 17, of the printed bill, as amended, strike out "Senate", and insert "legislative".

Amendment No. 8

On page 1, line 20, of the printed bill, as amended, strike out "Senate", and insert "legislative".

Amendment No. 9

On page 2, line 2, of the printed bill, as amended, strike out "Senate", and insert "legislative".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 113 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Keating, Kenny, Luckey, McBride, Metzger, Mixter, Phillips, Slater, Swan, Swing, and Wagye—23.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 269

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 269—An act to add Section 3.808 to the School Code, relating to high school courses of study, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 269?

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "declaring the"; and strike out lines 3 and 4 of the title, and insert a period.

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 4 to 17, inclusive; and in line 18, strike out "An" and insert:

"§ 808. In all high school districts or unified school districts a suitable course in the Portuguese language shall be presented whenever a petition signed by two hundred fifty (250) qualified students of the district asking that such a course be presented is filed with the governing board of the school district. No such course shall be offered when the enrollment of the school falls below the minimum number of pupils prescribed by the governing board of the school district as necessary for offering the course.

Sec. 2. In adopting this section the Legislature hereby declares that an".

Amendment No. 3

On page 2, line 6, of the printed bill, as presented, strike out "established"; and strike out lines 7 and 8, and insert "established".

Also:

Amendment No. 1

On page 1, line 20, of the printed bill, as amended, strike out "shall", and insert "may".

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Swing moved a call of the Senate.

Motion carried. Time 10:27 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**CONSIDERATION OF ASSEMBLY BILL NO. 1222****RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION**

The following resolution was offered:

By Senator Shelley:

Resolved: That Assembly Bill No. 1222 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES: Senators Egan, Brown, Carter, Collier, Catterden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jaspersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Myers, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, Wagy, and Ward. 28.

NOTES: None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 1222—An act to amend Sections 55, 56, 57 and 58 of, and to add Section 28 and 28 1 to the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, commencing with "Amend", strike out the balance of the line; and in line 2, strike out "to".

Amendment No. 2

In line 3 of the title of the printed bill, as amended, after "to", insert "the obligations of this State for funds received from the United States, and to provide that this act take effect immediately."

Amendment No. 3

In line 5 of the title of the printed bill, as amended, commencing with "unemployment", strike out the balance of the title.

Amendment No. 4

On page 2 of the printed bill, as amended, commencing with line 36, strike out the balance of the page.

Amendment No. 5

On page 3 of the printed bill, as amended, strike out lines 1 to 53, inclusive.

Amendment No. 6

On page 4 of the printed bill, as amended, strike out lines 1 to 29, inclusive, and insert

"SEC. 2. This act is hereby declared to be an urgency meas-".

Amendments read and adopted.

Bill ordered printed, and to third reading.

Assembly Bill No. 1634—An act adding Section 3704 to the Political Code, relating to deputies for members of the State Board of Equalization.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Mixer, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 59—Relative to the provisions of Sections 10, 11 and 12 of the Budget Act of 1941, and the transfer of funds pursuant thereto.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swing, Wagy, and Ward—28.

NOES—Senator Swan—1.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10:29 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate concurred in Assembly amendments to Senate Bill No. 269 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Shelley, Slater, Swan, Swing, and Wagy—31.

NOES—None.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)
CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 169. An act to amend Section 317 of the Agricultural Code, relating to slaughterhouses.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 169 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES: Senators Bogan, Bross, Brown, Collins, Crippen, Cunningham, DeLap, Donel, Florence, Foss, Gannon, Jorgensen, Jones, Kenny, Lacey, Mayo, McBride, McConaughy, Morgan, Milton, Michael, Parsons, Phillips, Powers, Quinn, Rich, Sewell, Sving, Tuck, Warr, and Ward, 31.

NOES: Senators Kuyling, Sweeney, Stiles, and Sweeney, 4.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

Time, 10.30 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
RESOLUTIONS

The following resolution was offered:

By Senator Kenny:

Senate Resolution No. 148

Relative to memorializing the President and Congress against the passage of legislation to prohibit the filing of separate income tax returns by spouses in preference to community income.

WHEREAS, There is now pending before the Congress of the United States a bill to prohibit a wife from filing a separate income tax return on her share of community property income and making the credits and deductions thereon to which she is now legally entitled; and

WHEREAS, This represents a fundamental change in our Federal income tax policy, and in the State where community property laws are in effect, would contravene the well established principle that a wife has a vested right in community property equal to that of her husband; and

WHEREAS, The change contemplated would result in a disproportionate increase in the taxes of those persons affected throughout the country, including California, would constitute a very unusual increase and the increase imposed on taxpayers in non-community property States, and would result to the fact that the taxpayers of this State are carrying one of the heaviest per capita tax loads in the Nation; and

WHEREAS, To make this change at the present time would be to place an unreasonable burden upon the citizens of California who have been carrying their full share of the normal costs of Government and the National Defense Program; now, therefore, be it

Resolved by the Senate of the State of California, That the people of the State of California hereby register an emphatic protest against the passage of the bill now pending in Congress to which this resolution relates; and be it further

Resolved, That the Secretary of the Senate forward a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

Resolution read, and unanimously adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1888—An act to amend Section 3110 of the Public Resources Code, relating to the Petroleum and Gas Fund and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1192—An act to amend Section 20, and repeal Section 24 of, the Unemployment Insurance Act, relating to a System of Unemployment Insurance.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1885—An act to amend Section 4060 of the Public Resources Code, relating to the State Board of Forestry Fire Prevention Fund, and making an appropriation.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 2360—An act to amend Section 1501 of the Welfare and Institutions Code, relating to aid to needy children.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Crittenden, Cunningham, Dillinger, Fletcher, Foley, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—Senator Carter—1.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1177—An act to amend Section 39 of, to repeal Section 42 of, and to add Sections 41.1, 41.2, 41.3 and 42 to, the Unemployment Insurance Act, relating to experience rating.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Brown, Carter, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keating, Luckey, Mayo, McCormack, Metzger, Parkman, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—24.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 186

Senate Constitutional Amendment No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck from the file:

Senate Bill No. 351

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended and on this day passed an amended:

Senate Bill No. 997

Senate Bill No. 1270

And respectfully suggests your honorable body to concur in said amendments:

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 997—An act to add Section 71 to the Alcoholic Beverage Control Act, relating to licenses for the sale of alcoholic beverages.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 997?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "7.1", and insert "7.2".

Amendment No. 2

On page 3, line 19, of the printed bill, as amended, strike out "7.1", and insert "7.2".

Amendment No. 3

On page 3, line 21, of the printed bill, as amended, strike out "7.1", and insert "7.2".

Amendment No. 4

On page 3, line 21, of the printed bill, as amended, after "act", insert "and limited in numbers".

Amendment No. 5

On page 3, line 22, of the printed bill, as amended, after "any", insert "such".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 997 by the following vote:

AYES: Senators Bizzarri, Brown, Carter, Chittenden, DeLap, Dillinger, Foley, Garrison, Grooms, Jespersen, Josiah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixon, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Sweng, Wray, and Ward—29.

NOES: None.

Above bill ordered enrolled.

Senate Bill No. 1270—An act to amend Sections 2181 and 2224 of the Welfare and Institutions Code, relating to aid to the aged.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1270?

Amendment No. 1

On page 3 of the printed bill, as amended, after line 40, insert

"Sec. 3. The amendments made by this act in Section 2224 of the Welfare and Institutions Code do not apply to causes of action arising prior to the effective

date of this act, and, as to such causes of action, Section 2224 of the Welfare and Institutions Code as it existed immediately prior to the effective date of this act shall apply."

Amendment No. 2

On page 3, line 29, of the printed bill, strike out "In an"; and strike out all of lines 30 to 34, inclusive; and in line 35, strike out "ance."

Also:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out lines 10 to 16, inclusive.

Also:

Amendment No. 1

On page 3, line 9, of the printed bill, as amended, after "State", insert "; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such sworn statement by such spouse or adult child".

Also:

Amendment No. 1

On page 3, line 9, of the printed bill, as amended, after "State", insert "; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such sworn statement by such spouse or adult child".

- The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1270 by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dilinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—30.

NOES—None.

Above bill ordered enrolled.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 1060—An act to amend School Code Section 5.750, relating to absences from duty of employees of school districts; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on June 6, 1941, be further amended as follows:

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 24 to 26, inclusive, and insert "erning board of the district."

KENNY
WARD
CARTER

Senate Committee on Conference

CAIN
SALSMAN
THOMAS

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dilinger, Foley, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—29.

NOES—None.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 383—An act to add Section 5 to, and repeal Section 844 of, the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts;

And appointed Messrs. Brown, Hight, M. Carlson and Dickey as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day respectfully referred to Senate consideration the

Assembly Bill No. 1998. An act relating to appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

And appointed Messrs. Allen, Tamm and Dickey as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day respectfully referred to Senate consideration the

Assembly Bill No. 1485. An act to amend Section 410 of the Vehicle Code, with reference to enforcement of same.

And appointed Messrs. Cronin, Howser, F. N., and Dickey as a second Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day respectfully referred to Senate consideration the

Assembly Bill No. 2623. An act to amend Sections 177 and 178 of the Vehicle Code, relating to enforcement of same.

And appointed Messrs. Burns, Michael J., Sawallisch and Collins, Sam L., as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators DeLap, Shelley, and Bugar as a Second Senate Committee on Conference concerning Assembly Bill No. 1485 to meet a like committee of the Assembly.

COMMITTEE ON RULES
RICH, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2645

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6; absent 3.

FLETCHER, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following bill read the second time without reference to file:

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 2645—An act to amend Section 14700 of the Business and Professions Code, relating to the protection of the rights of authorship.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Kenny:

Resolved, That Assembly Bill No. 2645 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McCormack, Metzger, Mixer, Parkman, Powers, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

CONSIDERATION OF ASSEMBLY BILL NO. 2645

Assembly Bill No. 2645—An act to amend Section 14700 of the Business and Professions Code, relating to the protection of the rights of authorship.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Crittenden, Cunningham, DeLap, Dillinger, Foley, Garrison, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McCormack, Metzger, Mixer, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, Swing, Wagy, and Ward—28.

NOES—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 2013

Senator Garrison moved that Assembly Bill No. 2013 be re-referred to Committee on Agriculture.

Roll Call Demanded

Senators McBride, McCormack and Metzger demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Cunningham, DeLap, Deuel, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, Mixer, Phillips, Quinn, Shelley, Swan, Wagy, and Ward—19.

NOES—Senators Breed, Carter, Crittenden, Dillinger, Fletcher, Foley, Luckey, McBride, McCormack, Metzger, Myhand, Parkman, Powers, Rich, Slater, Swing, and Tickle—17.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10.40 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2022—An act making an appropriation for acquisition and development of, and construction, improvements and equipment at State beaches, parks and monuments.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Breed, Carter, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny,

Mayo, McBride, McCormack, Metzger, Mitchell, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tuley, Wagon, and Ward—33.
 Nays—None.

Bill ordered transmitted to the Assembly.

MOTION TO RE-REFER ASSEMBLY BILL NO. 1197

Senator Shelley moved that Assembly Bill No. 1197 be re-referred to Committee on Transportation.

Motion carried.

Assembly Bill No. 1904—An act to add Section 7512.5 to the Business and Professions Code, relating to the regulation of detectives, investigators and detective agencies.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Bond, Brown, Cuthbertson, Cunningham, DeLap, Donel, Dillinger, Foley, Gardner, Jorgensen, Tuley, Ketting, Kenny, Mayo, McBride, McCormack, Mitchell, Parkman, Phillips, Quinn, Seawell, Shelley, Slater, Swan, Swing, Wagon, and Ward—29.
 Nays—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1149—An act to add Section 73.5 to the Agricultural Code, relating to fairs and expositions.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Bond, Brown, Cuthbertson, Cunningham, DeLap, Donel, Dillinger, Foley, Gardner, Jorgensen, Tuley, Ketting, Kenny, Mayo, McBride, McCormack, Metzger, Mitchell, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagon, and Ward—30.
 Nays—None.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1608—An act to establish a county merit system commission for every county, defining its powers and duties, and providing for the organization and government of a merit system for the welfare department employees in every county.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Baggot, Bond, Brown, Cuthbertson, Cunningham, DeLap, Dillinger, Foley, Gardner, Jorgensen, Mayo, McBride, McCormack, Metzger, Myhand, Parkman, Phillips, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagon, and Ward—25.
 Nays—Senator Jishak—1.

Bill ordered transmitted to the Assembly.

RECESS

At 10:43 a.m., on motion of Senator Rich, the Senate recessed until 10:45 a.m.

REASSEMBLED

At 10:45 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Constitutional Amendment No. 6. Proposed amendment to Article IV, Section 6, of the Constitution, relative to the membership of the reapportionment commission;

And appointed Messrs. Maloney, Houser, Frederick F., and Call as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Judah, Dillinger, and Luckey as a Senate Committee on Conference concerning Assembly Bill No. 2623 to meet a like committee of the Assembly.

COMMITTEE ON RULES
RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Tickle, Mayo, and Parkman as a Senate Committee on Conference concerning Assembly Bill No. 1998 to meet a like committee of the Assembly.

COMMITTEE ON RULES
RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Gordon, Quinn, and Biggar as a Senate Committee on Conference concerning Assembly Bill No. 383 to meet a like committee of the Assembly.

COMMITTEE ON RULES
RICH, Chairman

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Ward, Garrison and Cunningham as a Senate Committee on Conference concerning Assembly Constitutional Amendment No. 6 to meet a like committee of the Assembly.

COMMITTEE ON RULES
RICH, Chairman

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

Time, 10.46 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**RESOLUTIONS**

The following resolution was offered:

By Senator Phillips:

Senate Resolution No. 149

Relative to the preparation and printing of a Summary Digest and a Subject List.

Resolved by the Senate of the State of California, That the Legislative Counsel is hereby directed to prepare a Summary Digest of statutes enacted and proposed constitutional amendments submitted to the people at the Extraordinary Sessions of the Fifty-third Legislature and the Regular Session of the Fifty-fourth Legislature, and also to prepare a Subject List of all bills, constitutional amendments, and resolutions introduced in both houses of the Legislature at this session; and be it further

Resolved, That copies of said Subject List be mailed to the Members of the Legislature as soon as possible after the adjournment and that said Summary Digest be mailed to all Members of the Legislature as soon as possible after the "bill meeting" meeting, and so it further.

Resolved, That the Secretary of the Senate is hereby instructed to cause to be printed not to exceed 2,000 copies of each of the Summary Digest and of the Subject List, the cost thereof to be paid from the legislative printing appropriation.

Resolution read and unanimously adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941.

MR. PRESIDENT: Your Committee on Rules has concluded.

SENATE BILL NO. 1346

And reports the same, correctly re-enrolled.

RICH, Chairman

REPORT

The following report was ordered printed in the Journal, on motion of Senator Phillips:

Report of Advisory Committee on Welfare and Employment

This report has been inserted in part in an earlier issue of the Senate Journal. A list of the members of the committee transmitted the report thereto. This copy plates the report.

JOHN C. AUSTIN, Chairman
MRS. E. M. PRINCE, Secretary

It is suggested that the report be gathered together in a separate memorandum report for distribution.

JOHN PHILLIPS, Chairman
JOHN P. PHILLIPS, Committee on Employment

The Functions of the Advisory Committee on Defense and Employment

Following resolution was unanimously adopted:

WHEREAS, This Advisory Committee to the "Fact-Finding Committee" was created by Assembly Concurrent Resolution No. 26 among other things for the purpose of studying and reporting to the Legislature as to needed legislation that may be required to assist in the General Program of National Defense, and legislative measures that will enable the State to bring about and assure general employment in private enterprise of its able-bodied citizens; and

WHEREAS, Among other subjects considered by the Resolutions Committee at its meeting, the question of what legislative enactments, if any, will be needed, either in connection with preparedness plans or with changes in the unemployment situation, was considered; and

WHEREAS, After due deliberation, the committee concluded that the most effective results can be secured by making this committee a clearinghouse for suggestions and recommendations of various State and civic organizations, to supplement its own study and research; now, therefore, be it

Resolved, That this committee recommends that the purposes and objectives desired be disseminated to all civic leaders throughout the State, and that full publicity of the purposes and objectives of the committee be effected through all possible means; and be it further

Resolved, That all groups and civic bodies be requested to advise this committee of suggestions as they deem will be required to more effectively assist in the Program of National Defense, and the creation of employment, or such legislation as should be repealed to accomplish those objectives; and be it further

Resolved, That this committee, after study and investigation of any suggestions made, and its own investigation as to legislation which may be required, or any existing legislation which should be removed in order to effectuate the objectives heretofore mentioned, do make recommendations to the Legislature of the State of California at its next regular or special session.

Radio**Action**

At the meeting held January 3, 1941, the Legislative Advisory Committee on Defense and Employment passed the following resolution:

"Be it resolved, That a committee be appointed of network and independent station representatives and technicians to meet with duly appointed representatives of the Army and Navy, and of State, county and municipal governments for the purpose of surveying existing facilities and deciding upon a plan for coordinating those facilities both for gathering and disseminating information for broadcast purposes under any emergency situation; and be it further resolved that sufficient funds be appropriated by the Legislature to conduct the survey."

This resolution was passed upon the recommendation of the Radio Subcommittee, of which Mr. Richard F. Connor was chairman, upon the motion of Mr. Fox Case of the Columbia Broadcasting System, seconded by Mr. Arthur Westlund, President of the Northern California Broadcasters, Inc.

Work of the Radio Subcommittee

The Radio Subcommittee was appointed by Mr. Austin, Chairman of the Legislative Advisory Committee on Defense and Employment and is composed of the following members: Richard F. Connor, chairman; Fox Case, Alden Packard, Charles P. Scott, Mel Venter and Arthur Westlund. Admiral Osterhaus and Colonel Pirie of the main committee were also assigned to the Radio Subcommittee.

The subcommittee held a number of meetings in San Francisco and Los Angeles. The members made a careful study of radio in a Program of National Defense with special emphasis on the part to be played by commercial radio. They reviewed the existing facilities and studied methods for their coordination system, holding meetings with representatives of the Army and the Navy. Mr. Connor, chairman, attended a three-day convention of the National Association of Broadcasters held August 5-7, 1940, at which many of the same problems were discussed and reported on the conclusion of this group.

In addition two outstanding radio programs from coast to coast were conducted over Mutual Network telling of the work of the Legislative Advisory Committee and the needs of National defense. These broadcasts were presented "with the hope that young men everywhere will heed the appeals to join and take advantage of the educational facilities now being offered them to prepare through the schools, the Army and the Navy, as skilled tradesmen." These programs included brief talks by Mr. John C. Austin, chairman, Dr. Robert A. Millikan, president of the California Institute of Technology and members of the Legislative Advisory Committee, Colonel John Pirie, also a member, as well as talks by Commander R. Boulton of the Navy Recruiting Office in Los Angeles, Mr. R. A. McMullin of the Los Angeles Building and Construction Trades Council and Mr. Vierling Kersey, Superintendent of Schools of Los Angeles. As a result of these broadcasts Mr. Connor received a letter from the National Association of Broadcasters of Washington, D. C., expressing its appreciation of the splendid work of Mr. Connor and his Radio Committee in connection with National defense and stating that its coast-to-coast radio program was the first of its kind in the Nation.

Copies of the special reports filed by the Radio Committee are attached to the copy filed with the Chairman of the Legislative Fact-Finding Committee.

Employment**Development of Natural Resources of the Western States****Action**

The following copy of a resolution was unanimously adopted at a meeting of the Legislative Advisory Committee on Defense and Employment held January 3, 1941, at the Palace Hotel, in San Francisco:

"WHEREAS, It has been brought to the attention of this committee that an organization known as Industrial West, Inc., has compiled a great deal of data covering agricultural, mineral and other natural resources of the eleven western States, plus an industrial survey, and

WHEREAS, This committee has made an investigation and study of the information now in the hands of the Industrial West, Inc., and believes it to be valuable to the State of California; now therefore, be it

Resolved, That this committee hereby recommends that the State Legislature take appropriate action whereby this information may be made available to those interested, and that a sum not to exceed twenty-five thousand dollars (\$25,000) be appropriated for the purchase of said information, with the understanding that the Industrial West, Inc., will immediately bring the report up to date and compile it in such form as will make it effective for research purposes."

Report on Natural Resources—California and the Tributary Pacific Slope Region (11 Western States)

A report primarily to the United States Government, but of general interest to the public, on the problems through which the Nation may be able to solve its economic problems through the utilization of its natural resources.

The Subcommittee of the Joint Legislative Advisory Committee, appointed to investigate and report on the *Utilization of Natural Resources on the Pacific Slope* (11 western States), under the Industrial West, Inc., has the following report to submit:

At a Special Session of the State Legislature, September 21st last, there was created by Joint Resolution No. 26 an "Industrial Committee," consisting of three members: Messrs. F. G. Smith, Chief and General Manager, The Commercial, H. C. Matlin, Chief and General Manager, W. Malone, Consulting Engineer-in-Chief, The Industrial West, Inc. The Industrial Committee has expressed a desire to study and report on the problems of the Pacific Slope. In doing this report, the Industrial Committee was instructed:

Objectives

To so develop and utilize the natural resources and materials of California and the Pacific Slope Tributary Region as to make this Nation independent of foreign countries as to a major part of their raw materials. This objective should have in mind not alone the period of "strategic materials" for war purposes in times of emergency—but as a long range plan to carry on during the period following, when a natural depression, or let-down in production is an aftermath of wartime expansion. This is to be accomplished through such economic developments, to the effect also to increase our production.

Obtaining Objectives

It is obvious that in order to obtain the desired objective a great amount of research is necessary. This would take time—years—in three years—not money. Also as the time element is an important factor, the information making up a coordinated industrial survey must be had as early as is possible. Fortunately, this is available through the "factual inventory" which has been made during the past three years by The Industrial West, Inc., directed by George W. Malone, a consulting engineer. This report is contained in what is termed "The Industrial Survey-Encyclopedia of Western Resources" and includes the entire Pacific Slope Tributary Region (11 western States). This survey took two and one-half years to complete as of August 31, 1939.

If our industrial war should be interested particularly in the entire Pacific Slope Region, other than just the State of California. The answer is fourfold:

1. Raw materials are found in, and will be drawn from the other States for some of the most important new industries. It is necessary to know their location and extent.
2. To secure labor, as migrants and relievers would otherwise be drawn to California from this tributary area.
3. The cooperation of the other States is necessary in bringing about the adjustments affecting the feasibility of industry.
4. Ninety-five per cent of the economic problems of the Pacific Slope Area (11 western States) are common, and can be adjusted through such cooperation.

The subcommittee has reviewed in a general way the Industrial Survey—"Encyclopedia of Resources" and finds it very complete. It is, of course, not entirely cross-indexed, and much more work will have to be done to make it readily accessible and convenient, and to furnish sufficient copies for the use of the Legislature and committees. However, the material has all been collected, cataloged and coordinated into the necessary manuscript, maps, charts, et cetera, it only remains to complete the work. For the benefit of the committee there follows herewith a general outline of what this Industrial Survey and Report contains.

Scope

The Industrial Survey is a *factual inventory* of the available raw materials in the 11 western States, including the mineral, agricultural and forestry fields, together with their location, extent and availability.

A section of the Industrial Report is also devoted to each of the major "plant factors," in addition to the raw materials, affecting the feasibility of industry, including: *Transportation*: Railroads, highways, intercoastal shipping, inland waterways and airlines; *Power*: Where generated, location of transmission systems and cost; *Trade Barriers*: In the major groups and 157 commodities—amount shipped into and out of each State; *Population Trends*; *Labor and Taxes*. Sections are also devoted to some specific products having the earmarks of feasibility, such as the new method of electrolytic reduction of low-grade manganese, increased rayon production, et cetera.

The Industrial Survey and Report—Encyclopedia of Western Resources

This basic *Industrial Report* consists of 12 well-indexed sections, approximately 2,000 pages, including 200 graphs, charts and maps. This work will be up-to-date and sufficient copies furnished for the "Advisory" and "Fact-finding" Committees, and for the Legislature.

Advisers and Consultants

The Mining Bureaus, Schools of Mines, State Engineers, Railroad Commissions, Planning Boards and Directors of Agricultural Extension Service of the 11 western States acted as advisers and consultants in their respective fields in the preparation of the work, together with the United States Geological Survey, the Federal Bureau of Mines and the Federal Power Commission.

Object of Survey

The objective is a new approach to the *Relief Unemployment and National defense* problems. Through the creation of new permanent industries, based on the *rare materials of the region*, there will be furnished full time, top wage jobs, and many of the products in which this Nation's markets are now deficient, including many of the so-called "strategic" minerals, will be produced.

New opportunities for private investment will be made available. This will in turn create much additional taxable property needed by the Pacific Slope States to assist in carrying the load.

Raw Materials

Minerals, Including Fuels—their specific location and extent.
Agricultural Products—location, extent and trends.
Forestry Products—location, extent and trends.

Plant Factors

Transportation	Labor
Power	Taxes
Trade Balance (markets)	Water Supply
Manufactures	Financial
Population Trends	

*New and Expanded Industries***

Minerals—The seven leading strategic minerals of chrome, manganese, mercury (quicksilver), tungsten, antimony, nickel and tin, together with many minerals of lesser importance.

Electrochemical and electro-metallurgical industries, including the steel alloys.

Agriculture—Vegetable oils, fiber flax, linseed oil, sugar (sugar beets), meats and other products.

Forestry—Rayon, newsprint and plastics, in addition to the regular lumber and other miscellaneous products.

It is stated by the Industrial Committee that the cost of completing and furnishing the required number of copies of the *Basic Industrial Report* (12 indexed sections) and the brief specific recommendations for new industries, together with an outline of the necessary adjustments in the basic work, will amount to \$25,000. As stated previously already \$150,000 has been expended in making the *Survey and Report*.

If the required funds are made available early in January, a preliminary report can be submitted at the beginning of the last half of the session, and the *completed basic report* and brief report of specific recommendations as outlined, presented prior to the adjourning of the session. Approximately four months time will be required.

The brief report pointing out the specific industries and products that are, or can be made feasible of production in California and the tributary area, together with the necessary adjustments, will be prepared and submitted to the "Fact-Finding Committee"—cross-indexed with the basic *Industrial Report* of 12 sections for reference to supporting data and information.

General Assumptions

In general the future profitable increased production of the Pacific Slope must be based on the products in which this Nation's markets are deficient. In such production the western States are entitled to an adjustment in the cost of production differentials, based on our *domestic* standards of living, as compared to foreign standards. But, naturally, this movement of adjustment must not unduly affect the cost to the consumer, other considerations, including relief and unemployment costs must more than offset such effect.

Some of the necessary adjustments include tariffs, subsidies, and quotas, which have been built up during the past 50 years by congressional and executive action. Increased production in other lines may be brought about through publicity and

** Some examples of possibilities.

employment by effecting studies on the changing economic factors making such increase increasingly feasible.

The present survey (June 10, 1941) shows us generally better, with its available raw materials, manufacturing facilities, the 10 States of their products in which the Nation's resources are deficient, and points out the specific adjustments necessary in each case.

A specific example of the possibility of a new industry is given in the case of chromite, the mineral used.

Recommendations

In view of the increasing possibilities indicated by this industrial survey, the committee is of the opinion that it should be carried to completion. It then could be made more effective by the establishment of a permanent office. As the survey is discontinued, plans for more intensive cooperation with the Federal Bureau of Investigation, the Bureau of Mines, and the War Relocation Authority, made for the region. Every effort should be made to carry it out. It forms the foundation for a specific industrial program, and a basis for the relief and unemployment problems.

We therefore recommend to the full committee:

1. That a sum, not exceeding twenty-five thousand dollars (\$25,000) be appropriated for the purchase of the basic work, and the brief specific report, on chromite.
2. That the Legislatures and proper authorities of the other 10 States in the Pacific States continue to be informed of the survey.

NOTE: Arguments supporting recommendations will be given at the meeting of the Full Committee on June 14, 1941.

H. W. OSTERHAUS, for Subcommittee

Specific Examples of a New Industry

Chromite

Chromite is one of the most important "strategic" minerals, and is used in the manufacturing of armor steel, tool steels, refractories, and in the chemical field. This mineral is extremely hard and abundant and battleship armor steel, on account of its strength, high weight, and resistance.

Over a 100,000 tons of this mineral are consumed from 50,000 tons in 1915, to an estimated 100,000 tons in 1940.

The United States is the largest consumer of this material in the world, and the smallest producer. We produced less than 1 per cent of our domestic consumption. The price for the first four years of the war, 1915 to 1918, was \$10 per ton, except for the war years of 1916 and 1917 to 1918, when imports were threatened. The price averaged \$14 per ton during the years 1918 and the domestic production jumped to 40 per cent of the Nation's consumption.

The latest price quoted in the *Mineral Industry Journal* was \$34 to \$36 per ton f.o.b. All this and 10 per cent. The American Chrome Company, price plus 20 per cent, could be invoked, and "stockpiled" on the Pacific Coast and the specifications properly written, there is little doubt that the United States could be made self-sufficient in this "strategic" mineral.

The Industrial Survey discloses that there are 265 deposits of this "strategic" mineral in five western States—most of them in California.

When full production is reached, an estimated minimum of 5,000 men would be directly employed in the mining and mining operations in this one raw material producing operation alone. As raw material producing industries form the base of the pyramid of employment—for every man directly employed in such an industry on a full time, top-wage job, the record shows that at least 10 persons are directly or indirectly supported in the processing and service industries. In this one industry, production of chromite, only one of the "strategic" minerals in the mineral field, an estimated 50,000 persons would ultimately gain their support.

This is cited as an example of the possibilities of the new approach to the relief—unemployment and National defense problems through new industries. The Nation gets satisfied through domestic production of a necessary mineral. The Pacific States gets a new industry. thereby creating employment, new private investments, and additional taxable property.

Housing

Acting on January 2, 1941)

A bill presented by Mr. H. H. Hendricks, attorney for the United States Housing Authority, which would authorize local housing authorities to undertake defense housing was introduced. It provided that after the emergency period the occupancy in the projects developed under this act will be limited to the enlisted personnel, and their families, of the armed forces and the Maritime Commission and their families or employees of the War and Navy Departments working at Naval reservations or Military posts and that any part of this bill that is in conflict with this provision be amended accordingly.

Federal Legislation

Louham Act (October, 1940) limits expenditure of Federal funds for defense housing to a finding of "necessity for National defense" by the President (upon recommendation of the Housing Coordinator), and would allow construction to be either temporary or permanent, etc., and built by any one of a number of Federal or State agencies including the United States Housing Authority.

Vocational Training for Defense*Action by Legislative Advisory Committee on Defense and Employment*

Following a statement made by Mr. J. C. Beswick of the State Department of Education that:

(1) The California Department of Education was carrying on the program created by Federal legislation (a digest of which is attached);

(2) Advisory boards have been set up by local boards of education composed of employer and employee educational representatives;

(3) There has been no additional tax burden on local school districts but costs are provided by State and Federal Governments—the State furnishes the services of the State Department of Education and the Federal Government has actually furnished approximately \$300,000 for the program up to the present date, November 30, 1940;

(4) Persons furnished training are either employed or are registered with the State Employment Service;

(5) There are two types of instruction: (a) Supplemental instruction for workers already employed; (b) Refresher courses for persons who can profit by training;

(6) This program is designed for quick emergency training and does not conflict with long-time apprenticeship training;

it was moved, seconded and carried that the Legislative Advisory Committee accept Dr. Dexter's invitation to serve as State Advisory Committee on Vocational Education for Defense.

Resolution

At the meeting held January 3, 1941, the following resolution was passed:

The Legislative Advisory Committee recommends to the State Board of Education that it coordinate the work of its State and local advisory boards on defense vocational training, with that of the State and local apprenticeship committees to the end that the most practical training be given, resulting in the greatest possible good to the defense program and to the future of the citizens of this country.

Federal Statutes

Federal Statutes—Chapter 780 H.R. 10539, October 9, 1940—Education and training of defense workers:

A. For payment to States—approved by United States Education Commission—

(1) For vocational courses less than college grade.....\$26,000,000

(a) Must be approved by commissioner

(b) Courses may be supplementary to employment in defense industries or pre-employment refresher courses.

(2) For purchase or rental of equipment approved by commissioner \$8,000,000

(3) For short engineering courses, college grade (engineering schools or universities).....\$9,000,000

20 per cent of such allotment can be used for purchase of equipment or rental of space.

(4) For youth education.....\$10,000,000

(17 or over—out of selected rural youth or youths whose training not feasible under 1 and 3.)

(5) National Youth Administration for vocational courses..... \$7,500,000

B. Rule making power in commissioner subject to approval by the President.

One of the policies set up by United States Department of Education is that 50 per cent of all persons enrolled under (1) and (3) must come from Works Progress Administration rolls.

June 27, 1940—Vocational education for defense workers—for payment to States, subdivisions thereof or other public authorities for cost of courses of less than college grade under plans approved by United States Commissioner of Education in courses supplementary to employment in essential defense industries and pre-employment refresher courses for workers preparing for such employment, plus 2 per cent of appropriation for administration.....\$15,000,000

Defense Education

Civil Apprenticeship Act

\$322,000,000

At a meeting held at the Palace Hotel, San Francisco, on October 28, 1940, the

California Apprenticeship Act, 1941.

Apprenticeship Training

Advisory Committee on Defense and Employment

At a meeting held at the Palace Hotel, San Francisco, on October 28, 1940, the following resolution was passed:

Whereas the California Apprenticeship Council has been set up in conformity with the Federal and State legislations pertaining to apprentices in the various crafts and occupations;

Whereas the National Defense Commission has noted the need and necessity for further training of young men for immediate induction for National defense work;

Whereas the California Apprenticeship Council is laboring under inadequate financial resources to conduct the activities of training the industrial apprentice for National defense work;

Whereas the Apprenticeship Council of Industry and Labor has urged that it be urged that the training of apprentices be improved;

Resolved, That the Legislative Advisory Committee on Defense and Employment go on record as requesting the Governor of the State of California and the State Legislature of California to make an appropriation to the California Apprenticeship Training Council, so that an adequate personnel may be given to this Council to increase its efficiency in the interest of National Defense."

This resolution followed discussion to the effect that the maximum sum needed for this work was \$25,000 per year or \$50,000 for the biennium and that the adoption of this resolution would not affect the other major projects of training for defense industries.

California Apprenticeship Council

Shelley Maloney Apprenticeship Labor Standards Act of 1939—act is permissive. Director of Industrial Relations is Administrator.

Sets up council to be appointed by Governor

4 employer group representatives

1 representative of labor union

4 employee representatives

Education Department of University

Section 3071 Labor Code provides:

Council shall establish standards of minimum wages, maximum hours and working conditions for apprenticeship agreements.

Section 3075 provides for local or State Joint Apprenticeship Committees composed of equal number of representatives of employer and employee groups in any trade.

The program is approved with the proviso as to whether or not it adopts Apprenticeship Program. Once approved it can be terminated when indentures actually existing have been completed.

Federal Law re Apprentices (H.R. 7274, Aug. 1937)

Section 14 Labor Act for purpose and promote labor standards, to promote welfare of apprentices. Section 15 of bill is to cooperate with State agencies and NYA to promote standards for apprentices and to appoint a National Advisory Committee to advise and coordinate activities of employers, labor organizations and others of other executive departments. Responsibility for protection of apprentice labor standards removed from NYA by this act.

(COPY)

EARL WARREN, Attorney General

STATE OF CALIFORNIA, LEGAL DEPARTMENT

SAN FRANCISCO, February 20, 1940

Department of Industrial Relations

San Francisco, San Francisco

ATTENTION: AGENT J. M. GORDON, Secretary, California Apprenticeship Council

GENTLEMAN: Under date of February 14, 1940, we have received a request for further consideration of the Apprenticeship Law, as follows:

Regarding the bill, referred to you under date of January 16, 1940, we would ask that you give further thought to the fact that the questions asked therein are presented again conformably with the existing Apprentice Law. In other

words, if an employer or group of employers desire to come under the provisions of the act, when

1. Is it mandatory for an employer, or group of employers, to join in the formation of a joint apprenticeship committee?"

In our opinion NS2333, under date of January 16, 1940, we advise you that the Apprenticeship Law is not mandatory in that it does not purport to require employers and employees or the organizations mentioned in the statute to form apprenticeship committees to indenture apprentices as provided, by the act. It is true, however, that if apprentices are to be indentured, they must be indentured as provided by the act, for there is no longer any other statute in California regulating or permitting indentured apprentices. As the statute is the measure of the power, if apprentices are to be indentured in this State, Sections 3070 and following of the Labor Code must be followed.

This does not mean, however, that it is not possible for the employer and employee to enter into a labor contract; that is, a helper may be employed by either formal written agreement or oral agreement; and while he might be referred to as an apprentice, he would not be recognized as a regularly indentured apprentice under the California law.

Very truly yours,
(Signed)

EARL WARREN, Attorney General
By R. L. CHAMBERLAIN, Deputy

Statement As to Training of Apprentices and Others at Mare Island Navy Yard By H. W. Osterhaus

On Tuesday, November 26th, I saw the Industrial Manager of the Mare Island Navy Yard, Captain Crisp, U.S.N., and he gave me a very complete outline as to the steps the authorities there are taking to meet the need for additional training of men in defense work. These men are being trained primarily for work at Mare Island, as the work load at the Navy Yard has increased since the defense program was stepped up. About 15,000 men are now employed on the yard whereas normally from three to five thousand are working.

During normal times the Navy Yard carries an Apprentice School which averages about 100 boys. This school now has 300. By January 1st 100 more will be added. This number will be stepped up as rapidly as considered practicable until there are 800 in training. The usual time for training of an apprentice before he is given his "diploma" or certificate of training, is four years. Now the training period has been reduced to two years, although the certificate is not given apprentice at the end of that time. During the last two years of the four, the apprentice is paired off with the regular mechanic and does as much useful work as possible. He receives increased compensation commensurate with the work performed. At the end of the four years the apprentice will receive his certificate of graduation from the school. The instructors for these apprentices are all Navy Yard employees, good mechanics and men chosen for their ability to instruct.

By authority of the Navy Department, the Navy Yard is also training regular employees to be what may be termed as "Specialists." This course is for six months and the number eventually to be placed in training will be 1,000. These men are assigned as helpers to trained mechanics and learn one or two special jobs. The large number to be so trained eventually will be divided between the day and night shift. So far only day training is being used.

In addition to the shop training of these specialists, they have to spend *one day a week in school—all day*. A school is maintained on the yard for that purpose. The instructors at this school are Navy Yard employees, and the head of the school is a practical Navy machinist, or Lieutenant of the regular Navy.

In addition to the above, the City of Vallejo has inaugurated a night school at which any of the Navy Yard apprentices or other employees may attend to receive further instruction. Attendance at this school is purely voluntary.

When the Navy Yard tackled the problem of vastly expanding their apprentice school and the additional training of "specialists," I was informed that Mr. Beswick of the State Board of Education went into the matter with the industrial manager of the yard. Mr. Beswick offered to cooperate and do anything possible to aid the Naval authorities and spoke of a Federal appropriation which would be requested to further apprentice training work. However, when later the Navy Yard requested of the State board two men who had had training in vocational schools, the men were not forthcoming. The Yard was told they could not be supplied but that an effort to obtain one man would be made under certain considerations. Consequently the Naval authorities dropped the matter. The two men desired were *not* to be used as instructors, but simply to act in an administrative capacity to suggest schedules, curricula, etc. All instructors at the Navy Yard Schools are picked Yard mechanics. However, the Navy Yard was fortunate in obtaining a Naval Reserve Lieutenant whose name, I believe, is Owen, and who had graduated from one of the vocational schools in the Bay Area. He has been very valuable in working up courses and so forth. I looked through, in a general

way, some of these courses are given those very comprehensive and thorough. Particular note is of the very high standards. No shortcuts are followed and the training is thorough in every respect. The apprentices are considered the backbone of the Union Steel companies.

The Navy Yard also has a school for the training of apprentices. Picked men from the machinists are given this training and the course is most thorough and comprehensive for anyone doing the kind of work he is trained to do.

Defense Council

RECOMMENDATION OF THE LEGISLATIVE ADVISORY COMMITTEE ON DEFENSE AND EMPLOYMENT TO THE JOINT LEGISLATIVE FINDING COMMITTEE ON DEFENSE

At a meeting held in the Assembly on September 16, 1940, it was recommended that the Legislature create a "council of defense" with not more than thirty-three (33) members. (Including the Governor, the Governor's Council, the members of the Governor and the President pro tempore of the Senate and the Speaker of the Assembly. These members are to be named by the Governor.)

It has been stated that the States are obliged to set up "defense councils" according to a Federal plan from the National Defense Advisory Committee but this is not the fact. It is also stated that the Federal plan of State councils is in operation. There appears in fact to be little or no uniformity of plan followed by the States in the establishment of such councils—a number of States apparently have no indication of establishing any such council at all and several others, if organization now existing having those that have established councils. For example:

Massachusetts has a Committee on Defense Safety composed of 150 representative citizens named by Governor Winthrop D. This committee will provide an active central organization to coordinate all defense activities and to deal with various problems affecting the progress of the war. This committee coordinates work of local committees set up in response to the Committee's appeal in every town and city in the State. The State Planning Board is a part of the committee. *Massachusetts* has also a Committee for National Industrial Defense composed of the President of the Associated Industries, the Chairman of the Department of Industrial Commission and the Director of the Massachusetts Aeronautics Commission to assist in speeding up production of defense materials. This latter group has conducted an extensive program. *Massachusetts* has the committee.

The *State of Washington* has a defense committee of 25 appointed by the Governor. The committee has no connection with the State Planning Board, has selected its own chairman and works through local councils.

Montana has no defense council, nor has *Oklahoma*. The latter has a program of vocational training and together with other midwestern States is working on location of defense industries.

Colorado has no defense committee but is considering creating one for home defense only.

Illinois has none except one set up by the Chicago Association of Commerce.

Nevada has no committee and does not think it needs one.

In *New York*, Governor Lehman has appointed an advisory committee of 12 and has asked the long range Health Commission to work with defense committees appointed by local hospitals and universities.

Defense—Housing

On September 17, 1940, it was noted and carried that the Legislative Advisory Committee on Defense, having had time to spend in pressing for workers engaged in defense industries, recommends to the Legislative Committee that a bill be drafted for presentation at the next session of the Legislature to provide housing on a temporary basis for workers engaged in defense activities but that such a program not be connected with social housing.

This action was taken after consideration of a request that the committee recommend to the Legislature the enactment of changes in the present State Housing Law which would make it possible to bring a part of the long-time Permanent Housing Program of the United States Housing Authority. This could have been brought about by a change in the law which would make it legal for U.S.H.A. houses to be rented to higher income groups than is allowed at present, and by the removal of the requirement of such houses as part of such program.

It was the consensus of a majority of the committee that such a recommendation would result in a greatly postponed program of socialization of housing, a program not contemplated by Congress in its enactment of defense legislation, and that the continuing of a Social Housing Program and a program to meet a defense emergency are two very different things which should not be combined.

The committee's recommendation was based first, on the theory that real need for additional housing in any locality would be proved before any question of building temporary structures for houses would be considered. A determination

of this sort is required by the Federal Act which provides, "That there is an acute shortage of housing which impedes the National Defense Program and that such necessary housing would not otherwise be provided."

It was also felt that efforts should be made to provide housing, whenever possible, through private capital, through F.H.A., or through loans from the R.F.C. before defense housing should be resorted to. These methods would probably meet the needs in most metropolitan areas where many low rental houses are still available for occupancy.

It was felt that all defense housing built by the Government should be temporary in its nature and not part of the U.S.H.A. Program which would build houses for from 30 to 60 years occupancy resulting in a vast number of Government-owned houses after the emergency is over, often in localities where they would not be needed. In this regard it is interesting to note that although the U.S.H.A. was given authority to take part in the Defense Housing Program under HR 9822, funds appropriated for this purpose by Congress (some \$500,000,000), have not been given to this agency but to the Army and Navy for its own Housing Program and to the Public Buildings Administration.

As a result of hearings held on this subject, a bill by the U.S.H.A. to get required authority to put "Defense Housing" into the permanent housing program was defeated.

Home Guard for Local Home Defense

Following an explanation by Mr. Allen Griffin of the program hereinafter set forth, the Advisory Committee passed the following resolution: "That a Civilian Defense Plan be incorporated in the Defense Program under consideration at this special session of the Legislature." On January 3, 1941, the following resolution was passed:

"That this committee recommend that adequate legislation be enacted enabling and directing The Adjutant General to develop a plan for civilian defense and relief by setting up a coordinated program, of civilian non-Military defense to be used only in case of emergency and to enlarge his staff with non-Military personnel to a number deemed suitable by him to meet the needs of the situation of which not more than one would be a paid officer, to assist him in the development of such activities."

The following principles are proposed as essential to the efficient and economical organization of a Home Guard:

1. Its duty should be essentially limited to *local* Home Defense, for which its obligations should be specified. All defense problems requiring mobility over broad areas or requiring equipment, vehicles, or concentration of supplies for larger combat activity should be the function of regular Army, National Guard, or drafted troops trained for such combat defense purposes.

2. The Home Guard should operate under a plan—

a. That is easy of organization through civilian sources, among which are men of World War experience and subsequent executive experience who are capable of undertaking this task if authoritatively assigned to them;

b. That entails a minimum of expense to the Federal Government or to the State, requiring a minimum of equipment, arms, supplies and vehicles.

c. That is capable of expansion or contraction, according to the local defensive needs of the community or locality, according to the geographical location, nature of industries, composition of population, etc., of the locality.

d. That is capable of immediate mobilization in whole or in part to assume its duties actively.

e. That would enlist in its service as volunteers the substantial and dependable men of the community who would in all probability be exempted from Military duty because of age, dependents, employment in key industries, etc.

f. That could be trained and educated in its various duties without disrupting the ordinary economic life of the community; and that when an active service in the community would cause the least disruption of the economic life of its territory.

g. That would require the minimum of training and supervision by regular or reserve Army officers who can not be spared for this purpose. There are plenty of men qualified by Military and executive experience for this training and command, who are at present barred from the reserves because of their age.

3. The duties of a Home Guard should be as follows, depending of course upon the vulnerability of the territory in which it is formed:

a. Its members should be fully informed and educated as to all strategic points within their respective home defense districts, such as oil and gas supplies, water works, manufacturing establishments, bridges, docks, airports, tunnels; and be organized and trained to protect and defend such points from sabotage or enemy infiltration;

b. Its members should be fully informed and educated regarding all roads, trails, railroads, and other lines of communication within their districts;

c. It should be trained in first aid and in the topography of the respective home defense districts together with the attributes thereof in relation to Military service.

d. Special units should be formed to provide for and assist in the hospitalization and the evacuation of civilian population in their respective districts, according to a well considered plan.

e. It should cooperate with the Intelligence Section of the Regular Army and with the FBI with which it is to be trained to cooperate effectively due to the knowledge of its members of the people and pursuits of the people in its own district.

f. It should be prepared to assume duties in connection with the conscription of man power in time of National emergency if called upon;

g. It should train and arm a sufficient force to act as infantry or as automobile infantry in emergency to defend their respective home defense districts against any preliminary enemy activity or if called upon by the local officers in the event of serious disturbances during a war emergency;

h. It should be ready to render such other duties in connection with home defense as may be requested by the War or Army or National Guard in such matters and during the same, furnish such such information with respect to their respective home defense districts as the War Department General Staff may require.

i. It should have units prepared to provide preliminary, elementary drill and instruction of members of similar units in the area.

j. It should be trained, according to the vulnerability of its district, to direct the civilian population to bomb shelters and places of safety, etc., in the event of surprise attacks.

Discussion

A Sound Home Defense Plan for a Local Home Guard must be flexible enough to fulfill the conditions that might be required in such locality; and therefore its tables of organization should provide for such flexibility.

The size and the number and composition of Home Guard units would depend upon the vulnerability of the State and the districts to be protected. It is obvious, therefore, that the coastal States and border regions would require larger and more specialized organizations than most of the interior States. Some of the latter might require very little organization. It is apparent also that industrial areas would require far more organization than semi-industrial and agricultural regions. It is wasteful of energy and funds to provide more organization than is required according to the realistic needs of each area; but obviously the realistic needs of each area must be specifically known.

The Home Guard must, in order to be effective, enroll men of high calibre and should, therefore, be organized by the most responsible elements of the community. It is then capable of rapid expansion and efficient operation, and will be free either of political influence or of financial surrender activities. Its formation by well-informed and responsible men of such community means that it would be an organization entirely alert to the needs of the community. It could therefore render effective aid to the Intelligence Service.

There is little need for "drilling" activities in the training of those units that are not intended to fulfill the "duties" of the local Home Defense District. Men should be fitted to the jobs they are most capable of fulfilling efficiently. This will eliminate a lot of unnecessary and irksome "training" except where it is required.

Young men under the draft age, should NOT be incorporated in these units. Home defense activities should be in the hands of more stable and responsible persons who do not require the discipline that would have to be enforced with youths. There are sufficient number of men above the age of 40 to form responsible and effective organizations, as well as other men who would not be subject to the draft because of dependents, responsible positions, etc.

It is most advisable that these units be organized as a special component of the Organized Reserves of the United States Army. That would result in the volunteering of a better quality of men than under any other sponsorship.

Tests of the readiness of these organizations could be easily and economically conducted by calling a mobilization of "observers" at any time in any community for inspection by the proper military authorities.

A Home Guard of this type would prevent the dispersal of Regular Army, National Guard, or National Guard forces for "guard work" or local protection. Moreover, a Home Guard of this type would be more effective and more acceptable to local populations, as it would be made up of men who knew the territory, the people, the customs and habits, etc. This is essential if a Home Guard is to fulfill its functions.

In order to have enrollment of men qualified for these various functions, it is imperative that the system should be based on LOCAL Home Defense, and that these forces should not be shifted from base to base. This also is a matter of

great economy. Under this system there would be no occasion for an elaborate service of supply, for armories, for expensive establishments, or for Government vehicles except in exceptional circumstances. The "motorized" infantry of such a Home Guard would use its own automobiles, private cars. There would be no need to equip such an organization except with uniforms to be worn only when on duty and with "obsolete" arms. For training and educational purposes, public school buildings, gymnasiums, public parks, etc., could be used.

Organization of geographical areas in a plan of this nature is suggested in House of Representatives Bill 10071.

In addition to its military and semi-military functions, the organization of a Home Guard along the lines proposed above would also have the following results:

1. It would serve in educating each community in the obligations of citizenship and would have a serious and desirable effect upon the less stable citizens and on aliens. In this respect it would serve the process of Americanization:

2. It would have a stabilizing influence in each community. People would feel assured that their local situation was well in hand. There would be less occasion for hysteria, which is a potential threat where populations have been shown to be as mercurial as they have been in some parts of the country ("Man From Mars" incident in New Jersey, etc.). It would add to assurance.

3. It would indicate the seriousness of responsible citizens in supporting the Defense Program of the Nation and would stimulate interest in and a greater knowledge of the Military establishment.

Recommendation re Granting a Certificate of Merit to Firms Which Make an Agreement with Their Employees Who Enter the Service of the United States

On July 26, 1940, it was moved that it be the judgment of this committee that it is not good public policy for any employer, including all governmental agencies, not to grant employees who may be called into this service their full rights, had at the time that they are called for service in public defense, and that private employers would be awarded a certificate reading substantially as follows in this connection: "In recognition of the patriotism of the John Jones Company in making an agreement with its employees, and with the State of California, that no member of its personnel who volunteers or who is called into service for National defense shall lose his status as an employee by reason of absence for such service, this certificate of merit is awarded by the Legislature of the State of California."

This matter is no longer voluntary under the Federal Conscription Act which was passed on September 16, 1940, a copy of which follows:

Conscription Bill (Public 783, 76th Congress, S. 4164)

1. Creates power for Congress to call out National Guard to active Federal Service where Congress feels it is needed for National security.

2. All male citizens and male aliens residing in United States between ages 21 and 36 must register.

3. All male citizens and male aliens *who have declared intention to become citizens* between 21 and 36 years of age shall be liable for training and service in land or naval forces of United States. Number to be determined by President with maximum number of 900,000 men at one time, unless in time of war.

4. Training period one year.

5. Persons inducted into land forces shall not be employed beyond limits of Western Hemisphere except in Territories of United States including Philippines.

6. Exemptions from draft:

- A. Men who have already served three years in Regular Army before or after time fixed for registration.

- B. Men who, as members of National Guard unit, have had one year active Federal service in Army and two years in National Guard.

- C. Active member of National Guard and six years in National Guard.

- D. Reserve officer on eligible list for six years.

- E. Governors—members of legislative bodies, judges, etc.

- F. Persons holding office necessary to public health and safety may have training deferred.

- G. Regularly ordained ministers.

- H. Students entered in academic year 1940-1941 can be deferred.

- I. Conscientious objectors sustained by local draft board or by appeal to the Department of Justice and Appeal Board.

Re-employment of Men Who Are Drafted

Position left must be other than temporary

Person still qualified to perform duties

Application for re-employment made 40 days after service is ended

1. If employer is United States Government, shall be restored to a position of like seniority and pay.

2. If employer is private business, he shall be restored to a like position unless employer's position is so changed as to make it impossible or unreasonable to do so.

Insuring right to work in U. S. Government business.

Vacancy in employment caused by draft not to be filled by member of the Bund or the Communist Party.

Control Over Industry

Compliance with orders placed through head of War and Navy Departments for such products as may be required is obligatory and shall take precedence over all other orders.

Any plant that fails to cooperate fully in conforming to the United States preferences in the matter of payment of taxes, gift tax, payment to United States land, quantity or quality of goods produced by Secretary of War or Navy, or in refusing to furnish facilities at a reasonable price as determined by Secretary of War or Navy, shall be subject to having the President have authority to possession of such plants to manufacture such products, and such plants (corporation or individual, etc.) shall be deemed guilty of a felony subject to fine and imprisonment. (Fine maximum, \$50,000; prison term, maximum, five years.)

Compensation to industries so taken over shall be fair and just.

President Given Wide Discretionary Powers

To create and establish selective service.

To carry out provisions of this act.

To appoint a director (with consent of Senate), maximum salary \$10,000 per year.

To delegate his authority under the act.

Pay fixed for enlisted men—\$30 to \$126, classes 1 to 6.

Treasure Island

The Legislative Advisory Committee has been requested and has formed the use of Treasure Island and its buildings by the Navy or Army with the resultant saving to the taxpayers by having the temporary buildings put to a necessary use and recommended on July 26, 1940, that the demolition of the buildings be deferred until it was determined if such necessary protection.

On December 3, 1940, in Sacramento, the committee recommended that the State pass any necessary legislation to authorize the use of such property for defense purposes and thereby release such property for use by the Federal Government for defense purposes.

At the Special Session on December 2, 1940, the Legislature passed Assembly Bill No. 1, which in substance is as follows:

"An act to amend the title of 'An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island,' approved June 13, 1933, and to add a new section to the last-mentioned Section 5, thereby authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for Military or Naval purposes, and providing that this act shall take effect immediately."

Miscellaneous Recommendations

Naval Militia

On information that there is reason to believe that a Naval Militia is considered a duplication of the Naval Reserve, the Advisory Committee recommends that no State Naval Militia be formed in California except upon the recommendation of the United States Navy.

Fifth Column Activities

On July 26th, the following motion was passed:

"That the Advisory Committee recommend to the State Legislature the passage of such legislation as will outlaw all political parties which do not subscribe to the principles of the American form of Government."

On September 21, 1940, the Legislature passed the following act:

"Section 1. Section 2540.3 is hereby added to the Elections Code, to read as follows:

2540.3. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which uses or adopts as one part of its party designation the word 'Communist' or any derivative of the word 'Communist'.

SEC. 2. Section 2540.4 is hereby added to the Elections Code, to read as follows:

2540.4. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which is directly or indirectly affiliated, by any means whatsoever, with the Communist Party of the United States, the Third Communist International, or any other foreign agency, political party, organization or government or which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against the Government of the United States or of this State.

SEC. 3. Section 2540.9 is hereby added to the Elections Code, to read as follows:

2540.9. The Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are qualified to participate in any primary election. Such determination shall be subject to review by the courts in accordance with law.

SEC. 4. This act is hereby declared to be enacted in the exercise of the police power of this State for the protection of the public peace, safety and general welfare of the residents of this State.

SEC. 5. If any provisions of this act, or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances, shall not be affected thereby."

The following report was adopted by Legislative Advisory Committee on Defense and Employment on September 17, 1940:

"Mobilization for Employment"

"In the report of the Joint Legislative Fact-Finding Committee on Employment it was pointed out that 'The major factor in solving California's relief problem must be a mobilization for employment.' And that 'in this the State, which hitherto has done little or nothing, must become an aggressive leader. Business must be made to understand the choice between cooperation and taxation; between mobilization to meet an emergency as serious as war, and moral and financial bankruptcy.' It then comments on the plan developed in Pennsylvania and continues 'The committee recommends that the Legislature keep constantly in touch with the Pennsylvania mobilization.'"

It is the purpose, therefore, of this report (1) to give an account of the Pennsylvania Plan; (2) to report on the unemployment problem in California; and (3) to recommend a plan of mobilization for employment to be carried out in the State.

The Pennsylvania Plan

History. When the Pennsylvania Plan was introduced, relief costs in that State had risen from \$7,500,000 for the year 1931-1932 to \$132,000,000 for the year 1938-1939. By mid-September of 1939, more than 273,129 cases were on relief (828,195 persons were included in this number).

At this point the Joint State Government Commission, a nonpartisan board of State Legislators, agreed that the relief burden must be reduced and that employment was the soundest method.

This Legislative Commission and the Governor (Arthur H. James), and members of the Governor's Cabinet agreed the responsibility of any reemployment effort should rest upon those best fitted to know about the subject, to wit: The business men of the State. They, therefore, proceeded to take the following steps.

A subcommittee of the State Legislature called on Mr. Walter D. Fuller, President of the Curtis Publishing Company, and urged him to organize and head a re-employment movement. This was agreed to on the three following conditions:

1. That the 'grass roots' methods be applied and the solution found in the local knowledge and responsibility of unemployment, relief and taxation.

2. That business be encouraged and stimulated in every proper way so as to create jobs in private business in contrast to temporary expedients such as 'give-a-job' plans or high-pressure ballyhoo.

3. That no one be misled into expecting a miracle, but that the campaign be an honest and hopeful effort to do as much good as possible, in view of the business recession and other handicaps.

The following is a copy of a letter dated September 12, 1940, from Mr. Walter D. Fuller, explaining the exact organization of the Mobilization Plan:

"This is reply to your recent letter relative to the Pennsylvania Job Mobilization Movement.

The committee actually began its work at the act of the Legislature, nor did we have any money at the start. It was started by a special Labor Emergency Committee of the House and Senate," who asked me to find something to do that could be done about unemployment. The Government paid you, the Labor Emergency Committee in this connection.

A very large expenditure was then laid up and it became quickly evident that we were not going to do it. About \$12,000 was raised among business men by a Finance Committee which I established. This paid the salaries of the director and of certain of his most active assistants, the only public relations committee, the publications, etc. It also covered my traveling expenses and a few other items of this nature.

We were able to get money from the Department of Public Assistance and a further loan from the Labor Department, which controls the money of the State. These public bills loaned to us and the Department of Public Assistance paid the bills for printed matter, office equipment, postage, etc. Altogether, about \$41,000 of the State's money was spent, this money being part of the appropriations of these two departments, and in addition we spent the \$12,000 which we raised. Since the money was loaned to the teachers, there were no regular salaries.

Thank you very much for the kind things you say about the Pennsylvania plan. It was done, I think, more so than any of us thought possible when we began.

Result of Pennsylvania Plan. Five months' work resulted in at least 100,000 new jobs in private industry. "That the effect on the relief situation of this movement, which benefited all types of unemployed, was great is indicated by the fact that at the end of the first four months of 1940 there were 51,548 fewer cases, or 154,240 fewer persons on the State's general assistance rolls than for the same period of 1939, and the monthly cost was \$1,483,325 lower. The net reduction in relief expenditure during these four months in 1940 compared with the same period a year ago amounted to \$4,720,000.

It was found that although there were more than a million unemployed in the State, 12,000 job opportunities could not be filled as no qualified workers were available through the State Unemployment Service. Sources indicated a definite shortage of skilled workers in Pennsylvania in approximately 300 occupations. A plan for training for the unemployed in a little known plan in use in Williamsport was brought to light and followed in other districts.

The Pennsylvania Committee found that the State was in great need of 'a more complete placement service in the local or county offices of the Department of Public Assistance to supplement the work of the State Employment Service.' They recommended too that such employees be given 'a merit rating on the basis of placements made.' 'And that stress should be placed on securing employment for the relief recipient rather than focusing major attention on the purely administrative detail of disbursing assistance funds.'

They also stressed vocational training, and because of the over-supply of teachers in that State, suggested that from three to six of the teachers colleges be turned into junior vocational colleges.

They recommended that the Department of Labor should inaugurate a field service to facilitate and expand the Pennsylvania Apprenticeship Council and to encourage the reopening of apprenticeship training opportunities in industry.

They asked for a complete retraining study of employables on relief and a study of so-called 'unemployables' to determine who among them might be rehabilitated for employment.

They advocated a State Employment Council composed of Secretaries of Labor, Commerce, Public Assistance and Public Instruction which council would have under it local councils made up of private citizens and representatives of public departments to serve as a clearinghouse for all matters relating to employment and relief.

The California Problem

"A plan such as that put into effect in Pennsylvania could be somewhat modified to meet present needs in California where the problems are in some respects simpler and in others far more complex than they were in Pennsylvania last November.

Due to the increased employment and industrial expansion going on at this time, the problem as it relates to industry would be far easier here today as natural jobs would not have to be created as they were in Pennsylvania. The program would, therefore, consist of an educational campaign among employers to employ persons on relief in this State wherever possible. This could be done by an explanation of the tax and social problems which will be created

if, under this vast defense program which will require such heavy taxation, the relief costs are not reduced to a minimum, and if thousands of our citizens remain idle. It appears that industry in this State has been allergic to persons on relief—probably with good reasons when the slack eligibility rules allowed people to be supported with no effort made to get them to work and when relief costs always rose, no matter what industry did.

A program also would have to be instituted within the SRA, vigorously to place relief recipients in private employment, through the California State Employment Service and through other means. At present the SRA has little or no reemployment program, and while it is true that relief recipients are registered with the Employment Service, it is generally believed that they are not frequently offered the available jobs since the applicants who are more eager to get work are deemed better suited to employment. Out-of-state people, therefore, not yet eligible to relief, often get jobs instead of State residents.

There is no need in this report to prove that the relief problem in California is one which is in dire need of a solution. The very excellent and comprehensive report of the Legislative Fact-Finding Committee shows that the Legislature is keenly aware of the evils in the present system, many of which the Legislature has already taken steps to correct. It appears, however, that a program of this kind is greatly needed to shift the emphasis from relief to work and to introduce into the program a new philosophy of work and self-reliance.

The principal problem is one of how the securing of private employment can best be accomplished and in this regard I submit the following recommendations:

(1) That the Joint Legislative Committee appoint an outstanding California industrialist to head a mobilization for employment campaign and, with his approval, a group of competent men and women representing various activities such as organized labor, education, business, etc., to serve with him;

(2) That the SRA and the State Department of Employment be asked to cooperate in this plan and wherever necessary to assign certain workers to carry it out;

(3) That local committees be formed to develop the program to suit the local communities under supervision of the State group;

(4) That such State committee report its findings to this committee in December so that changes in the Employment Service and the SRA can be recommended to the Legislature in 1941."

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred a message from the Governor in which he appointed Francis R. Shoemaker as a member of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR

Motion to Confirm Appointment by the Governor

Senator Rich moved that the Senate confirm and consent to the appointment of Francis R. Shoemaker of San Francisco as a member of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

The President put the question, "Will the Senate confirm and consent to the appointment of Francis R. Shoemaker?"

The roll was called, with the following result:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Kenny, Kuebel, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tickle—29.

NOES—None.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Francis R. Shoemaker.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

SENATE CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: Your Committee on Rules, to which was referred a message from the Governor to appoint Wilford H. Howard, J. W. Wilson, Colonel Waller L. Lowe, J. D. Adams, Ellison Saunders, George Moskowite, Joseph A. Chargin, Sr., Carl Visman, George J. Otterson, L. L. Miller, W. S. Woods, L. O. Doyle, William Schumacher, C. G. McCarn, Carl Vismann, and George Sturm as members of the Farm Debt Adjustment Commission, has had the same under consideration and respectfully recommends that the said appointments be confirmed by the Senate.

RICH, Chairman

CONSIDERATION OF APPOINTMENT BY THE GOVERNOR**Motion to Confirm Appointment by the Governor**

Senator Rich moved that the Senate confirm and consent to the appointment of Wilford H. Howard, J. W. Wilson, Colonel Waller L. Lowe, J. D. Adams, Ellison Saunders, George Moskowite, Joseph A. Chargin, Sr., Carl Visman, George J. Otterson, L. L. Miller, George Sturm, W. S. Woods, L. O. Doyle, William Schumacher, and C. G. McCarn as members of the Farm Debt Adjustment Commission.

The President put the question: "Will the Senate confirm and consent to the appointment of Wilford H. Howard, J. W. Wilson, Colonel Waller L. Lowe, J. D. Adams, Ellison Saunders, George Moskowite, Joseph A. Chargin, Sr., Carl Visman, George J. Otterson, L. L. Miller, George Sturm, W. S. Woods, L. O. Doyle, William Schumacher, and C. G. McCarn?"

The roll was called, with the following result:

AYES: Senators Beyer, Brown, Castro, Collier, Cunningham, DeLap, Denel, Dillinger, Ellsworth, Feltz, Gierman, Gorman, Harcourt, Keith, Lacey, Mayo, McCarn, Moore, Mulford, Perkins, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Wagy—29.

NOES: None—0.

Appointment Confirmed

Whereupon the President announced that the Senate had confirmed and consented to the appointment of Wilford H. Howard, J. W. Wilson, Colonel Waller L. Lowe, J. D. Adams, Ellison Saunders, George Moskowite, Joseph A. Chargin, Sr., George J. Otterson, L. L. Miller, W. S. Woods, L. O. Doyle, William Schumacher, C. G. McCarn, Carl Visman, and George Sturm.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10:50 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 2111—An act to amend Sections 4.962 and 4.973 of the School Code, and to add Section 4.978 thereto, relating to school bonds, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, and Tickle—29.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Jespersen, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, and Tickle—28.

NOES—None.

Bill ordered transmitted to the Assembly.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 10.55 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 2112—An act to add Section 65.1 to the State Civil Service Act, relating to the establishment of new classes of positions in the State civil service.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Gordon, Judah, Kenny, Luckey, McBride, McCormack, Myhand, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, and Tickle—24.

NOES—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 10.57 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1222—An act to add Section 28 and 28.1 to the Unemployment Insurance Act, relating to the obligations of this State for funds received from the United States, and to provide that this act take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Luckey, McBride, McCor-

mack, Mixer, Michael, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, and Swing—27.

NOES—None.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Shelley moved a call of the Senate.

Motion carried. Time, 10.59 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941.

MR. PRESIDENT: The Committee on Conference reports:

Assembly Bill No. 1746. As amended Sections 7353, 7354, 7363, 73613, 73614, 7375, 7377 and 73711 of the Agricultural Code, relating to the stabilization and marketing of fluid milk and fluid cream, consisting of the amendments thereto, has read and reports that it has agreed to recommend the following:

That the message of the Senate be amended so and that the bill, as amended on June 10, 1941, be further amended as follows:

Amendment No. 1

On page 6 of the printed bill, as amended, strike out lines 8 to 15, inclusive, and insert:

(8) The purchasing or marketing of any fluid milk or fluid cream by distributors from producers within a marketing area wherein a stabilization and marketing plan is in effect by less than the minimum prices authorized in such plan, regardless of whether such milk or cream is subsequently sold or distributed within or without such marketing area, or within or without the jurisdiction of the State of California, provided, however, that if such fluid milk or fluid cream is subsequently sold or distributed in another marketing area within the State of California where a stabilization and marketing plan is in effect, then the distributor shall pay the producer thereof not less than the minimum prices established in such plan in the marketing area wherein such milk or cream is sold or distributed; and, provided further, that in the event such fluid milk or fluid cream is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such milk or cream may be paid for by the distributor at the minimum thereof at not less than the average price paid by distributors to producers for milk or cream of similar grade and quality at the plants in the vicinity where such milk or cream is so sold or distributed, as such prices are determined by the director from contracts required to be filed with him pursuant to this section."

Amendment No. 2

On page 15, line 48, of the printed bill, as amended, after "denial", insert "revocation or suspension".

MERRIDE

McCORMACK

Senate Committee on Conference

DESMOND

THORP

BURNS, MICHAEL J.

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Crenshaw, Cunningham, DeLap, Dillinger, Fletcher, Foley, Gordon, Jorgensen, Keating, Knobel, Luckey, McCormack, Phillips, Quinn, Rich, Shelley, Slater, Tickle, and Ward—21.

NOES—Senators Garrison, Seawell, and Swan—3.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 383—An act to repeal Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 619, 651, 651.5, 655, 656, 710, 791.6, 843, 844, 886, 957, 1208, 1213 and 1344 of, and to add Sections 484.5, 611.5, 612, 613, 615.2, 617, 618, 651, 651.5, 655, 656, 710, 791.6, 843, 886, 957, 1208, 1213 and 1344 to the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on June 12, 1941, be further amended as follows:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "651,".

Amendment No. 2

In line 4 of the title of the printed bill, as amended, strike out "651,".

Amendment No. 3

On page 1, line 2, of the printed bill, as amended, strike out "651,".

Amendment No. 4

On page 2 of the printed bill, as amended, strike out lines 37 to 49, inclusive.

GORDON

QUINN

BIGGAR

BURNS, HUGH M.

DICKEY

CARLSON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crutenden, Cunningham, DeLap, Fletcher, Foley, Gordon, Jespersen, Judah, Kuebel, Luckey, McBride, McCormack, Phillips, Quinn, Rich, Shelley, and Swan—21.

NOES—None.

INTRODUCTION, FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was offered:

Senate Concurrent Resolution No. 52: By Senators Shelley, Biggar, Slater and Keating—Relative to creating a committee to study and report on the Golden Gate Bridge.

Referred to Committee on Rules.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 2623—An act to amend Sections 177 and 178 of the Vehicle Code, relating to transfers of vehicles; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on June 9, 1941, be further amended as follows:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended, strike out "ten (10)", and insert "five (5)".

Amendment No. 2

On page 2, line 4, of the printed bill, as amended, strike out "10 day", and insert "five (5)".

Amendment No. 2

On page 2 of the printed bill, to amend, after line 3, insert:

"(4) In the case of a sale, unless the purchaser is a dealer, of the owner's goods, the sale of the goods shall be a sale of the goods of the owner, and the goods shall be deemed to be the property of the owner for the purpose of the provisions of the act relating to the sale of the goods."

**JUDAH
DILLINGER
LUCKY**

Senate Committee on Commerce

**BURNS, MICHAEL J.
COLLINS, SAM L.
SAWATTSCH**

Assembly Committee on Commerce

The roll was called, and the report adopted by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Fisher, Gentry, Harrison, Judah, Keating, Keady, Lester, McBeck, McConner, Miller, Mykura, Quinn, R. H. Smith, Sweeney, Swann, Tamm, and Wood—27.
NOTES—Senators Engert, Keady, Phillips and Peterson—4.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11:05 a.m., an action of Senator Shaffer, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Assembly Bill No. 1222 passed by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Fisher, Gentry, Harrison, Judah, Keating, Keady, Lester, McBeck, McConner, Miller, Mykura, Quinn, R. H. Smith, Sweeney, Swann, Tamm, and Wood—27.

NOTES—Senators Engert, Keady, Phillips and Peterson—4.

Bill ordered transmitted to the Assembly.

Call of the Senate

Senator DeLap moved a call of the Senate.

Motion carried.

Time, 11:07 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, Sacramento, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 2213—An act to amend Sections 19621, 19622, 19624 and 19626 of the Business and Professions Code, relating to fairs and exhibitions; And appointed Messrs. Thayer, McConner and Fisher as a Committee on Conference to meet a like committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day struck from the file:

Senate Bill No. 189

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 1949
Assembly Bill No. 1327
Assembly Bill No. 1078
Assembly Bill No. 2598
Assembly Bill No. 2646
Assembly Bill No. 777

Assembly Bill No. 1007
Assembly Bill No. 1009
Assembly Bill No. 770
Assembly Bill No. 654
Assembly Bill No. 2360
Assembly Bill No. 1529

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 705
Senate Bill No. 1031
Senate Bill No. 824

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1344

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1344 An act to amend Section 2304 of, and to add Section 2305 to, the Elections Code, relating to Delegates to National conventions.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1344?

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 18 and 19, and insert "dates, in order to be voted for as a member of a group, shall".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1344 by the following vote:

AYES—Senators Beggart, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Luckey, Mayo, Meyer, Michael, Parkman, Phillips, Powers, Quinn, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Above bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, June 14, 1941

*To the Honorable Members of the Senate
State Capitol, Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 393, entitled "An act to amend Section 5 of The Personal Income Tax Act of 1935, relating to rates of taxation."

My objections to this bill are as follows:

It has as its object reduction of the State income tax upon individuals having annual incomes in excess of \$50,000. As a matter of fact, the effect of this legislation would be chiefly a transfer to the Federal Government of income taxes now paid to the State. There would be some net reduction in taxes paid by our wealthy

citizens had their incomes rising and the community with the loss in solely needed State revenues.

Results computed show that the enactment of Senate Bill No. 294 into law would result in a loss of approximately \$1,610,000 per year to State tax receipts, but of this amount \$745,000 might be by the Federal Government in larger income tax payments under the present law. The net loss to the State would be approximately \$865,000 per year. In such income tax paid by California taxpayers having no deductions in excess of \$10,000 a year, then the State would suffer a \$1,610,000 loss in revenue, but the Federal Government would gain more than \$1,000,000.

This result derives from the fact that State income taxes are deductible in computing the amount of income (which under the Federal Code, is). If State taxes were reduced \$1,610,000, the amount of deductions which could be taken in calculating the net Federal tax would also be reduced \$1,610,000 and the Federal tax would be increased \$1,610,000. It is estimated that out of every dollar the State might reduce its tax on the larger incomes, the Federal Government would take that dollar in its own, thereby saving the net of the public the dollar.

The following example shows clearly the effect of the rate reduction proposed in Senate Bill No. 294. The income taxes paid by an individual with an annual taxable income of \$100,000:

	Income taxes payable	
	Present 1940 and Federal rates	Rates proposed in Senate Bill No. 294 percentage of rates
Total State income tax	\$7,100	\$4,750
Total Federal income tax	\$15,72	10,497
Total State and Federal tax	\$22,82	\$15,247

Thus, a comparison shows that although the reduction of State taxes would be \$1,600,000 per year, the total State and Federal taxes would be reduced to such an individual would be less than \$500 under the provisions of this bill.

It is contended that the income tax in California is driving wealth out of this State. This contention is not borne out by analysis of returns filed in connection with the administration of the income tax. Of all California taxpayers, 99.99 per cent of the returns in 1935, of \$2,000,000 and the State tax was over \$10,000. death and other normal causes, only two taxpayers have failed to file a return as a California resident in subsequent years. Furthermore, it is contended that Santa Barbara County has been particularly affected by an exodus of wealthy taxpayers, but the fact is that of all counties over \$10,000 in taxable income a year since 1935, only two have left the State. It is true that the number of large incomes in that county has diminished since 1937, but this has been due to economic causes rather than an exodus of taxpayers to other States.

The popular fallacy that income taxes in California are particularly excessive should be disposed of once and for all. Anyone who investigates the facts of the situation will discover that California provides more advantages to the taxes made possible. A man with \$100,000 taxable income, living in a State that has no State income tax pays only \$7,100.

In California pays in total to both the State and Federal Governments.

Moreover, the community property law of California offers a distinct advantage to California residents only available in seven other States. Where joint income is involved the privilege of filing separate tax returns has the effect of reducing both the Federal and State income taxes. Taxpayers who are husband and wife may divide their total income, file two returns, and reduce their income tax very materially; or by dividing the income they become subject to the much lower rates accessible on the smaller incomes. To illustrate: A married man with an income of \$100,000 would pay a Federal tax of \$29,572, whereas, by dividing the income equally between the husband and wife, under the California law, they would pay a total Federal tax of only \$27,615, that is, almost \$12,000 less than in a non-community property State. These factors must be taken into consideration in comparing California income taxes with those in effect elsewhere. Emphasis upon the fundamental tax advantages of California and a publication of the facts in this situation would be of greater advantage to the welfare of this State than a reduction in tax rates which is of minor benefit to the taxpayer but a very real deterrent to a return to a sound financial condition in our State Government.

As shown above, the California taxpayers would only receive reductions totaling \$185,000 per year under the provisions of this bill, whereas, the State would lose a total of \$1,610,000 per year, or \$1,425,000 net loss in revenues. The biennial State Budget shows that the State is confronted with a deficit of approximately \$47,000,000 as of June 30, 1941. Reduced State expenditures and the increased revenue due to the income tax reductions to date but at the end of this biennium this deficit may be entirely eliminated. The elimination of this deficit, however, depends upon the maintenance of the present tax system. Furthermore, we must,

at this time, make every effort to place the State in a position to withstand the adjustments which must come inevitably when our present defense prosperity ends. Until such time as we know something of the future financial difficulties which may be in store for this State, we can ill afford to take any steps which would make such a substantial reduction in State revenue as that contemplated in Senate Bill No. 393.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, June 14, 1941

*To the Honorable Members of the Senate
Sacramento, California*

GREETINGS: I am returning herewith, without my signature, Senate Bill No. 1183, entitled: "An act to add Section 45.5 to the Vehicle Code, relating to definition of implement of husbandry."

My objections to this bill are as follows:

The bill adds a new section to the Vehicle Code reading as follows:

"A trailer or semitrailer used for the transportation of liquefied petroleum gas for use by the owner or lessee of agricultural property in connection with his agricultural pursuits, shall be deemed to be an implement of husbandry."

Under Section 142 of the Vehicle Code implements of husbandry are exempt from registration and weight fees.

The bill is entirely too broad in providing the exemptions from these fees. It makes no distinction, based upon the ownership of the trailer or semitrailer, nor upon the extent of the use of the highways by such a vehicle. The bill is not limited to the situation where the owner or lessee of agricultural property also owns the vehicle and uses it entirely in connection with his agricultural operations upon his agricultural property and only incidentally uses the highway in going from one point on such property to another. Unless a bill were so limited in its application, an almost impossible problem of enforcement of the registration laws would be created. Under this bill there would be no way of determining whether or not a tank trailer or semitrailer found upon the highway hauling liquefied petroleum gas was required to be licensed unless the vehicle were followed to its destination and the intended use of the contents were determined.

I believe the bill in its present form would raise a serious constitutional question as the contention could be made that it is discriminatory and special legislation. It would seem difficult to justify the exemption of certain vehicles from registration and weight fees whose use of the highway might be identical with the use by similar vehicles, the only distinction being the use that might be made of the cargo after the transportation was completed.

This bill violates the fundamental idea of the present exemption of implements of husbandry, as that exemption is not intended to exempt vehicles which are engaged in the transportation of property over the public highways.

Respectfully submitted.

CULBERT L. OLSON, Governor of California

Above bill ordered to unfinished business file.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1346—An act abolishing the Relief Commission and the Relief Administrator, and transferring the duties, powers, purposes, responsibilities, unexpended moneys and real and personal property of the Relief Commission and Relief Administrator to the Department of Social Welfare, providing for the expenditure of certain moneys by the State Department of Social Welfare, establishing a Commission for the Study of the Integration of Public Assistance Programs, repealing acts and parts of acts specified herein, to take effect at the time herein provided.

Bill read third time.

Previous Question

Senator Spring moved the previous question.
Motion carried.

The question being on the passage of Senate Bill No. 1346.

MOTION TO AMEND

Senator Maxwell moved the adoption of the following amendments:

Amendment No. 1

On page 13, line 16, of the printed bill, to amend, after Sec. 6, insert "Out of the money provided by appropriation under Section 4 of this act, not more than two million dollars (2,000,000) shall be expended by the State Department of Social Welfare for the creation and maintenance of relief camps, including admissions (in and out of service) and the California Community Relief Act of 1935, for non-granted members through the Work Project Administration and for single institutional cases, and for members in the State Department of Social Welfare by the creation and approval by the State Department of Social Welfare of relief of hardship and emergency cases, and for members in emergency. The total camp population shall not exceed 6,000 and shall not exceed 6,000 members at any one time."

Sec. 7. The personnel of Article XXIV and the term "State civil service" shall include all persons employed under the State Reliance and the Relief Administration (hereafter referred to as the State Relief Administration) and transferred to the State Department of Social Welfare at this act's effective date of the publication of which shall be effective date of this act.

All persons who shall be transferred to the State Relief Administration, who are transferred to the State Department of Social Welfare by this act and who are necessary for the administration of the provisions of this act shall hold such positions under and in accordance with the provisions of subdivision (d) of Section 5 of Article XXIV of the State Constitution as provided in the State Civil Service System.

The State Personnel Board shall not qualify examinations for all employees employed by the State Relief Administration and for all on the day prior to the effective date of this act shall be the employees of the State Relief Administration and who are not transferred by amendment to the State Department of Social Welfare under the terms of this act, having been given an opportunity to qualify for the civil service, which the law shall be comparable to that which he holds as an employee of the State Relief Administration. All such employees on duty by examination shall be listed on a list of eligible lists for the classification for which they qualify and on the basis of any other eligibles on the open civil service basis. Until the administrative commission has been held, and the results of the examination determined, the State Personnel Board shall not hold an open examination for any other position in which any employee of the State Relief Administration is employed.

All persons who shall be transferred to the State Relief Administration with civil service status at the effective date of this act shall continue so to serve without change of class or grade of position, provided such class or grade may be changed by the State Personnel Board in the exercise of its powers under Article XXIV of the Constitution.

Sec. 8.

Amendment No. 2

On page 13, line 49, of the printed bill, as amended, strike out "7", and insert "9".

Amendment No. 3

On page 13, line 50, of the printed bill, as amended, strike out "8", and insert "10".

Amendment No. 4

On page 14, line 2, of the printed bill, as amended, strike out "during", and insert "after June 14, 1941, for the remainder of".

Amendment No. 5

On page 14, line 5, of the printed bill, as amended, strike out "9", and insert "11".

Amendments read and adopted.

Bill ordered printed, and to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH**

At 11.10 a.m., on motion of Senator DeLap, further proceedings under the call of the Senate were dispensed with.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 393—An act to amend Section 5 of The Personal Income Tax Act of 1935, relating to rates of taxation.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 393 become a law notwithstanding the objections of the Governor?

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried. Time, 11.11 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1998—An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State of California, declaring the urgency thereof and providing that this act shall take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1159

Senate Bill No. 1341

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 62

Senate Bill No. 537

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 410

Senate Bill No. 411

Senate Bill No. 414

ARTHUR A. GUINIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1940. An act to amend School Code Section 5750, relating to absence from duty of members of school boards.

ARTHUR A. GUINIMUS, Chief Clerk of the Assembly
By EDWARD J. FOSTER, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 969

Senate Bill No. 970

Senate Bill No. 986

Senate Bill No. 969

Senate Bill No. 1345

ARTHUR A. GUINIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 62—An act to repeal Article 2, comprising Sections 4051 to 4060, inclusive, of Chapter 4 of Division 4 of the Public Resources Code relating to private fire patrols of forest lands, and making an appropriation.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 62?

Amendment No. 1

On page 1, line 7, of the printed bill, strike the second "the", insert "Division of Forestry,".

Amendment No. 2

On page 1 of the printed bill, following line 11, insert "The amount herein appropriated shall be transferred to Item 149 of the Budget Act of 1941."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 62 by the following vote:

AYES—Senators Rogers, Brown, Cress, Colver, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jaspersen, Judah, Keating, Kenny, Mayo, McBrine, McGowan, Madril, Merrill, Peterson, Phillips, Powers, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

Above bill ordered enrolled.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 998. An act making an appropriation to pay the claim of the Departmental Accounting Officer of the Department of Finance against the State

of California, declaring the urgency thereof and providing that this act shall take effect immediately ;
consisting of the undersigned members, has met, and reports that it has agreed to recommend the following :

That the amendments of the Senate be concurred in and that the bill, as amended on June 13, 1941, be further amended as follows :

Amendment No. 1

On page 1 of the printed bill, as amended, strike out lines 3 and 4, and insert "four hundred seventy-five thousand four hundred twenty-three dollars and eighty-five cents (\$475,423.85) is hereby".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 13 to 16, inclusive, and insert

"Sec. 2. The sum of four hundred seventy-five thousand four hundred twenty-three dollars and eighty-five cents (\$475,423.85) shall be paid as follows: three hundred eighty-two thousand six hundred twenty-eight dollars and eighty cents (\$382,628.80) out of any".

TICKLE
MAYO
PARKMAN

ALLEN
DILLS
LYON

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote :

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, and Ward—32.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read :

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning :

Assembly Bill No. 1485—An act to amend Section 410 of the Vehicle Code with reference to satisfaction of judgments ;
consisting of the undersigned members, has met, and reports that it has agreed to recommend the following :

That the amendments of the Senate be concurred in and that the bill, as amended on May 27, 1941, be further amended as follows :

Amendment No. 1

On page 1, line 22, of the printed bill, as amended, strike out "not including costs or loss of use".

Amendment No. 2

On page 2, line 15, of the printed bill, as amended, strike out "five", and insert "seven".

BIGGAR
SHELLEY
DeLAP

CRONIN
HOWSER, F. N.
DICKLEY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report refused adoption by the following vote :

AYES—Senators Biggar, Brown, DeLap, Rich, and Shelley—5.

NOES—Senators Carter, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Mayo, McBride, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Seawell, Slater, Swan, and Swing—23.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1163—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and for the administration thereof, providing the conditions and

terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read third time

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the slide of the general cell, as discussed, make out "due to and caused by" requirements and "back injury" language.

Amendment No. 2

In line 4 of the first of the printed editions, however, strike out "such"

Amendment No. 3

In House, I voted for the first of the proposed bill, as amended, strike out "that this act shall take effect on January 1, 1934," and insert the necessity of such provisions, and providing that they shall take effect on January 1, 1934, transferring the duties, powers, purposes, responsibilities, and jurisdiction of the Relief Commission, and Relief Administration to the Social Department of Social Welfare, and providing that these or similar provisions shall take effect.

Amendment No. 4

On page 9 of the printed bill, as amended, strike out line 13, and insert

No. 25 000 100

(a) The Department of Social Welfare shall succeed to and is hereby vested with all the duties, powers, responsibilities and jurisdiction of the Relief Commission and the Relief Administrator under the provisions of the California Employment Relations Act of 1947 or of any other law, and of the several officers, departments and employees of or under the Relief Administrator or the Relief Commission; and whenever by the provisions of any statute or law now in force or which may hereafter be enacted, any duty is imposed or authority conferred upon the Relief Administrator or the Relief Commission, or upon any of the officers, departments or employees of or under either of them, such duty, jurisdiction and authority are hereby deemed to be transferred to the Department of Social Welfare with the same effect as if the title of said last named department had been so changed, and named therein, in lieu of the name of the Relief Administrator or the Relief Commission, or any such officer, deputy or employee named in the provisions of this act, the terms "Relief Administrator," "Relief Commission," or any other designation, and of the several officers, departments or employees thereof, when used in any statute or law now in force or which may hereafter be enacted, shall be construed to refer to and mean the Department of Social Welfare, the same as if the title of such department had been so changed, and named therein.

The Relief Commission and the Office of the Relief Administrator are abolished and shall have no further legal existence; but the statutes and laws under which they existed and all laws pertaining to their duties, powers, purposes and responsibilities and existing agreements are hereby expressly continued in force.

On the effective date of this act, the positions of all deputies, officers and employees of the State Relief Administration shall be and become positions of like character in the State Department of Social Welfare and shall be subject to the provisions of Section 28 of this act.

(b) The Department of Social Welfare shall be in possession and control of all records, books, papers, maps, appliances, and other real, personal, appropriated, and real and personal property now in the possession of said Department for the benefit or use of the Relief Commission or Relief Administrator, and the title to all property held by said Relief Commission or Relief Administrator for the use and benefit of the State is hereby transferred to the State of California to be held in the possession of said Department of Social Welfare.

(c) From and after July 1, 1932 the Department of Social Welfare shall be and is hereby authorized to expend the moneys in any appropriation or in any special fund in the State Treasury lawfully provided or made available by law for expenditure by the Relief Commission or Relief Administrator.

(d) Sections 114, 115 and 116 of the Welfare and Institutions Code do not apply to the powers of the Department of Social Welfare under this act.

SEC. 28. On July 1, 1942;

(c) The provisions of Article XXIV and the term "State Civil Service" shall include all salaried positions in the State Department of Social Welfare administering this act, the Federal Social Work Administration Act of 1940 and the California Unemployment Relief Act of 1935, the effective date of the application of which shall be the date of the passage of this section. For the positions included within the State civil service by this subdivision, the State Personnel Board shall separately

classify such positions and shall establish separate eligible lists by open, competitive examinations for such positions.

(b) All persons who hold positions in the State Department of Social Welfare administering this act, the Unemployment Relief Appropriation Act of 1940 and the California Unemployment Relief Act of 1935 not under and subject to the State civil service on the effective date of this section, shall hold such positions under and in accordance with the terms of subdivision (f) of Section 5 of Article XXIV of the Constitution under temporary appointment. Within six months of the effective date of the application of Article XXIV of the Constitution and the inclusion of all salaried positions within the term "State Civil Service," the State Personnel Board shall hold open competitive examinations which shall not be limited in any way whatsoever to present or past employees of the State Relief Administration, for all positions not held under and subject to the State civil service on the effective date hereof.

(c) All persons who hold positions in the State Relief Administration with civil service status on the effective date of this section, shall continue so to serve in the State Department of Social Welfare without change of class or grade of position heretofore acquired save as such class or grade may be changed by the State Personnel Board in the exercise of its powers under Article XXIV of the Constitution.

SEC. 28.5. The State Relief Administration shall transfer to any county so requesting through its board of supervisors the administration of relief to persons eligible for relief from hardship and destitution due to and caused by unemployment (hereinafter referred to as unemployment relief) and the board of supervisors shall integrate the administration of the unemployment relief cases with the cases receiving assistance under Chapter 2 of Division 4 of the Welfare and Institutions Code (hereinafter referred to as indigent relief).

The provisions of law regulating unemployment relief shall apply to all cases in those counties where unemployment relief and indigent relief are integrated with one another and the Relief Commission shall, pursuant to Section 8 of the California Unemployment Relief Act of 1935, make rules and regulations to assure uniformity of treatment.

In those counties in which an integrated program is established the State from money appropriated by this act and chargeable to the classification provided in subdivision (a) of Section 5, shall pay two-thirds of the direct and administrative costs incurred by the county for direct relief (exclusive of medical, dental, hospital, institutional and custodial care) and the county shall pay one-third of such costs, but from and after the time such costs borne by the county under this provision exceed the direct and administrative costs of direct relief (exclusive of medical, dental, hospital, institutional and custodial care) incurred by the county during the fiscal year 1939-1940, the State for the remainder of the then current fiscal year shall pay 90 per cent and the county shall pay 10 per cent of the costs.

The amount needed by each county shall be advanced to it monthly in accordance with quarterly estimates made by it and the State Relief Administration.

SEC. 29. On and after July 1, 1942, the State Department of Social Welfare shall exercise all the duties, functions, jurisdiction and powers authorized to be exercised by the State Relief Administration under Section 28.5 of this act.

SEC. 30. If any section, subsection, sentence, clause or".

Amendment No. 5

On page 9, lines 21 and 22, of the printed bill, as amended, strike out "Sec. 28. This act is hereby declared to be an urgency measure," and insert

"SEC. 31. Sections 1 to 26, inclusive, Sections 28.5 and 30, and this section are hereby declared to be urgency measures".

Amendment No. 6

On page 9 of the printed bill, as amended, strike out lines 37 and 38, and insert "SEC. 32. Sections 27, 28 and 29 of this act shall not take effect until July 1, 1942."

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11:15 a.m., on motion of Senator Ward, further proceedings under the call of the Senate were dispensed with.

The names of the Absentees were called, and the Senate sustained the objection of the Absentees to Senate Bill No. 264 by the following vote:

Ayes: Senators Black, Corbin, Cullis, Cunningham, DeLap, Dener, Green, Fitch, Kiley, Kitch, McLean, McManis, Murray, Myland, Parkman, Phillips, Quinn, Swan, Tuck, and Ward, 24.

Noes: Senators Brown, Deussen, Frazier, Fox, Gorman, Lipperson, Keating, Lester, May, Rice, Shultz, Stone, and Wright, 15.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules recommends the appointment of Senators Cunningham, Green, and Parkman to a Select Committee on Conference concerning Assembly Bill No. 2112 in regard to the constitution of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

RECESS

At 11:16 a.m., on motion of Senator Rich, the Senate recessed until 11:48 a.m.

REASSEMBLED

At 11:18 a.m., the Senate reconvened.

Hon. Ellis F. Patterson, President of the Senate, presiding.

Call of the Senate

Senator Swing moved a call of the Senate.

Motion carried.

Time, 11:18 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 49

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 51

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and be adopted as amended.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to second reading.

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 52

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

Above reported resolution ordered to second reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER) (RESUMED)

Senate Concurrent Resolution No. 49—Relative to the creation of a joint legislative committee to study, investigate and report on the State Employees' Retirement System.

Resolution read, and ordered to third reading.

Senate Concurrent Resolution No. 51—Relative to a Joint Fact-Finding Committee, and defining its powers and duties.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 4 of the printed resolution, strike out lines 3 to 10, inclusive and insert "*Resolved*, That the committee herein provided for shall be deemed to be a continuation of the committee appointed pursuant to Senate Concurrent Resolution No. 4 of the Fifty-fourth Session and all books, papers, records and funds of such committee are hereby transferred to the committee herein provided for."

Amendment read and adopted.

Resolution ordered printed, engrossed, and to third reading.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11.20 a.m., on motion of Senator Swing, further proceedings under the call of the Senate were dispensed with.

RESOLUTIONS

The following resolution was offered:

By Messrs. Rich, Tickle, Breed, Myhand and Deuel:

Senate Resolution No. 150

WHEREAS, The Legislature in 1939 provided for a Commission on Interstate Cooperation and a Senate Committee on Interstate Cooperation consisting of five members; and

WHEREAS, Such committee has important functions to perform in behalf of the State; and

WHEREAS, No funds have been provided to pay the expenses of such committee; now, therefore, be it

Resolved by the Senate, That the sum of two thousand five hundred dollars (\$2,500) is hereby appropriated out of the Senate Contingent Fund to pay the expenses of the Senate Committee on Interstate Cooperation, such expenditures to be made pursuant to the provisions of Joint Rule No. 35 of the Fifty-fourth Session; and be it further

Resolved, That in the performance of the duties imposed upon such Senate Committee on Interstate Cooperation by Chapter 376, Statutes of 1939 such committee shall have the powers of an investigating committee provided by said Joint Rule No. 35 of the Fifty-fourth Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES. Senators Rogers, Brown, Hines, Collier, Cunningham, DeLay, Fletcher, Folsom, Gurnea, Gurnea, Jones, Keating, Lammie, Mason, Michoud, Parkman, Phillips, Powers, Rich, Sargent, Sisson, Squire, Sullivan, and Wagoner—25.

NOES. None.

MOTION TO RECONSIDER

Senator Rich moved to reconsider the vote whereby Senate Resolution No. 150 was adopted.

Consideration of Motion to Reconsider

Pursuant to his motion previously made, Senator Rich moved that the Senate, at this time, reconsider the vote whereby Senate Resolution No. 150 was adopted.

The roll was called, and Senate Resolution No. 150 reconsidered by the following vote:

AYES. Senators Rogers, Brown, Hines, Collier, Cunningham, DeLay, Fletcher, Folsom, Gurnea, Gurnea, Jones, Keating, Lammie, Mason, Michoud, Phillips, Powers, Rich, Sargent, Sisson, Squire, Sullivan, and Wagoner—25.

NOES. None.

Motion to Re-Refer Senate Resolution No. 150

Senator Rich moved that Senate Resolution No. 150 be re-referred to Committee on Rules.

Motion carried.

RESOLUTIONS

The following resolutions were offered:

By Senators Rich, Donald Brown, Michoud and Tackle.

Senate Resolution No. 151

Relative to the operating of a Senate Committee to Study State Building Needs.

WHEREAS When the need for improvement of certain of the State institutions is extremely pressing, it is imperative that it should be undertaken for the State to embark on the immediate future on any comprehensive building program in comparison with the construction program of the Federal Government during the existing National emergency; and

WHEREAS It further appears that the cost of a comprehensive building program should be paid from any source of expenditures expeditious under existing Revenue Laws; and

WHEREAS It seems at the time that no need for additional space to house the officers and the employees of the State has arisen in recent years, no comprehensive plan has yet been made for the entire collection of buildings adequate to meet that need; and

WHEREAS The report of the Subcommittee of the Senate Committee on Finance on a State Building Program, appearing on page 2407 of the Senate Journal for June 6, 1941, was received and read by the Senate upon a roll call vote; and

WHEREAS In that report the subcommittee recommended among other things, that an Interim Committee of the Senate be appointed to make a thorough investigation and to report to the Legislature when it next convenes on the need for and the cost of a plan adequate to care for all State agencies and institutions; and that when the report of such Interim committee has been prepared, a special session of the Legislature be called to cause legislation to carry into effect such of the recommendations as seem to it fit and proper; now, therefore, be it

Resolved by the Senate of the State of Oklahoma. That a Senate Investigating Committee on State Buildings and Construction, to consist of five members of the Senate appointed by the Senate Committee on Rules is hereby created, which committee shall study and survey conditions and in detail all facts and acts relating to or touching upon the need for and the cost of a plan adequate to care for all State agencies and institutions, and to consider a comprehensive State building, construction and improvement program, and shall report to the Senate not later than March 15, 1943, or at any special session of the Legislature called to consider the subject, its recommendations for legislation; and be it further

Resolved, That the committee shall consist of five members of the Senate appointed by the Committee on Rules of the Senate. Vacancies in the membership of the committee occurring at any time shall be filled by the Committee on Rules of the Senate.

The committee in exercising the powers and performing the functions vested in it by this resolution shall have: (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon Senate committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly, as they are enacted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such Rules may be exercised by the committee after the final adjournment of this session; (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership, and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such Rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, administration, enforcement, and needed revision of any and all laws in any wise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature;

(9) To file a report with the Senate during any session of the Fifty-fourth Legislature and with the Senate during the regular session of the Fifty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and the production of testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereto authorized by the committee or by its chairman, is authorized and empowered to administer oaths and the Sergeant-at-Arms of the Senate or persons designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary to defray such expenses from the Contingent Fund of the Senate for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, be disbursed, after certification by the chairman of the committee, when lawfully ordered by the Controller upon the proper vouchers.

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES: Schmitz, Leland, Head, Brown, Carter, Collier, Cunningham, DeLap, Fletcher, Ford, Garrison, Gordon, Judah, Keating, Luckey, Mayo, Myband, Phillips, Pommer, Rich, Shattuck, Wilson, White, White, and Wright—24.
 NOES: None.

By Senators Rich, DeLap, Head, Mayo and Taylor.

Senate Resolution No. 152

Relating to creating a Committee of Investigation of the Penal and Correctional Institutions of the State.

WHEREAS, By the adoption of an amendment to the Constitution of this State, the existing laws placed the penal and correctional institutions of the State in the care of the Legislature; and

WHEREAS, The whole problem of the conduct, maintenance, and operation of State correctional and penal institutions involves the entire attention of the Legislature; and

WHEREAS, *That the State of California*, That there is hereby created a Penal and Correctional Institution Investigating Committee, of five members, which shall have jurisdiction over and control of the entire system of the State pertaining to administrative matters, to conduct and cause to be conducted, and maintenance of the State prisons and penitentiaries, and all matters connected with the State prisons, the State Prison, the California State Prison, the State Prison of San Quentin, Calumet Prison, the California State Prison for Women, the State School Prison, the State of Forestry and Forest Service, and shall have jurisdiction over and control of the entire system of the State, including all matters connected with the State prisons and penitentiaries, and be a separate

Provided, That the members of the Committee shall be appointed by the Senate, appointed by the Committee on Rules of the Senate. Vacancies in the membership of the committee occurring at any time shall be filled by the Committee on Rules of the Senate.

The committee in exercising the powers and performing the functions vested in it by this resolution shall: (i) all the powers conferred upon legislative committees in Article 3, Chapter 2, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon Senate committees by the Rules of the Senate, and the Joint Rules of the Senate and Assembly, as they are enacted and amended from time to time and such Rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full. The powers specified in such Rules may be exercised by the committee after the first meeting of the committee; (iii) all powers necessary or convenient to carry out the purposes and purposes of this resolution, including but not limited to the power to subpoena witnesses and documents.

(1) To select a chairman from its membership, and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary.

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake, and the committee or the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such Rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created;

(5) To hold public hearings at any place in California at which hearings the people are to have an opportunity to present their views to the committee;

(6) To make a complete study, survey and investigation of every phase of the subject of this resolution, including but not limited to the operation, effect, adminis-

tration, enforcement, and needed revision, of any and all laws in anywise bearing upon or relating to the subject of this resolution;

(7) To meet at any and all places in this State, in public or executive session;

(8) To act during this session of the Legislature, including any recess hereof, and after final adjournment hereof, until the commencement of the Fifty-fifth Legislature;

(9) To file a report with the Senate during any session of the Fifty-fourth Legislature and with the Senate during the Regular Session of the Fifty-fifth Legislature;

(10) To summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and the production of testimony; and

(11) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee thereunto authorized by the committee or by its chairman, is authorized and empowered to administer oaths and the Sergeant-at-Arms of the Senate or other officers designated by him are hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee; and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in this State shall furnish the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for expenses of the committee and its members, and for any charges, expenses or claims it may incur under this resolution, to be distributed, after certification by the chairman of the committee upon warrants drawn by the Controller upon the State Treasurer.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Luckey, Mayo, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—26.

NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules, to which was referred:

Senate Resolution No. 147

Has had the same under consideration, and reports the same back with the recommendation: Be adopted.

Committee membership 5; committee vote: Ayes 5.

RICH, Chairman

CONSIDERATION OF SENATE RESOLUTION NO. 147

Senate Resolution No. 147

Relative to a Senate Interim Committee on Unemployment Insurance

WHEREAS, It is imperative that all pertinent facts bearing upon the subjects of (i) employment and unemployment conditions in California, (ii) the administration, application, operation and effects of the Unemployment Insurance Act, (iii) activities and operations of the Department of Employment, including the State Employment Service, (iv) the relationships between the Department of Employment and the Fed-

[illegible]

the work of Levine's computer therapist with the study of some phases of the foregging situation, now, therefore, in it.

Resolved by the Senate of the State of California, That an Interim Committee, to be known as the Senate Interim Committee on Unemployment Insurance, is hereby created, to consist of five Members of the Senate appointed by the Rules Committee thereof. This committee shall investigate, study, and make recommendations on all bills, resolutions, and every portion of the law relating to subjects for the purposes of considering and recommending legislation.

1. The committee may report to the Senate at any time during the sessions of this Legislature and also hold public hearings. It may also be directed by the Senate to report to the Fifty-fifth Legislature, and such committee may make reports to the regular session of the Fifty-fifth Legislature and to the Regular Session of the Fifty-sixth Legislature.

For the purposes of this resolution, and in addition to the other powers conferred by this resolution, the committee shall have all the powers granted to investigating committees by the House of Representatives, and the Senate, as they may exist or as they may hereafter be conferred, and the committee of those Houses in so far as they relate to investigating committees, and the committee shall have the right to take any action which may be necessary to carry out the purposes of this resolution.

In addition to the various differences among the assemblies in the Rules, it may appear inconsistent that the Rules of the Assembly of the United Nations should require a majority of two-thirds of the members for the adoption of a resolution on the maintenance of international peace and security, while the Rules of the General Assembly of the United Nations require only a simple majority of the members for the adoption of a resolution on the same subject. The Rules of the Assembly of the United Nations also require a two-thirds majority for the adoption of a resolution on the maintenance of international peace and security, while the Rules of the General Assembly of the United Nations require only a simple majority of the members for the adoption of a resolution on the same subject. The Rules of the Assembly of the United Nations also require a two-thirds majority for the adoption of a resolution on the maintenance of international peace and security, while the Rules of the General Assembly of the United Nations require only a simple majority of the members for the adoption of a resolution on the same subject.

The Sergeant at Arms of the Senate, or other persons designated by him, is hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The expenses of the employee for travel and transportation, but shall be allowed in a lump sum of \$100.00 per month each way, and for actual and necessary expenses for travel, including those incurred in connection with their service, in the year of such expenses for accommodations and meals at a rate of \$100.00 per day.

The sum of the money so received shall be expended as much thereof as may be necessary, is hereby appropriated to the Controller and paid at the Senate for expenses of the committee and for the purchase of books, papers, expenses or claims it may incur, to be paid from the Contingent Fund of the Senate and retained by the committee upon warrants drawn by the Controller upon the Treasurer.

Resolution 1991

The roll was called, and the resolutions adopted by the following vote :

AMES, Stephen, Esq., Bond, Fernald, Carter, Coker, Cunningham, DeLap, Fletcher, Foley, Garrison, Gordon, Judah, Luckey, Mayo, McBride, Mixter, Myhand, Phillips, Powers, Quinn, Rice, Smith, Smith, Smith, Swift, and Wray—26.

5015-5020

RECOMMENDATION OF PRESIDING OFFICER

SAC SAN FRANCISCO, SAN RAMON CO., June 14, 1941

I reported the passage by voice of a non-pro passage of Senate Concurrent Resolutions Nos. 33, 32 and 30.

ELLIS E. PATTERSON, President of the Senate

The roll was called, and yeas and nays granted to vote on Senate Concurrent Resolutions Nos. 31, 32 and 33 by the following vote:

AYES—Senators Biggar, Breed, Brown, Carter, Collier, Crittenden, Cunningham, Delany, Fletcher, Wiley, Garrison, Gordon, Jepsen, Judah, Keating, Luckey,

Mayo, Mixer, Myhand, Parkinson, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 49—Relative to the creation of a Joint Legislative Committee to Study, Investigate and Report on the State Employees' Retirement System.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Fletcher, Garrison, Judah, Keating, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Quinn, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—25.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 52—Relative to creating a Committee to Study and Report on the Golden Gate Bridge.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Garrison, Judah, Keating, Luckey, Mayo, McBride, Mixer, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Wagy, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 51—Relative to a Joint Fact-Finding Committee, and defining its powers and duties.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Carter, Collier, Cunningham, DeLap, Fletcher, Foley, Keating, Luckey, Mayo, McBride, Mixer, Myhand, Phillips, Powers, Rich, Seawell, Slater, Swan, Swing, Tickle, Wagy, and Ward—23.

NOES—None.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

Assembly Bill No. 1177—An act to add Sections 39, 40, 41, 41.1, 41.2, 41.3 and 42 to, and repeal Sections 39, 40, 41 and 42 of, the Unemployment Insurance Act, relating to experience rating, and to provide that this act take effect immediately.

And appointed Messrs. Knight, T. Fenton; Desmond and Bennett as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 383—An act to add Section 5 to, and repeal Section 844 of, the Fish and Game Code, relating to the provisions of the code applicable to areas and portions of districts.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Assembly Chamber, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2622. An act to amend sections 177 and 178 of the Vehicle Code, relating to (insert type of license).

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Assembly Chamber, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1716. An act to amend sections 7362, 7359 and 7364 of the Agricultural Code, relating to (insert type of license) and business relating to the (insert type of license) and (insert type of license).

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Assembly Chamber, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1486. An act to amend Section 419 of the Vehicle Code, with reference to (insert type of license).

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Assembly Chamber, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 576

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Assembly Chamber, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 729

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

Assembly Chamber, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the report of the Committee on Conference concerning:

Assembly Bill No. 686. An act to add Section 10115 to the Fish and Game Code, relating to (insert type of license).

And appointed Messrs. Watson, Call and Thurman as a Committee on Conference to meet a like Committee from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Ward, Austin, and McLaughlin as a Committee on Conference concerning Assembly Bill No. 1177 to meet a like committee of the Assembly.

COMMITTEE ON RULES

Rich. Chairman

MOTION TO WITHDRAW ASSEMBLY BILL NO. 2273 FROM COMMITTEE

Senator Jespersen moved that Assembly Bill No. 2273 be withdrawn from Committee on Revenue and Taxation for purpose of consideration.

Motion to Table

Senator Swing moved to table the motion to withdraw Assembly Bill No. 2273 from Committee on Revenue and Taxation.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1163

Senate Bill No. 1346

And reports the same correctly re-engrossed.

RICH, Chairman

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 1346—An act abolishing the Relief Commission and the Relief Administrator, and transferring the duties, powers, purposes, responsibilities, unexpended moneys and real and personal property of the Relief Commission and Relief Administrator to the Department of Social Welfare, providing for the expenditure of certain moneys by the State Department of Social Welfare, establishing a Commission for the Study of the Integration of Public Assistance Programs, repealing acts and parts of acts specified herein, to take effect at the time herein provided.

Bill read third time.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Seawell moved a call of the Senate.

Motion carried. Time, 11.25 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators McBride, Lachey, and Quinn as a Senate Committee on Conference concerning Assembly Bill No. 686 to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

RESOLUTIONS

The following resolutions were offered:

By Senator Mayo:

Senate Resolution No. 153

Resolved, That a Committee of Three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, and to ask if the Assembly has any further communications to transmit to the Senate.

Resolution read, and unanimously adopted.

By Senator Slater:

Senate Resolution No. 154

Resolved, That a Committee of Three be appointed to notify the Governor that the Senate is ready to adjourn sine die, and to ask if His Excellency has any further communications to transmit to the Senate.

Resolution read, and unanimously adopted.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 537—An act to amend Sections 1300.12, 1300.14, 1300.16, 1300.17, 1300.20, 1300.21 and 1300.28 of the Agricultural Code, relating to the marketing of agricultural products, declaring the emergency of this act, to take effect immediately.

The question being, shall the amendments to the following Assembly amendments to Senate Bill No. 537—

Amendment No. 1

On page 1, line 11, of the printed bill, as amended, in the Senate May 27, 1941, between "including" and "and", insert "including effect".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out all of lines 21 and 22, and insert "and the amendments become effective on the date of passage of this act".

Amendment No. 2

On page 4, line 17, of the printed bill, as amended, strike out "handlers", and insert "processors".

Amendment No. 3

On page 4, line 20, of the printed bill, as amended, immediately following "order", insert "or marketing order".

Amendment No. 4

On page 4, line 20, of the printed bill, as amended, strike out "the", at the end of the sentence, and insert "such".

Amendment No. 5

On page 4, line 30, of the printed bill, as amended, strike out "regulated thereby".

Amendment No. 6

On page 4, line 33, of the printed bill, as amended, strike out "handlers", and insert "processors".

Amendment No. 7

On page 4, line 34, of the printed bill, as amended, immediately preceding the period, insert "at the expiration of the period".

Amendment No. 8

On page 6, line 2, of the printed bill, as amended, strike out "for".

Amendment No. 9

On page 6 of the printed bill, as amended, strike out all of lines 17 and 18, and insert "out the declared policy of this chapter, terminate such marketing order".

Amendment No. 10

On page 6, line 30, of the printed bill, as amended, strike out "amendments have", and insert "amendments be".

Amendment No. 11

On page 10 of the printed bill, as amended, in the Senate May 27, 1941, between lines 38 and 39, insert:

"SEC. 7. The Legislature hereby declares that the addition of the words 'including was' to Section 1300.12 of the act in Section 1300.12 (a) of the Agricultural Code, defining 'agricultural commodity', as made for the purpose of clarification only, and it is its will to be construed as interpreted as an indication that what is not an 'agricultural commodity' as defined in Section 1300.12 (a) as originally enacted by this Legislature in Chapter 404, Statutes of 1937, and as heretofore amended. The Legislature hereby further declares that at the time of enacting and at all times since the enactment of Section 1300.12 (c) it intended that what is, and what was included within the definition of the term 'agricultural commodity'."

Any and all marketing orders issued and any and all acts of the Director of Agriculture heretofore performed in law pursuant to Chapter 10 of the Agricultural Code and consistent with the definitions contained in this section are confirmed, ratified and validated."

Also:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, after "of", insert ", and to add Section 1300.12a to,".

Amendment No. 2

On page 3 of the printed bill, as amended, after line 2, insert

"SEC. 1.5. Section 1300.12a is hereby added to the Agricultural Code, to read as follows:

"1300.12a. The Legislature hereby declares that the addition of the phrase "(including wine)" in subdivision (c) of Section 1300.12 is made for the purpose of clarification only and is nowise to be construed or interpreted as an indication that wine is not an agricultural commodity as defined in that subdivision as originally enacted in Chapter 404, Statutes of 1937, and as heretofore amended. The Legislature hereby further declares that at the time of the original enactment of said subdivision (c) and at all times since, it intended that wine be, and wine was, included within the definition of the term "agricultural commodity."

Any and all marketing orders heretofore issued, signed, or declared effective and all acts of the director heretofore performed pursuant to the provisions of this chapter and consistent with the declarations contained in this section are hereby confirmed, ratified and validated."

Amendment No. 3

On page 10 of the printed bill, as amended, strike out lines 7 to 24, inclusive; and on line 25, strike out "SEC. 7.", and insert

"SEC. 7. Any marketing order issued by the director pursuant to Chapter 10, Division 6, of the Agricultural Code and in effect upon the twenty-sixth day of June, 1939, which by its terms was to remain in effect until the first day of January, 1941, or later, and as to which the director prior to the effective date of this act did not make a finding that such order was in conformity with Section 1300.14 of the Agricultural Code as amended by Chapter 665 of the Statutes of 1939, is hereby validated, ratified, approved and confirmed.

SEC. 8."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 537 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Keeting, Luckey, Mayo, McBride, Mixter, Myland, Parkman, Phillips, Rich, Seawell, Slater, Swan, Swing, and Wagy—26.
 NOES—None.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 199—An act to establish a revolving fund for financing the Federal Stamp Plan, appropriating money therefor, declaring the urgency thereof, to take effect as therein provided.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed bill, as amended, strike out lines 1, 2, 3 and 4, and insert

"An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 2, line 12, of the printed bill, as amended, strike out "a revolving fund in the sum of one million", and insert

"SECTION 1. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, two million two hundred ninety thousand dollars (\$2,290,000) to be used and expended by the State Department of Social Welfare for the operation of the Federal Stamp and Surplus Commodity Distribution Plans, of which sum not more than one million forty thousand dollars (\$1,040,000) shall

be expended during the Ninety-third and Ninety-fourth Fiscal Years for the administrative expenses of the State Department of Social Welfare in connection exclusively with any such bill.

Sec. 2. A permanent revolving fund in the name of emergency two hundred fifty thousand dollars (250,000) is hereby established for use by the State Department of Social Welfare as a permanent revolving fund where cash advances are necessary for the operation of any Federal agency established for the distribution of food, clothing, medicine, or other forms of essential property.

Withdrawals may be made from the revolving fund without at the time furnishing vouchers for such withdrawals, except that the State Department of Social Welfare shall at any time on demand by the Governor account for any expenditures and disbursements made by it from such revolving fund.

The State Department of Social Welfare, with the approval of the Department of Finance, may accept, purchase, receive, and receive gifts of, and may hold, the money and assets in the revolving fund from time to time. The State shall be responsible for the maintenance of the revolving fund for all purposes for which the Federal Government created same.

Sec. 3. The revolving fund created in Section 2 of the Emergency Unemployment Relief Act of 1933 is hereby amended.

Sec. 4. The Comptroller, the State Department of Social Welfare and the Relief Administration may utilize the revolving fund from time to time to accomplish the purposes of this act and to utilize for such purposes the voluntary sale of registered General Land warrants.

Sec. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and as such shall take effect immediately. The Senate participating in the enactment of this act.

The Emergency revolving fund established plans for the distribution of food, clothing, medicine, and other forms of essential property to persons eligible for relief assistance. Unless the Senate Department of Social Welfare is made available immediately, it will not be possible for the State to finance the financing of the present Federal emergency relief program. That act, by taking effect immediately, will make certain available for the immediate operation of State-wide operations of the Federal relief program through the revolving fund, throughout the State and remove the burden from the public peace, health and safety.

Amendment No. 3

On page 2 of the printed bill, as amended, strike out lines 13 to 51, inclusive; and on page 3, strike out lines 1 to 19, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

Senate Bill No. 200—An act making an appropriation to the State Department of Social Welfare for the distribution of surplus commodities, declaring the urgency thereof, to take effect as provided therein.

Bill read third time.

Motion to Amend

Senator Phillips moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "for the distribution of"; and strike out all of lines 2 and 3, and insert "for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal public assistance programs, declaring the urgency thereof, to take effect immediately."

Amendment No. 2

On page 1, of the printed bill, as amended, strike out line 1, and insert

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of nine hundred ninety-five thousand dollars (\$995,000) to be expended during the Ninety-third and Ninety-fourth Fiscal Years for administrative costs and sponsorship contributions with respect to the Works Projects Authority and Civilian Conservation Corps Recruitment and Enrollment Programs of the Federal Government.

SEC. 2. Any county may certify to the State Department of Social Welfare persons determined by the county to be eligible under Federal statutes and rules and regulations for public assistance under the Works Projects Authority Program

and the Civilian Conservation Corps Program of the Federal Government upon projects sponsored or supported in whole or in part by the State Department of Social Welfare and upon projects sponsored and supported entirely by the Federal Government.

Sec. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and as such shall take effect immediately.

The facts constituting such necessity are as follows:

The Federal Government maintains and operates two programs of public assistance in connection with which this State by complying with the Federal requirements has been able to save large sums of money which otherwise would have had to have been expended for public assistance in this State. This act, by making an appropriation for the costs required to be borne by this State in connection with such Federal programs will thereby make available Federal public assistance for those residents of this State in need thereof without imposing too burdensome a load upon the public revenues of this State. Unless this act takes effect immediately such Federal programs of public assistance will not be available for the residents of this State and hardship and suffering will result and the public peace, health and safety will be endangered."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out lines 2 to 24, inclusive; and on page 2, strike out lines 1 to 12, inclusive.

Amendments read and adopted.

Bill ordered printed, engrossed, and to third reading.

APPOINTMENT OF COMMITTEES

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Mayo, Parkman and Dillinger as a Senate Committee under Senate Resolution No. 153.

COMMITTEE ON RULES

RICH, Chairman

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Slater, Foley and Carter as a Senate Committee under Senate Resolution No. 154.

COMMITTEE ON RULES

RICH, Chairman

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1159—An act to amend Section 2931a of the Civil Code, relating to making the State of California a party to certain actions pertaining to real property.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1159?

Amendment No. 1

On page 2, line 1, of the printed bill, as amended, strike out "any such liens", and insert "the liens described in the complaint".

Amendment No. 2

On page 2, line 7, of the printed bill, as amended, strike out "reasonable".

Amendment No. 3

On page 2, line 11, of the printed bill, as amended, strike out the period following "deputies", and insert "; and a copy of the complaint shall be delivered to the officer, board, commission, department or division or other body charged with the collection of the tax or obligation."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1159 by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, DeLap, Dillinger, Fletcher, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Seawell, Swan, Swing, Treble, and Wagy—25.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1341—To amend Sections 6050 and 6051 of the Harbors and Navigation Code, relating to boards of harbor commissioners.

The question being: Shall the Senate concur in the following Assembly amendments to House Bill No. 1341:

Persons's Name: _____
 which should appear in ~~strikeout~~ type in the following amendments is indicated by
 being ~~indicated~~ within brackets.

Amendment No. 1

In line 1 of the title of the printed MS, after "Section" comes "[6, 644]."

Amendment N 2

(On page 1 of the printed bill, strike out line 1, and insert

Section 1, Chapter 100 of the Harbors and Navigation Code is hereby amended to read as follows:

Against the harbor district" and shall also have printed thereon the names of all candidates for office in the harbor district, and the names of the persons who will be receiving ballots in the harbor district, with three blank squares after the name of each candidate and the [three] are blank spaces.

All official ballots used at any subsequent election in the district shall conform, as nearly as possible, to the form of the official ballot used at the last election for harbor master. The provisions of the district code be amended, and the election of harbor master held on the same day as the election of the mayor may be placed on the ballot by adding to the name of any machine or candidates for harbor master.

REV. 12. Statistical (S1) of the Harmonic and Supercritical Grid Network awarded to me in February.

SECTION 10. If there is a petition for a new district and the board of supervisors finds that a majority of the voters want such a change, the board of supervisors, upon the formation of the district, it shall cause to be filed with the county clerk a map showing a description of the boundaries of the district, and a list of the names of the voters residing in the district. The board of supervisors shall also cause to be filed with the county clerk a list of the names of the voters residing in the district who are entitled to vote in the election for the district. The board of supervisors shall also cause to be filed with the county clerk a list of the names of the voters residing in the district who are entitled to vote in the election for the district.

SEC. 1.7. Section 0050 of the Harbors and Navigation".

Amendment No. 3

On page 1 of the printed bill, after line 23, insert

Sec. 3. Upon the effective date of this act, the Governor shall appoint two additional harbor commissioners to the board of harbor commissioners of each existing harbor district formed pursuant to Part 3 of Division 8 of the Harbors and Navigation Code, or to any law superseded by such part. Each such commissioner shall hold office until 12 o'clock noon of the first Monday after the first day of January following the next regular election in 1942 of commissioners for the district, and thereafter his successors shall be elected. Their successors, as well as the successors of commissioners who have died or resigned and who are now in office whose term or terms expire at 12 o'clock noon of the first Monday after the first day of January next following, shall be elected at such election.

If the total number of commissioners to be elected at the election is three, each of the three candidates receiving the highest number of votes shall hold office for a term of four years from 12 o'clock noon on the first Monday after the first day of January next succeeding the election; if the number of commissioners is elected and qualified is four, each of the three candidates receiving the highest number of votes shall hold office for a term of four years from 12 o'clock noon on the first Monday after the first day of January next succeeding the election; and the fourth candidate receiving the highest number of votes shall hold office for a term of two years from 12 o'clock noon on the first Monday after the first day of January next succeeding the election; and the fifth candidate whose successor is elected and qualified.

The term of office of each successor of every harbor commissioner elected pursuant to this section shall be governed by the provisions of Section 6050 of the Harbors and Navigation Code."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1341 by the following vote:

AYES—Senators Biggar, Brown, Collier, Cunningham, DeLap, Fletcher, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, McBride, McCormack, Mixer, Myland, Phillips, Powers, Rich, Seawell, Swan, Tickle, and Wagy—23.

NOES—None.

Above bill ordered enrolled.

MOTION TO RE-REFER ASSEMBLY BILL NO. 243

Senator Fletcher moved that Assembly Bill No. 243 be re-referred to Committee on Fish and Game.

Motion carried.

MOTION TO RECONSIDER

Senator Mayo moved to reconsider the vote whereby Assembly Bill No. 243 was re-referred to Committee on Fish and Game.

CONSIDERATION OF MOTION TO RECONSIDER

Pursuant to his motion previously made, Senator Mayo moved that the Senate, at this time, reconsider the vote whereby Assembly Bill No. 243 was re-referred to Committee on Fish and Game.

The roll was called, and reconsideration granted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Swan, Swing, Tickle, and Wagy—29.

NOES—None.

CONSIDERATION OF GOVERNOR'S VETO

Assembly Bill No. 243—An act to repeal Sections 10, 11 and 12 of, and to add Sections 10, 11, 12 and 13 to, the Fish and Game Code, relating to the transfer to the Fish and Game Commission created by the Constitution of this State of the powers, duties, and jurisdiction of the Fish and Game Commission heretofore existing, to take effect immediately.

The question being: Shall Assembly Bill No. 243 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate refused to sustain the objections of the Governor by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Luckey, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Quinn, Rich, Seawell, Slater, Swan, Swing, and Wagy—31.

NOES—None.

MOTION TO WITHDRAW ASSEMBLY BILL NO. 2315 FROM COMMITTEE

Senator Kenny moved that Assembly Bill No. 2315 be withdrawn from Committee on Public Health and Safety for purpose of consideration.

Motion to Table

Senator Rich moved that the motion to withdraw Assembly Bill No. 2315 from Committee on Public Health and Safety be laid on the table.

Motion carried.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: I am directed to inform your honorable body that the Assembly on this day (unanimously) refused to concur in Senate amendments to:

Assembly Bill No. 2155: An act to authorize boards of school districts of every kind and class, and providing for the levy of a tax to pay the same, to take effect immediately.

And requesting Messrs. Cully, Egan and Everett on a Committee on Conference to meet at the moment from the Senate.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HARRY J. EVERETT, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: I am directed to inform your honorable body that the Assembly on this day (unanimously) refused to concur in Senate amendments to:

Senate Bill No. 990
Senate Bill No. 991

Senate Bill No. 971
Senate Bill No. 807

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: I am directed to inform your honorable body that the Assembly on this day (unanimously) refused to concur in Senate amendments to:

Senate Bill No. 1001
Senate Bill No. 1002
Senate Bill No. 1011

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By HARRY J. EVERETT, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: I am directed to inform your honorable body that the Assembly on this day (unanimously) refused to concur in Senate amendments to:

Senate Bill No. 967

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: I am directed to inform your honorable body that the Assembly on this day (unanimously) refused to concur in Senate amendments to:

Senate Bill No. 943
Senate Bill No. 799
Senate Bill No. 945

Senate Bill No. 944
Senate Bill No. 1067

And respectfully suggests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: I am directed to inform your honorable body that the Assembly on this day (unanimously) refused to concur in Senate amendments to:

Senate Bill No. 1293

And respectfully suggests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 943—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the

collection of taxes and other moneys, the amount of which does not justify the cost of their collection.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 943?

Amendment No. 1

On page 1, line 12, of the printed bill, as amended, following "collection", insert a comma and "provided, however, that this section shall apply to amounts in excess of fifty dollars (\$50) whenever the Attorney General in writing advises that the amount is too small to justify the cost of collection".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 943 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Kenny, Luckey, McCormack, Mixer, Myland, Parkman, Swan, Swing, Tickle, and Wagy—23.

NOTES—None.

Above bill ordered enrolled.

Senate Bill No. 944—An act making an appropriation to the Department of Finance for the purpose of paying refunds of taxes, licenses, and fees.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 944?

Amendment No. 1

On page 1, line 3, of the printed bill, as amended, strike out all of line 3, and insert "seventy five thousand dollars (\$75,000) to be expended during the Ninety-third and Ninety-fourth Fiscal Years."

Also:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended, strike out the period, and insert "by".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 944 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Deuel, Dillinger, Fletcher, Foley, Gordon, Jepsen, Keating, Luckey, McCormack, Mixer, Myland, Parkman, Swan, Swing, Tickle, Wagy, and Ward—21.

NOTES—None.

Above bill ordered enrolled.

Senate Bill No. 945—An act to amend Section 689 of, and to add Section 689.5 to, the Political Code, relating to collections by the State Department of Finance from other State agencies, making an appropriation and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 945?

Amendment No. 1

On page 2 of the printed bill, as amended, strike out all of lines 37 to 52, inclusive, and insert

"689.5. There is hereby created in the State Treasury the Service Revolving Fund, from which fund shall be paid all salaries and wages and other expenses incurred by the Bureau of Buildings and Grounds in the Department of Finance. The cost of rendering services to agencies supported from funds other than the General Fund, and the cost of rendering services to any agency at its request, shall be determined monthly by the Department of Finance and by said department charged to such agencies. After deducting the cost of services rendered and charged to other agencies, the remaining expenditures out of the Service Revolving Fund shall be a charge against the appropriation for the support of the Bureau of Buildings and Grounds and upon certification by the Department of Finance shall be transferred

monthly by the State Controller from said appropriation to the Service Revolving Fund.

Any amount received by the Department of Finance for services rendered to other State departments and to cities, towns and counties at the end of each month by the Department of Finance to the State Controller to be by the Controller paid to the State Controller. The State Controller shall not pay such money shall be credited to the State Controller in favor of said fund.

The roll was called and the Senate concurred in Assembly amendment to Senate Bill No. 794 by the following vote:

Ayes—Senators: Smith, Henry, Cramer, Cushman, Christensen, Deuel, DeLoach, Emerson, Folsom, Gammeter, Gering, Gorman, Hagg, Kauter, Leach, McGowan, Meeker, Myland, Peterson, Rasmussen, Rasmussen, Tabor, Ward—24.
Noes—None.

Above bill ordered enrolled.

Senate Bill No. 799—An act to amend Section 19.1 of the Agricultural Products Act, relating to the marketing of agricultural products, to the conservation of agricultural and economic wealth and providing for acreage adjustment payments.

The question being, Shall the Senate concur in the following Assembly amendments to Senate Bill No. 799?

Paraphrase: None. There being no further amendments proposed, the material which should appear in connection with the following amendments is collected by being inserted within brackets.

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "Section 19.1", and insert "Sections 23 and 24".

Amendment No. 2

In line 2 of the title of the printed bill, as amended, strike out ", to the", and insert "The termination and suspension of proration programs, and violations of the act."

Amendment No. 3

Strike out all of lines 3 and 4 of the title of the printed bill, as amended.

Amendment No. 4

On page 1, line 1, of the printed bill, as amended, strike out "19.1", and insert "23".

Amendment No. 5

On page 1 of the printed bill, as amended, strike out all of line 3, and insert

Sec. 23. After the commission of any person engaged in such proration program shall be notified by the commission that such person shall be terminated when there is found with the commission an investigation of his termination signed by not less than 40 per cent of the producers and by the owners of 40 per cent of the producing factors of the industry within the zone in which the program is effective. The signatures of the producers and owners named upon the application shall be those of the producers and owners whose names appear on the list or lists provided for in Section 11 of the act providing for such proration programs and shall have and prepared during the existence of the program, or their successors in interest. Each petitioner shall upon affixing his signature thereto write in the date of signing, and no signature or such petition shall be valid for any purpose if affixed thereto more than six months prior to the filing of such application with the commission. Such petition shall be accompanied by a good and sufficient undertaking in an amount equal to the producing cost of marketing such program. A hearing must be held upon the petition to determine the sufficiency of the signatures thereto, which hearing must be held within 30 days after the petition is filed. If upon such hearing, it shall be established that the petition is validly signed by said required 40 per cent of such producers and by the owners of 40 per cent of the producing factors (and that the purposes of the act and the purposes thereof are no longer effectuated by the program), the commission shall terminate the program; provided, that any program on a seasonal basis shall not be terminated except at the end of its marketing season.

In such case, the cost of marketing such hearing shall be paid from the funds of the program to the extent that they are available and thereafter from the undertaking. In the event the petition be found insufficiently signed, the entire cost of con-

ducting such hearing shall be paid from the undertaking. In the event of the termination of a program, any funds remaining for the use of the program committee not otherwise disposed of by the provisions of this act shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

The director, on behalf of the commission, may at any time initiate an investigation to determine whether or not the facts specified in Section 10 hereof continue to exist. Upon a finding that any one or more of the prerequisite facts no longer exist, the commission shall terminate or suspend said program. In no case shall any program on a seasonal crop be terminated or suspended except at the end of its marketing season.

SEC. 2. Section 24 of the Agricultural Prorate Act is hereby amended to read as follows:

SEC. 24. Any person who shall possess, market, handle or transport any commodity in violation of any provision of an original or modified proration program approved and made effective or in violation of any rule or regulation adopted by any program committee and approved by the director may be enjoined by the director or by the zone affected with the approval of the director in an action brought in the superior court for the county in which [the] *any of such violation* is alleged to be occurring. There may be enjoined in the same proceeding any number of defendants alleged to be violating the same program although [their properties and interests may be situated in several counties and] their actual violations of the program may be separate and distinct *and occur in different counties*. In any action for injunction brought hereunder, the procedure shall be governed by the provisions of Chapter 3, Title 7, Part 2 of the Code of Civil Procedure of the State of California."

Amendment No. 6

On page 1 of the printed bill, as amended, strike out all of lines 4 to 26, inclusive; and strike out all of pages 2 and 3.

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 799 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Judah, Keating, Luckey, McCormack, Mixer, Myhand, Parkman, Swan, Swing, Tickle, Wagy, and Ward—24
 NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1067—An act to add Section 6 to an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, relating to duties of the State Planning Board, and making an appropriation therefor, to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1067?

Amendment No. 1

On page 2 of the printed bill, as amended, after line 13, insert "SEC. 4. This act shall expire on September 13, 1941."

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1067 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jepsen, Keating, Luckey, McCormack, Mixer, Myhand, Parkman, Swan, Swing, Tickle, Wagy, and Ward—23.
 NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1293—An act making an appropriation to the Department of Finance for State participation in the Los Banos May

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Luckey, McCormack, Mixer, Myhand, Parkman, Powers, Swan, Swing, Tickle, Wagy, and Ward—25.
NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Assembly Bill No. 686 An act to add Section 1011.5 to the Fish and Game Code, relating to sharks;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on May 29, 1941, be further amended as follows:

Amendment No. 1

On page 2, line 5, of the printed bill, as amended, after the period, insert

"The commission shall issue such permit when it appears that the provisions of this section have been complied with in relation to the shark fivers as to which the permit is sought."

McBRIDE
 LUCKEY
 QUINN

Senate Committee on Conference

THURMAN
 WATSON
 CALL

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kuchel, Luckey, McBride, McCormack, Myhand, Parkman, Powers, Swan, Swing, Tickle, Wagy, and Ward—25.
NOES—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 199

Senate Bill No. 200

And reports the same correctly re-engrossed.

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 15

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By ROBERT J. FINNIE, Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 785

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
 By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1005

Senate Bill No. 1008

And respectfully request your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bills ordered to unfolder business file

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1011

Senate Bill No. 1009

Senate Bill No. 1008

Senate Bill No. 1010

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 206

And respectfully request your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered to unfolder business file

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1311

Senate Bill No. 205

And respectfully request your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered to unfolder business file

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 221

And respectfully request your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above reported bill ordered to unimposed business file.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference recommends:

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California to amend Section 6 of Article IV of the State Constitution, relating to the membership of the Home Improvement Commission; consisting of the following amendments: The committee reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in.

WARD
CUNNINGHAM
GARRISON

Senate Committee on Conference

MALONEY
CALL

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixer, Parkman, Powers, Swan, Swing, Wagy, and Ward—24.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference, consisting:

Assembly Bill No. 1177—An act to amend Section 39 of, to repeal Section 42 of, and to add Sections 41.1, 41.2, 41.3 and 42 to, the Unemployment Insurance Act, relating to experience rating;

consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill, as amended on June 13, 1941, be further amended as follows:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out lines 14 to 19, inclusive, and insert

"(d) In the".

Amendment No. 2

On page 4 of the printed bill, as amended, strike out lines 18 to 32, inclusive, and insert

"SEC. 41.3. Whenever it appears that the funds on hand in the Unemployment Fund are less than one and one-half times the amount of benefits paid during the preceding calendar year, the commission, by appropriate notice, may invoke a contribution rate of 2.7 per cent from all employers, in lieu and regardless of any reduced or lower rate herein elsewhere prescribed; provided, however, that such rate shall be effective only until the expiration of the next quarter during which the fund again becomes equal to or in excess of one and one-half times the amount of benefits paid during the then preceding calendar year."

WARD
MIXTER
MAYO

Senate Committee on Conference

KNIGHT, T. FENTON
DESMOND

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Brown, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixter, Parkman, Swan, Swing, Wagy, and Ward—23.

NOES—None.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 205—An act to amend 19420, 19433, 19483, 19485, 19530, 19532, 19537, 19562, 19592, 19597, 19620, 19621, 19624 and 19626 of, and to add Sections 19480.5, 19510.5, 19532.5, 19538, 19567, 19598 and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 205?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "19420, 19433, 19483, 19485, 19530," and insert "19433, 19485,".

Amendment No. 2

In the form of the general law, we suggest writing out Sect. 2 and 3, and insert "1940, 1941, 1942, 1943, 1944, and 1945" at the middle Sections 194805, 194915.

Appendent No. 3

In line 8 of the title of the poem, left, we encounter the "fine", desert", and something for the benefit of the eye, and something "found" rather rejected appearance.

Accident No. 1

On page 1 of the printed version, numbers 1001 to 1012 inclusive

Amendment No. 5

On page 1, line 13, of the printed bill, as amended, strike out "Sec. 2. Section 1941 of the Code, and amend the same to read as follows:

Abstract N 6

On page 2 of the printed bill, as amended, strike out lines 25 to 49, inclusive.

Amendment No. 7

On page 3, line 6, of the printed bill, as amended, strike out "80", and insert

Amendment No. 8

On page 3 of the printed bill, as amended, strike out lines 7 and 8, and insert

Amendment No. 9

On page 3 of the printed bill, as amended, strike out lines 9 to 12, inclusive.

Amendment No. 10

On page 3 of the printed bill, as amended, strike out lines 20 to 29, inclusive.

Amendment No. 11

On page 2, line 11, of (P) insert, "in" resulting in (P) and insert
"1943".

Amendment No. 12

On June 4, Day 2 of the program, we discussed the 1945 and 1947 and 1948

Amendment No. 13

On page 1, line 6, of the second list, in second column, strike out "pinto", strike out all of line 7; and in line 8, strike out "associations,".

Amendment No. 14

On page 4 of the printed bill, as amended, strike out lines 22 to 27, inclusive.

Amendment No. 15

On page 6 of the printed bill, as amended, after line 50, insert

"Sec. 22. The sum of one hundred thirty-three thousand one hundred twelve dollars and 20 cents (\$133,112.20) representing the assumed balances of the appropriations from the California State and County Statutes of 1955, is hereby transferred to the General Fund of the State of California."

Also:

Amendment No. 1

On page 5, line 40, of the printed bill, as amended, strike out "Five", and insert "Two and one-half".

Amendment No. 2

On page 5, line 44, of the proposed bill, as amended, strike out the semicolon.

Amendment No. 3

On page 5 of the printed bill, as amended, strike out lines 46 and 47, and insert "State, such money to be expended by such officers and their heirs only for premiums, capital outlays, including the purchase of land, construction, improvements, equipment, and other purposes necessary to a project submitted to, and approved by, the Department of Finance, and subject to the provisions of Section 677.5 of the Political Code."

Of said 2 1/2 per cent, sixty five thousand dollars (\$65,000)”,

Amendment No. 4

On page 6, lines 2 and 3, of the printed bill, as amended, strike out "one hundred thousand dollars (\$100,000)", and insert "sixty-five thousand dollars (\$65,000)".

Amendment No. 5

On page 6, line 4, of the printed bill, as amended, strike out "5", and insert "2½".

Amendment No. 6

On page 6, line 15, of the printed bill, as amended, strike out "5", and insert "2½".

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 205 by the following vote:

AYES—None.

NOES—Senators Brown, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, Mixer, Parkman, Swan, Swing, Tickle, Waggy, and Ward—22.

Senate Bill No. 221—An act to amend Section 4.770 of the School Code, relating to the allowance of teacher units to elementary school districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 221?

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "amend Section 4.770 of", and insert "add Sections 4.791-1 and 4.793-1 to".

Amendment No. 2

In the title of the printed bill, as amended, strike out all of lines 2 and 3, both inclusive, and insert "apportionments from the State General Fund for the support of elementary schools."

Amendment No. 3

On page 1 of the printed bill, as amended, strike out all of lines 1 to 27, inclusive, and insert

"SECTION 1. Section 4.791-1 is hereby added to the School Code, to read as follows:

4.791-1. In addition to the amount required to be apportioned from the State General Fund to each county for the support of elementary schools, as provided in Section 4.791 of this code, the Superintendent of Public Instruction shall add an amount sufficient to provide the apportionment required by Section 4.793-1 of this code, and the Controller shall draw his warrants on the General Fund in favor of the several county treasurers and the Treasurer shall pay such warrants, for the amounts so apportioned, at the same time and in the same manner as provided for the drawing and payment of warrants on the State School Fund.

SEC. 2. Section 4.793-1 is hereby added to the School Code, to read as follows:

4.793-1. He shall apportion to each elementary school district having an average daily attendance in excess of 25, but not greater than 70, an additional two hundred eighty dollars (\$280) for each unit of the first five units of average daily attendance in excess of 25 and an additional one hundred forty dollars (\$140) for each unit of the first 10 units of average daily attendance in excess of 50."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 221 by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, McBride, McCormack, Mixer, Myhand, Parkman, Powers, Swan, Swing, Tickle, Waggy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

Senate Bill No. 1311—An act to amend Section 1250 of, and to add Section 1346 to, the Fish and Game Code, relating to antelope.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1311?

Amendment No. 1

On page 1, line 20, of the printed bill, following the period, insert "The fees provided herein shall be deposited in the Fish and Game Preservation Fund and shall be expended in addition to moneys provided in the Budget for salaries of the

Demanded that said clause be the subject of reference to the provisions of Section 1446 of the Code and Senate Bill No. 1325.

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 1325 by the following vote:

AYES—Senators Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Frier, Gorman, Gorman, Gorman, Hamilton, Jones, McCall, McCormick, Mixter, Myhand, Peterson, Rogers, Swan, Swan, Tabor, Tabor and Ward—24.
 NOES—Senator Wagoner—1.

Above bill ordered enrolled.

Senate Bill No. 1325—An act to amend Section 144 of the Civil Code, relating to entry of final judgment in divorce cases.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1325?

Amendment No. 1

On page 1, line 6, of the printed bill, strike out "Judicial proceedings in which such sentence is not entered and in which it is not so entered on the 90th day after the appeal has been taken."

Amendment No. 2

On page 1, line 11, of the printed bill, strike out "The court may cause such final judgment to be entered, and may also enter such final judgment, even though a final judgment may have been previously entered where by mistake, compliance or otherwise, the same has not been entered, and as entered as such, as it shall have been entered under the law of regularity."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1325 by the following vote:

AYES—Senators Brown, Carter, Collier, Cunningham, Deuel, Dillinger, Fletcher, Frier, Gorman, Gorman, Gorman, Hamilton, Jones, McCall, McCormick, Mixter, Myhand, Peterson, Rogers, Swan, Swan, Tabor, Tabor and Ward—24.
 NOES—Senator Wagoner—1.

Above bill ordered enrolled.

Senate Bill No. 226—An act to amend Sections 92 and 146 of, and to add Section 108 to, the Civil Code, relating to divorce actions.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 226?

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 3 and 4; and in line 5, strike out "and the President of the Senate and the Speaker of the House immediately presenting the same to the Senate and the testimony of a member of the medical staff of said institution".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 226 by the following vote:

AYES—Senators Brown, Carter, Collier, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Gorman, Gorman, Gorman, Hamilton, Jones, Kitchel, Luckey, McBride, Mixter, Myhand, Swan, Swan, Tickle, Wagoner, and Ward—22.
 NOES—None.

Above bill ordered enrolled.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Swan, Deuel and Seawell as a Senate Committee on Conference concerning Senate Bill No. 205 to meet a like committee of the Assembly.

COMMITTEE ON RULES
 Rich, Chairman

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.35 a.m., on motion of Senator Seawell, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and Senate Bill No. 1346 refused passage by the following vote:

AYES—Senators Carter, Crittenden, Cunningham, Dillinger, Foley, Garrison, Jespersen, Keating, Kenny, Luckey, McBride, Powers, Quinn, Seawell, Shelley, Slater, and Swan—17.

NOES—Biggar, Brown, Collier, DeLap, Fletcher, Gordon, Judah, Kuebel, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Swing, Tickle, Waggy, and Ward—19.

MOTION TO RESCIND ACTION SUSTAINING GOVERNOR'S VETO TO
SENATE BILL NO. 133

Senator Kenny moved that the action whereby the Governor's veto to Senate Bill No. 133 was sustained be rescinded.

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Rich moved a call of the Senate.

Motion carried. Time, 11.36 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE
MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1348

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly appointed Messrs. Burns, Hugh M., Call and Tenney as a Committee on Conference concerning:

Senate Bill No. 205—An act to amend 19420, 19433, 19483, 19485, 19530, 19532, 19537, 19562, 19592, 19597, 19620, 19621, 19624 and 19626 of, and to add Sections 19480.5, 19510.5, 19532.5, 19538, 19567, 19598 and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 794

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Approved: CLERK OF THE SENATE, June 14, 1941

Mr. PROCTOR: I am pleased to inform your honorable body that the Assembly concurred with us this afternoon in passing the bill.

SENATE BILL NO. 987

And respectfully request your honorable body to concur in said amendments.

APPROVED BY THE SENATE
By H. F. LEWRIGHT, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 987—An act to amend Section 52.2 of, and to add Section 57.7 to, the Unemployment Insurance Act, relating to unemployment benefits for persons who have served in the armed forces.

The question being: shall the Senate concur in the following Assembly amendments to Senate Bill No. 987?

Amendment No. 1

In line 10 of the printed bill, strike out "17," and strike out lines 11 to 17, inclusive, and insert "where the first of such quarters has already been included in a base period of the same individual, the term 'base period' shall mean the first base period of the year last completed calendar quarters immediately preceding the first day of that base period."

Amendment No. 2

On page 1 of the printed bill, strike out lines 20 to 23, inclusive, and insert

"Sec. 57.7. No disqualification shall be determined provisions of this act the benefit rights of trainees shall be determined in accordance with the following provisions of this section for the purpose and with respect to the matters specified herein. Except as herein otherwise provided, all other provisions of this act shall continue to be applicable to persons who have not been in active service in the Land or Naval Forces of the United States, but the service of an individual in any branch component of the Land or Naval Forces of the United States who is ordered to active duty in any such branch for a period of 30 days or less shall not be deemed to be active service for the purpose of this act."

(1) The term "base period" shall mean the first base period of the year last completed calendar quarters immediately preceding the first day of that base period.

(2) The term "base period" shall mean the first base period of the year last completed calendar quarters immediately preceding the first day of that base period.

(3) (a) With respect to any trainee who has an unexpired benefit year at the time of termination of the Armed Forces, the unexpired balance of benefits remaining to be paid shall be determined beginning with the first day of the first week following the date of termination of service. Whenever this balance is exhausted the trainee shall be deemed to have exhausted his base period shall be determined in accordance with the provisions of Section (4), hereof, except that all reestablished balances shall be determined after termination of such Military Service.

(b) The base period of an individual shall be 52 weeks from the first day of the first week following the date of termination of Military Service.

(4) With respect to the determination of the benefit rights of any trainee, the base period shall consist of the first base period of the last five completed calendar quarters, excluding those quarters during which the trainee was in military service 60 days or more. If an individual is excluded there shall be substituted an equal number of quarters immediately preceding his entry into Military Service, except that the quarter of entry into Military Service shall be counted as a completed quarter if the commission finds that the provision thereof would be more equitable to the trainee.

(5) No disqualification shall be applied to any trainee after the termination of his Military Service by reason of any act or course of action on his part prior to the date of his entry into such service.

(6) If under any act of Congress, payments with respect to the unemployment of individuals who have completed a period of Military Service are payable by the United States, a trainee shall be deemed to be eligible for benefits with respect to any week for which he receives such payments and no benefits shall be paid under this act until he has exhausted all his rights to such payments from the United States."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 987 by the following vote:

AYES—Senators Bigger, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Foley, Garrison, Gordon, Judah, Keating, Kenny, Kuchel, Mayo,

McBride, McCormack, Mixer, Myhand, Phillips, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28.
 Nots—None.

Above bill ordered enrolled.

Senate Bill No. 1088—An act to amend Section 376b of the Political Code, Section 11100 of the Health and Safety Code, and Section 4808 of the Penal Code, relating to the Division of Criminal Identification and Investigation and the Division of Narcotic Enforcement in the Department of Penology.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 1088?

PRINTER'S NOTE.—There being no 7-point strikeout type available, the material which should appear in strikeout type in the following amendments is indicated by being inclosed within brackets.

Amendment No. 1

In line 2 of the title of the printed bill, as amended, strike out "Section 11100", and insert "Sections 11004 and 11100".

Amendment No. 2

On page 2, line 17, of the printed bill, as amended, after "Sec. 2.", insert "Section 11004 of the Health and Safety Code is hereby amended to read as follows: 11004. "State Division," as used in this division, means the Division of Narcotic Enforcement [in the State Department of Penology]. Sec. 2.5."

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 1088 by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kenny, Kuchel, Mayo, McBride, McCormack, Mixer, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Tickle, Wagy, and Ward—29.
 Nots—None.

Above bill ordered enrolled.

WITHDRAWAL AND RE-REFERENCE OF ASSEMBLY BILL NO. 1000

Senator Phillips moved that Assembly Bill No. 1000 be withdrawn from Committee on Finance, and referred to Committee on Welfare and Institutions.

Motion carried.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: The Committee on Conference concerning:

Senate Bill No. 205—An act to amend Sections 19433, 19485, 19532, 19562, 19597, 19620, 19621 and 19624 of, and to add Sections 19480.5, 19510.5, 19538, 19567, 19598 and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom, and providing for the transfer to the Fair and Exposition Fund of certain reverted appropriations; consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on June 14, 1941, be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, as amended, strike out "19485, 19532," and insert "19487, 19488, 19489, 19490, 19491, 19492, 19493."

Amendment No. 2

In line 2 of the title of the printed bill, as amended, after "19510.5," insert "19532.5."

Amendment No. 3

On page 2 of the printed bill, as amended, between lines 15 and 16, insert

"Sec. 5. Section 19493 of said code is hereby amended to read as follows:

"19493. Every gathering, for a purpose to conduct a horse racing meeting shall be accompanied by a certified check payable to the Treasurer of the State of California, in an amount (exclusive of the cost) of either of the following sums, dependent upon the classification of the county where the meeting is to be held:

Counties of the first class, at the rate of fifty dollars (\$50) per day for each racing meeting	\$10,000
Counties of the second and one-half class	10,000
Counties of the third class, at the rate of fifty dollars (\$50) per day for each racing meeting	5,000

"Sec. 6. Section 19494 of said code is hereby amended to read as follows:

"19494. For the purpose of this chapter there are four classes of counties in the State of California, as follows:

1. Counties of the first class are those having a population of 1,000,000 or over;
2. Counties of the second class are those having a population of 600,000 or over and less than 1,000,000;

2b. Counties of the second and one-half class are those having a population of 500,000 or over and less than 600,000;

3. Counties of the third class are those counties having a population of less than 500,000.

Amendment No. 4

On page 2, line 31, of the printed bill, as amended, strike out "120", and insert "90".

Amendment No. 5

On page 2, line 35, of the printed bill, as amended, strike out "county", and insert "No part of a county of the second and one-half class may be included in such race."

"Sec. 8. Section 19532.5 is hereby added to said code, to read as follows:

"19532.5. In each board of directors and track and meet board the board may allow not to exceed 40 racing days per year."

Amendment No. 6

On page 2 of the printed bill, as amended, between lines 29 and 30, insert

"Sec. 10. Section 19537 of said code is hereby amended to read as follows:

"19537. The board shall determine the maximum number of racing days permitted in the respective counties and shall require the licensed racing associations therein (rather than the State Fair association, fair and fairs, agricultural associations) where there is more than one licensed racing association therein. Unless the consent of the license is obtained by racing that shall be conducted in one continuous meeting, nonracing days excepted."

Amendment No. 7

On page 2, line 36, of the printed bill, as amended, strike out "1943", and insert "1944".

Amendment No. 8

On page 3, line 1, of the printed bill, as amended, strike out "1943", and insert "1944".

Amendment No. 9

On page 4, line 24, of the printed bill, as amended, after "fairs", insert ", citrus fruit fairs,".

Amendment No. 10

On page 4, line 29, of the printed bill, as amended, strike out "Two and one-half", and insert "Five".

Amendment No. 11

On page 4 of the printed bill, as amended, strike out lines 35 to 43, inclusive, and insert "of this State".

Of said 5 per cent, one hundred thousand dollars (\$100,000)".

Amendment No. 12

On page 4, line 51, of the printed bill, as amended, strike out "sixty-five thousand dollars (\$65,000)", and insert "one hundred thousand dollars (\$100,000)".

Amendment No. 13

On page 5, line 1, of the printed bill, as amended, strike out "2½", and insert "5".

Amendment No. 14

On page 5, line 12, of the printed bill, as amended, strike out "23", and insert "5".

SWING
SEAWELL
DeLAP

BURNS, HUGH M.
CALL
TENNEY

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kuchel, Mayo, McCormack, Minter, Myhand, Parkman, Phillips, Rich, Shelley, Swing, Tickle, Waggy, and Ward—23.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Welfare and Institutions**

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Welfare and Institutions, to which was referred:

Assembly Bill No. 1000

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

Committee membership 11; committee vote: Ayes 7; absent 4.

PHILLIPS, Chairman

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following bill read the second time without reference to file:

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 1000—An act making an appropriation for purchase of land for an institution for defective and psychopathic delinquents, and for construction, improvements, and equipment thereat.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Welfare and Institutions:

Amendment No. 1

On page 3 of the printed bill, as amended, strike out all of lines 18 to 22, inclusive.

Amendment read and adopted.

Bill ordered printed, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Committee on Rules:

Senate Resolution No. 155

WHEREAS, The lights and lighting in the rooms occupied by committees of this body are injurious to the eyes and extremely inadequate; and

WHEREAS, The physical structure of these rooms does not make for or afford adequate hearings on proposed legislation; now, therefore, be it

Resolved by the Senate of the State of California, That the Director of Finance is hereby respectfully requested to provide, out of any available money in the State Treasury, for the installation of a modern fluorescent lighting system in each of the existing Senate Committee Rooms, and for such remodeling of each of such rooms as will be conducive to the satisfactory holding of hearings thereon; and be it further

Resolved, That the Director of Finance is also respectfully requested, out of any available money in the State Treasury, to cause the chairs in the Senate Chamber, used by the Members thereof, to be repaired and reupholstered because of the obvious need thereof; and be it further

Resolved, That the Director of Finance is hereby authorized to disregard such request if, prior to the next regular session of the Legislature, a new wing containing

proper and adequate lighting. Senate Chamber & Room is used to the State Capitol; and be it enacted.

Resolved, That the members of the Senate is hereby instructed to transmit a copy of this resolution to the House of Assembly.

RECH, Chairman

Resolution read, and unanimously adopted.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11:40 a.m., on calling of Senator Rich, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the motion to rescind action sustaining the Governor's veto on Senate Bill No. 133 carried by the following vote:

Aye: Senators Brown, Brown, Carter, Calkins, Clifton, Cook, Cunningham, Delap, Deane, Phillips, Peterson, Egan, Garfield, Gentry, Johnson, Judd, Keating, Koser, Koser, Larkin, May, Miller, McCann, Mills, Mitchell, Portman, Phillips, Quinn, Quinn, Rank, Searles, Seelye, Senter, Swan, Swing, Tickle, Wagy, and Ward. 37.
Nay: None.

Above bill ordered to unfinished business file.

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried.

Time, 11:41 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the veto of the Governor on Chapter 133, relating to:

Senate Bill No. 205—An act to amend Section 13, and to add Sections 13a, 13b, 13c, to an act entitled "An act to provide for the regulation and licensing of horse racing, horse race meetings, and the wagering on the results thereof; to create the California Horse Racing Board for the regulation, licensing and supervision of said horse racing and wagering thereon; to provide penalties for the violation of the provisions of this act, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions," relating to the regulation and licensing of horse racing and the constitutionality of the act.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 556
Senate Bill No. 583
Senate Bill No. 592
Senate Bill No. 1007
Senate Bill No. 1107

Senate Bill No. 1312
Senate Bill No. 1347
Senate Bill No. 1349
Senate Bill No. 831

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Senate Constitutional Amendment No. 7

Senate Concurrent Resolution No. 18

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above resolutions ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted:

Assembly Concurrent Resolution No. 62

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 62—Relative to aid to the aged.

Without reference to committee.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11.42 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

RECESS

At 11.42 a.m., on motion of Senator Rich, the Senate recessed until 11.44 a.m.

REASSEMBLED

At 11.44 a.m., the Senate reconvened.

Hon. Ellis E. Patterson, President of the Senate, presiding.

APPOINTMENT OF COMMITTEE ON CONFERENCE

MR. PRESIDENT: Your Committee on Rules announces the appointment of Senators Parkman, Collier and Deuel as a Senate Committee on Conference concerning Assembly Bill No. 2111, to meet a like committee of the Assembly.

COMMITTEE ON RULES

RICH, Chairman

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 409

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 1135

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Above bill ordered enrolled.

Assembly Chamber, Sacramento, June 14, 1944

Mr. President: I am pleased to inform your honorable body that the Assembly convened and on this day passed its business.

Senate Bill No. 1318

And respectfully request your honorable body approve its pending amendments.

ARTHUR A. QUARLES, Chief Clerk of the Assembly
By Eugene J. Lyons, Assistant Clerk

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 1318—An act making an appropriation from the unexpended money appropriated by the act entitled "An act making an appropriation in the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by erosion and flood, prevailing conditions, restrictions and limitations as to the expenditure thereof," declaring the necessity of the act and that it take effect immediately," approved May 29, 1940, for flood control works in or along the Ed River, declaring the urgency of this act to take effect immediately.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1318?

Amendment No. 1

On page 1 of the original bill after line 20 insert:

"The appropriation for the work specified in this act does not give such work any preference over any type of repair or restoration work specified in the act cited in the title hereof. Amendments made by such act of the money appropriated by the act cited in the title hereof for any type of work specified therein ahead of any expenditure specified in this act, if there is a greater necessity for an expenditure for the former."

The roll was called.

Call of the Senate

Pending the announcement of the vote, Senator Kenny moved a call of the Senate.

Motion carried. Time, 11.45 a.m.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

REPORT OF COMMITTEE ON CONFERENCE

The following report of the Committee on Conference was received and read:

SUN JUNE 14, 1944. SACRAMENTO, June 14, 1944

Mr. President: The Committee on Conference concerning:

Assembly Bill No. 2111—An act to amend Section 4962 of the School Code, and to add Section 4978 therein, in order to collect debts, to take effect immediately; consisting of the undersigned members, has considered the same, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in and that the bill, as amended on June 12, 1944, be further amended as follows:

Amendment No. 1

Strike out lines 1 and 2 of the bill, as amended; and in line 3, strike out "ing to school bonds", and insert

"An act to authorize bonds of several thousands of every kind and class, and providing for the levy of a tax to pay the same".

Amendment No. 2

On page 1 of the printed bill, as amended, strike out lines 1 to 25, inclusive; and on page 2, strike out lines 1 to 12, inclusive, and insert

"SECTION 1. Where in any school district, of any kind or class, proceedings have been taken for the purpose of voting, issuing and selling bonds of such district for any purpose or purposes, all acts and proceedings of the officers of election and of the board of trustees, board of education, or other governing body of such district and all acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance of such bonds if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of supervisors of the county in which such district is situated to issue such bonds is hereby ratified, confirmed and declared, and bonds heretofore sold are declared to be, and shall be, in the form and manner in which such bonds have been actually issued and delivered, the legal and binding obligations of and against such district, and the full faith and credit of such district is hereby declared to be pledged for the prompt payment and redemption of the principal and interest of said bonds.

SEC. 2. For the purpose of paying interest on such bonds as it becomes due and the principal thereof at maturity, the assessors, treasurers, boards of supervisors and other officers of the respective counties shall have the same powers and shall perform the same duties as are provided by law relative to the assessment, levy and collection of taxes and custody of funds for the payment of principal and interest of bonds of school districts of every kind and class.

SEC. 3. This act shall not operate to legalize any bonds which have been sold for less than par, or legalize any bonds the issuance of which has not received the assent of two-thirds of the qualified electors of such district voting at an election held for the purpose of determining whether such indebtedness should be incurred, nor to legalize any bonds which mature more than 30 years from the time of their issuance.

SEC. 4. This act is hereby declared to be an urgency".

COLLIER
PARKMAN
DEUEL

CALL
FIELD
EVANS

Senate Committee on Conference

Assembly Committee on Conference

The roll was called, and the report adopted by the following vote:

AYES—Biggar, Brown, Collier, Dillinger, Foley, Garrison, Gordon, Judah, Kenny, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Slater, Swan, Swing, Wagy, and Ward—22.

NOES—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH

At 11:46 a.m., on motion of Senator Kenny, further proceedings under the call of the Senate were dispensed with.

The names of the absentees were called, and the Senate concurred in Assembly amendments to Senate Bill No. 1318 by the following vote:

AYES—Senators Biggar, Brown, Collier, Crittenden, Cunningham, Dillinger, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuebel, Mayo, McBride, McCormack, Mixer, Myland, Parkman, Phillips, Powers, Quinn, Slater, Swan, Swing, Wagy, and Ward—27.

NOES—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1000—An act to amend Sections 154, 5355 and 5356 of, to add Section 7051.5 to and to repeal Sections 155, 5358 and Chapter 5, comprising Sections 7200 to 7213, inclusive, of Part 4 of Division 6 of the Welfare and Institutions Code, relating to the establishment of a State Institution for Defective and Psychopathic Delinquents in place of the State Narcotic Hospital, and to make an appropriation therefor.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Rugh, Harris, Collins, Cunningham, Dillinger, Foley, Garrison, Goodale, Jorgensen, Jones, Keene, Kitchin, Mayne, McBride, McCormack, Mixer, Mitchell, Paterson, Phillips, Pomeroy, Quinn, R. L. Senter, Swan, Swang, Wagz, and Ward—27.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to:

Senate Bill No. 715

Senate Bill No. 1100

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 686—An act to add Section 19115 to the Fish and Game Code, relating to sharks.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 1177—An act to amend Section 39 of, to repeal Section 42 of, and to add Sections 43 to 45, of Chapter 10, of the Unemployment Insurance Act, relating to experience rating.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2111—An act to various kinds of school districts of every kind and class, and providing for the way of a way to pay the same, to take effect immediately.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 2212—An act to amend Sections 19621, 19622, 19624 and 19626 of the Business and Professions Code, relating to fairs and exhibitions.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California to amend Section 6 of Article IV of the State Constitution, relating to the membership of the Reapportionment Commission.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 607

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By **ROBERT J. FINNIE**, Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returned without further action:

Senate Bill No. 32
Senate Bill No. 444

Senate Bill No. 1287
Senate Bill No. 1296

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

Call of the Senate

Senator Rich moved a call of the Senate.

Motion carried. Time, 11.47 a.m.

The President directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE SENATE

RESOLUTIONS

The following resolutions were offered:

By Senator Phillips:

Senate Resolution No. 156

WHEREAS, The Joint Fact Finding Committee on Employment of the First Extraordinary Session of the Fifty-third Legislature, created by Senate Concurrent Resolution No. 10, supplemented by Assembly Concurrent Resolution No. 26 and again created as an interim committee of said session by Senate Concurrent Resolution No. 29 and re-created as a committee of the Fifty-fourth Session by Senate Concurrent Resolution No. 4, has heretofore exercised the functions conferred upon it and has made several reports to the Legislature on the result of its investigations; and

WHEREAS, It appears from these investigations and reports that the best interests of the people of this State will be served by permitting a committee to function after final adjournment; now, therefore, be it

Resolved, That there is hereby created a committee to be known as "The Senate Fact Finding Committee," to consist of six Members of the Senate appointed by the Rules Committee, which committee is hereby authorized and directed to gather, assemble, study and analyze all facts relating to any and every phase of employment, relief and public assistance and the administration thereof with a view to formulating such a plan and preparing and submitting such legislative measures as will enable the State to bring about and assure the gainful employment in private enterprise of all of its able-bodied citizens and the efficient expenditure of State funds appropriated for relief and public assistance to which end the committee shall have (i) all the powers conferred upon legislative committees by Article 8, Chapter 2, Title 1, Part 3 of the Political Code; (ii) except when inconsistent with this resolution, all the powers conferred upon committees by the Rules of the Assembly, the Rules of the Senate, and the Joint Rules of the Senate and Assembly as they are enacted and amended from time to time and such rules are hereby incorporated herein and made a part hereof the same as if they were set forth in this resolution in full, which powers specified in such rules may be exercised by the committee after the final adjournment of this session; and (iii) all powers necessary or convenient to accomplish the objects and purposes of this resolution, including but not limited to the following duties and powers:

(1) To select a chairman from its membership and to employ and fix the compensation of a secretary and such legal, clerical, expert and technical assistants as it may deem necessary;

(2) To create subcommittees from its membership, assigning to the subcommittee any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and exercise all of the powers conferred upon the committee limited by the express terms of the resolution or resolutions of the latter defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee;

(3) To adopt and from time to time amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may to it appear appropriate;

(4) To audit all books, memorandum or documents showing the receipts and disbursements of any agency of government and to contract with private firms of auditors for that purpose;

(5) To contract with paid alien, foreign, public or private, as it deems necessary for the committee and the doing of such services, facilities, studies and reports to the committee an will best assist it to carry out the purposes for which it is created;

(6) To hold public hearings at any place in California, at which hearings the people are to have an opportunity to air their views to the committee;

(7) To make a complete study, survey and investigation of every phase of the subject in this resolution, including but not limited to the operation, effect, administration, maintenance, and needed revision of any and all laws in anywise bearing upon or relating to the conservation or increase of employment in private enterprise, the finding of jobs and vacancies of workers therein, the furtherance of apprentice training, vocational training and education, or reeducation, the relief of hardship and destitution, the aid and counsel to unemployment or otherwise, aid to the aged and other forms of social insurance, the affording of unemployment insurance, the discovery and the making of the discovery and development of new frontiers in industry, commerce or agriculture and new uses for the resources and products of the State, and the needed adequacy and efficiency of the functioning of any and all governmental agencies, State or local, in any way charged or connected with the administration or enforcement of all such laws or any part of government and the training and efficiency of the personnel of any such agency;

(8) To meet at any and all places in the State in public or executive session;

(9) To hold all other sessions at the pleasure of the Legislature;

(10) To fix a date when the Senate, during a special session of the Fifty-fifth Legislature, is to discuss the report of the Fifty-fifth Legislature;

(11) To examine and interview witnesses, require the production of papers, books, documents, reports, memoranda and records of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and produce testimony; and

(12) To do the full and entire things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the committee, each of its members, and any representative of the committee, themselves authorized by the committee or by its chairman, is authorized and empowered to subpoena, summon, and testify further.

Resolved, That the Sergeant at Arms of the Senate or other officer designated by him or her to be so designated to serve and aid of subpoenas, summons and other process issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee, and be it further

Resolved, That every department, commission, board, agency, officer and employee of the State Government and of any political subdivision, county, city, or public district of or in the State shall assist the committee and any subcommittee, upon request, any and all such assistance, and information, records and documents as the committee or subcommittee shall require for the accomplishment of the purposes for which the committee is created; and be it further

Resolved, That the members of the committee shall serve without compensation but shall be allowed mileage at the rate of two and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other board and authority expenses for living accommodations and meals, incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day; and be it further

Resolved, That the sum of seven thousand dollars (\$7,000) or so much thereof as may be necessary to be made available from the Contingent Fund of the Senate for the expenses of officers or any other under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall be void provided Senate Concurrent Resolution No. 51 is enacted at this Fifth fourth Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Gordon, Judak, Kaulah, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Swing, Tickel, Wagy and Ward—22.

NOES—None.

By Senators Shelley, Keating, Gordon, Biggar, Collier and Slater:

Senate Resolution No. 157

WHEREAS, The Golden Gate Bridge and Highway District operates and maintains the Golden Gate Bridge; and

WHEREAS, This bridge, a scenic wonder, is of vital importance not only in the everyday lives of the people of this State, but in the preparation for the National defense; and

WHEREAS, It is important that a thorough study of the maintenance and operation of this bridge be made, in order that the best interests of the people of this State may be properly safeguarded; now, therefore, be it

Resolved, That a Study Committee on the Golden Gate Bridge is hereby created, to consist of six Members of the Senate whose districts lie wholly or in part within the bounds of the Golden Gate Bridge and Highway District, which committee shall make a thorough study and survey of all facts or acts touching upon or relating to, the operation and maintenance of the Golden Gate Bridge, and shall, prior to March 15, 1943, make a report of legislation recommended by it to preserve the best interests of the people of this State served by the bridge, and the needs of National defense.

The committee hereby created is authorized to act either during sessions of the Legislature or after final adjournment, but except as otherwise provided herein, not beyond the convening of the Fifty-fifth Legislature. The committee hereby created shall have all powers conferred upon investigating committees by the Joint Rules of the Senate and Assembly as they are now or may hereafter be amended, and may exercise such powers after final adjournment.

The Sergeant-at-Arms of the Senate, or other persons designated by him, is hereby directed to serve any and all subpoenas, orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day.

The sum of one thousand dollars (\$1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall be void, provided that Senate Concurrent Resolution No. 52 of this Fifty-fourth Session is enacted.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Collier, Crittenden, Cunningham, DeLap, Deuel, Fletcher, Gordon, Judah, Kuehl, Mayo, McCormack, Mixer, Myhand, Parkman, Phillips, Rich, Swing, Tickle, Wagy, and Ward—21.

NOES—None.

By Senators Collier and Crittenden:

Senate Resolution No. 158

WHEREAS, The State Employees' Retirement System was established in 1931 as a result of certain surveys and studies previously made; and

WHEREAS, That system has now been in operation for a period of 10 years during which time a number of changes have occurred, which have and will affect that system; and

WHEREAS, Certain legislation was proposed at the 1941 Session of the Legislature designed to change rates and benefits established by the State Employees' Retirement Act, the merits of which proposals could not be properly determined by the Members of the Legislature by reason of lack of information concerning the operation of the State Employees' Retirement System and the effect on that system of certain events during the last 10 years period; now, therefore, be it

Resolved, That there is hereby created a Committee on the State Employees' Retirement System to study, investigate and survey accurately and in detail all matters relating to the State Employees' Retirement System with the view of discovering and recommending to the Legislature what, if any, changes should be made in that system; and if changes are recommended, to prepare and present the necessary legislation therefor to the Fifty-fifth Regular Session of the Legislature. The committee hereby created shall consist of three Members of the Senate, appointed by the Committee on Rules.

The committee hereby created is authorized to act either during sessions of the Legislature or after final adjournment, but except as otherwise provided herein, not beyond the convening of the Fifty-fifth Legislature. The committee hereby

created shall have all powers conferred upon investigating committees by the Joint Rules of the Senate and Assembly as they are now or may hereafter be amended, and may exercise such powers after final adjournment.

The Sergeant at Arms of the Senate, or other officers designated by him is hereby directed to prepare and all subsequent orders and other process issued by the committee, when directed so to do by the chairman or by a majority of the membership of the committee.

The members of the committee shall serve without compensation but shall be allowed mileage at the rate of five and one-half cents (\$0.055) per mile each way incurred in connection with their services upon the committee and other actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals an allowance of eight dollars (\$8) per day.

The sum of seven hundred fifty dollars (\$750) or so much thereof as may be necessary is hereby appropriated from the Contingent Fund of the Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the Contingent Fund of the Senate, after certification by the Chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That this resolution shall be and be proved Senate Concurrent Resolution No. 49 as passed at the Fifty-fourth Session.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES Senators Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Fisher, Gordon, Judah, Kuchel, Mayo, McCormack, Mixter, Myhand, Phillips, Powers, Rich, Sweeney, Swing, Tackle, Waga, and Ward. 23

NOES None.

REPORTS OF STANDING COMMITTEES

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which was referred:

Assembly Bill No. 2652

Has had the same under consideration and reports the same back with the recommendation: Do pass.

Committee membership 9; committee vote: Ayes 6, absent 3.

FLETCHER, Chairman.

Above reported bill ordered to second reading.

REQUEST FOR UNANIMOUS CONSENT

Senator Rich asked for, and was granted, unanimous consent to have the following bill read the second time without reference to file:

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER) (RESUMED)

Assembly Bill No. 2652 An act to add Sections 115 and 116 to the Cemetery Brokerage Act, relating to persons licensed as cemetery brokers and cemetery salesmen entering the Military Service of the United States declaring the urgency thereof, and providing that the act shall take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Fletcher:

Resolved, That Assembly Bill No. 2652 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Gordon, Judah, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Slater, Swan, Swing, Tickle, Wagy, and Ward—31.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 2652—An act to add Sections 115 and 116 to the Cemetery Brokerage Act, relating to persons licensed as cemetery brokers and cemetery salesmen entering the Military Service of the United States, declaring the urgency thereof, and providing that the act shall take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Wagy, and Ward—35.

NOES—None.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Denel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Kenny, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myhand, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Wagy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

CONSIDERATION OF GOVERNOR'S VETO

Senate Bill No. 133—An act to amend Sections 124, 2500, 2506, 2555 and 2556 and to repeal Sections 2501, 2502 and 2600 of the Welfare and Institutions Code, and to add Sections 2501, 2502, 2557 and 2558 and Article 2.5, comprising Sections 2559 to 2570, inclusive, Article 6, comprising Sections 2625 to 2633, inclusive, Article 6.5, comprising Sections 2635 to 2641, inclusive, and Article 7, comprising Sections 2650 to 2659, inclusive, to Chapter 2 of Division 4 of, the Welfare and Institutions Code and repealing acts and parts of acts specified herein; relating to the relief of hardship and destitution, irrespective of cause; the administration and means of financing thereof; the conditions and terms upon which assistance may be granted; prohibiting political activities in connection therewith; penalizing violations thereof, defining the purposes for which money appropriated for relief activities may be used, transferring the powers and duties of the Relief Commission and Relief Administrator to the State Department of Social Welfare, transferring the powers and duties of the State Emergency Relief Commission and the Emergency Relief Administration to the State Department of Social Welfare and transferring relief cases to county administration.

Governor's message stating his objections read previously.

The question being: Shall Senate Bill No. 133 become a law notwithstanding the objections of the Governor?

The roll was called, and the Senate sustained the objections of the Governor by the following vote:

AYES: Senators Bigger, Brown, Collier, Crittenden, Cunningham, DeLoe, Doud, Fletcher, Fleming, Fuller, Gorman, Grady, Jack, Jones, Ketch, Lester, Moore, McBride, McCannock, Murray, Myland, Parkman, Phillips, Powers, Rich, Seawell, Stanley, Slater, South, Swing, Tuck, Wagon, and Ward—25.
NOES: Senators Carter, Dillinger, Eddy, Gorman, Jamison, Lusk, McRae, Quinn, Shaler, Slater, and Swan—11.

THIRD READING OF SENATE BILLS—RESUMED

Senate Bill No. 199—An act making an appropriation for the administrative expenses of the State Department of Social Welfare and establishing a revolving fund for the purposes of distributing goods and commodities in accordance with Federal goods and commodities distribution plans by the State Department of Social Welfare, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES: Senators Bigger, Brown, Collier, Crittenden, Cunningham, DeLoe, Doud, Dillinger, Fleming, Fuller, Gorman, Grady, Jack, Jones, Ketch, Lester, Moore, McBride, McCannock, Murray, Myland, Parkman, Phillips, Powers, Rich, Seawell, Stanley, Slater, Swan, Swing, Tuck, Wagon, and Ward—24.
NOES:—None.

The roll was called, and the bill passed by the following vote:

AYES: Senators Bigger, Brown, Collier, Crittenden, Cunningham, DeLoe, Doud, Dillinger, Fleming, Fuller, Gorman, Grady, Jack, Jones, Ketch, Lester, Moore, McBride, McCannock, Murray, Myland, Parkman, Phillips, Powers, Rich, Seawell, Stanley, Slater, South, Swan, Swing, Tuck, Wagon, and Ward—24.
NOES:—None.

Bill ordered transmitted to the Assembly.

Senate Bill No. 200—An act making an appropriation to the State Department of Social Welfare for administrative costs incurred by the department in connection with and sponsorship contributions for Federal Public Assistance Programs, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES: Senators Bigger, Brown, Carter, Collier, Crittenden, Cunningham, DeLoe, Doud, Dillinger, Fletcher, Fuller, Gorman, Grady, Jamison, Jack, Jones, Ketch, Lester, Moore, McBride, McCannock, Murray, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Stanley, Slater, South, Swan, Swing, Tuck, Wagon, and Ward—36.
NOES:—None.

Motion to Amend

Senator Seawell moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 17, of the printed bill as amended June 14, after "sum of" strike out the balance of the line, and insert "one million five hundred thousand dollars (\$1,500,000)".

Motion to Table

Senator Rich moved that the above amendment be tabled.

Roll Call Demanded

Senators Seawell, Carter and Crittenden demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Senators Biggar, Brown, Collier, Delap, Gordon, Judah, Kenny, Kuchel, McCormack, Mixter, Myhand, Parkman, Phillips, Rich, Swing, Tickle, Waggy, and Ward—18.

NOES—Senators Carter, Crittenden, Cunningham, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Luckey, Mayo, McBride, Powers, Quinn, Seawell, Shelley, Slater, Swan, and Mr. President—19.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Carter, Crittenden, Deuel, Dillinger, Fletcher, Foley, Garrison, Jespersen, Judah, Kenny, Luckey, Mayo, McBride, Parkman, Powers, Quinn, Seawell, Shelley, Slater, and Swan—20.

NOES—Senators Biggar, Brown, Collier, Cunningham, Delap, Gordon, Kuchel, McCormack, Mixter, Myhand, Phillips, Rich, Swing, Tickle, Waggy, and Ward—16.

Bill ordered printed, and to third reading.

Senate Bill No. 1163—An act making an appropriation for the relief of hardship and destitution, due to and caused by unemployment, and for the administration thereof, providing the conditions and terms upon which any expenditure for such relief may be made and declaring that this act shall take effect immediately.

Bill read third time.

Motion to Amend

Senator Shelley moved the adoption of the following amendments:

Amendment No. 1

On page 1, lines 2 and 3, of the printed bill, as amended, strike out "thirty six million dollars (\$36,000,000)", and insert "twenty-four million dollars (\$24,000,000)".

Amendment No. 2

On page 9, line 23, of the printed bill, as amended, strike out "July 1, 1942", and insert "October 1, 1941".

Amendment No. 2.5

On page 10, line 19, of the printed bill, as amended, strike out "July 1, 1942", and insert "October 1, 1941".

Amendment No. 3

On page 10, line 27, of the printed bill, as amended, strike out "July 1, 1942", and insert "October 1, 1941".

Amendment No. 4

On page 11 of the printed bill, as amended, strike out lines 10 to 14, inclusive, and insert

"SEC. 28.5. The State Relief Administrator shall transfer the administration of relief to persons eligible for relief from hardship and destitution due to and caused by unemployment (hereinafter referred to as unemployment relief) to any county in which the unemployment relief case loads falls below 100 cases in each of three consecutive months, and to each other county requesting such transfer through its boards of supervisors, and the".

Amendment No. 5

On page 11, line 42, of the printed bill, as amended, strike out "July 1, 1942", and insert "October 1, 1941".

Amendment No. 6

On page 12, line 24, of the printed bill, as amended, strike out "July 1, 1942", and insert "October 1, 1941".

Amendments read.

Motion to Table

Senator Mayo moved that the above amendments be laid on the table.

Roll Call Demanded

Senators Shelley, Carter and Garrison demanded a roll call.

ASSEMBLY CHAMBER, SACRAMENTO, JUNE 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

Assembly Bill No. 10000

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By H. F. LEWRIGHT, Assistant Clerk

REQUEST FOR UNANIMOUS CONSENT

Senator Swing asked for unanimous consent to reconsider the vote whereby the Governor's objections to Senate Bill No. 133 were sustained. Senator Garrison withheld his consent.

MOTION FOR COMMITTEE OF THE WHOLE

Senator Swing moved that the Senate resolve itself into a Committee of the Whole for the purpose of considering the relief problem.

Motion carried.

In Committee of the Whole

Hon. Wm. P. Rich, President pro tempore of the Senate, presiding.

On motion of Senator Swing, the committee did arise and report back to the Senate.

In Senate

Hon. Ellis E. Patterson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

MOTION TO RE-REFER SENATE BILL NO. 1163

Senator Tickle moved that Senate Bill No. 1163 be re-referred to Committee on Welfare and Institutions.

Roll Call Demanded

Senators Deuel, Crittenden and Seawell demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Senators Biggar, Brown, Collier, DeLap, Deuel, Fletcher, Gordon, Judah, Kuchel, Mayo, McCormack, Mixter, Myland, Parkman, Phillips, Rich, Swing, Tickle, Waggy, and Ward—20.

NOES—Senators Carter, Crittenden, Cunningham, Dillinger, Foley, Garrison, Jespersen, Keating, Luckey, McBride, Powers, Quinn, Seawell, Shelley, Slater, and Swan—16.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Senate Bill No. 200—An act making an appropriation to the State Department of Social Welfare for administrative costs incurred by the department in connection with, and sponsorship contributions for, Federal Public Assistance Programs, declaring the urgency thereof to take effect immediately.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Senators Biggar, Brown, Carter, Collier, Crittenden, Cunningham, DeLap, Deuel, Dillinger, Fletcher, Foley, Garrison, Gordon, Jespersen, Judah, Keating, Kuchel, Luckey, Mayo, McBride, McCormack, Mixter, Myland, Parkman, Phillips, Powers, Quinn, Rich, Seawell, Shelley, Slater, Swan, Swing, Tickle, Waggy, and Ward—36.

NOES—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am pleased to inform your honorable body that the Assembly on this day ordered passage of:

Senate Bill No. 760

ARTHUR A. GINSBURG, Chief Clerk of the Assembly
By H. F. Janssen, Secretary

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Agriculture, to which were referred:

Senate Bill No. 11
Senate Bill No. 33
Senate Bill No. 110
Senate Bill No. 135
Senate Bill No. 175
Senate Bill No. 177
Senate Bill No. 188
Senate Bill No. 190
Senate Bill No. 196
Senate Bill No. 200
Senate Bill No. 410
Senate Bill No. 416
Senate Bill No. 418
Senate Bill No. 450
Senate Bill No. 451
Senate Bill No. 478
Senate Bill No. 479
Senate Bill No. 481
Senate Bill No. 500
Senate Bill No. 508
Senate Bill No. 648
Senate Bill No. 651
Senate Bill No. 700
Senate Bill No. 702
Senate Bill No. 704
Senate Bill No. 800
Senate Bill No. 807

Senate Bill No. 808
Senate Bill No. 809
Senate Bill No. 810
Senate Bill No. 811
Senate Bill No. 812
Senate Bill No. 813
Senate Bill No. 814
Senate Bill No. 815
Senate Bill No. 816
Senate Bill No. 817
Senate Bill No. 818
Senate Bill No. 819
Senate Bill No. 820
Senate Bill No. 821
Senate Bill No. 822
Senate Bill No. 823
Senate Bill No. 824
Senate Bill No. 825
Senate Bill No. 826
Senate Bill No. 827
Senate Bill No. 828
Senate Bill No. 829
Senate Bill No. 830
Senate Bill No. 831
Senate Bill No. 832
Senate Bill No. 833
Senate Bill No. 834
Senate Bill No. 835
Senate Bill No. 836
Senate Bill No. 837
Senate Bill No. 838
Senate Bill No. 839
Senate Bill No. 840
Senate Bill No. 841
Senate Bill No. 842
Senate Bill No. 843
Senate Bill No. 844
Senate Bill No. 845
Senate Bill No. 846
Senate Bill No. 847
Senate Bill No. 848
Senate Bill No. 849
Senate Bill No. 850
Senate Bill No. 851
Senate Bill No. 852
Senate Bill No. 853
Senate Bill No. 854
Senate Bill No. 855
Senate Bill No. 856
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Senate Bill No. 858
Senate Bill No. 859
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Senate Bill No. 861
Senate Bill No. 862
Senate Bill No. 863
Senate Bill No. 864
Senate Bill No. 865
Senate Bill No. 866
Senate Bill No. 867
Senate Bill No. 868
Senate Bill No. 869
Senate Bill No. 870
Senate Bill No. 871
Senate Bill No. 872
Senate Bill No. 873
Senate Bill No. 874
Senate Bill No. 875
Senate Bill No. 876
Senate Bill No. 877
Senate Bill No. 878
Senate Bill No. 879
Senate Bill No. 880
Senate Bill No. 881
Senate Bill No. 882
Senate Bill No. 883
Senate Bill No. 884
Senate Bill No. 885
Senate Bill No. 886
Senate Bill No. 887
Senate Bill No. 888
Senate Bill No. 889
Senate Bill No. 890
Senate Bill No. 891
Senate Bill No. 892
Senate Bill No. 893
Senate Bill No. 894
Senate Bill No. 895
Senate Bill No. 896
Senate Bill No. 897
Senate Bill No. 898
Senate Bill No. 899
Senate Bill No. 900

Senate Bill No. 901
Senate Bill No. 902
Senate Bill No. 903
Senate Bill No. 904
Senate Bill No. 905
Senate Bill No. 906
Senate Bill No. 907
Senate Bill No. 908
Senate Bill No. 909
Senate Bill No. 910
Senate Bill No. 911
Senate Bill No. 912
Senate Bill No. 913
Senate Bill No. 914
Senate Bill No. 915
Senate Bill No. 916
Senate Bill No. 917
Senate Bill No. 918
Senate Bill No. 919
Senate Bill No. 920
Senate Bill No. 921
Senate Bill No. 922
Senate Bill No. 923
Senate Bill No. 924
Senate Bill No. 925
Senate Bill No. 926
Senate Bill No. 927
Senate Bill No. 928
Senate Bill No. 929
Senate Bill No. 930
Senate Bill No. 931
Senate Bill No. 932
Senate Bill No. 933
Senate Bill No. 934
Senate Bill No. 935
Senate Bill No. 936
Senate Bill No. 937
Senate Bill No. 938
Senate Bill No. 939
Senate Bill No. 940
Senate Bill No. 941
Senate Bill No. 942
Senate Bill No. 943
Senate Bill No. 944
Senate Bill No. 945
Senate Bill No. 946
Senate Bill No. 947
Senate Bill No. 948
Senate Bill No. 949
Senate Bill No. 950
Senate Bill No. 951
Senate Bill No. 952
Senate Bill No. 953
Senate Bill No. 954
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Senate Bill No. 956
Senate Bill No. 957
Senate Bill No. 958
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Senate Bill No. 961
Senate Bill No. 962
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Senate Bill No. 965
Senate Bill No. 966
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Senate Bill No. 968
Senate Bill No. 969
Senate Bill No. 970
Senate Bill No. 971
Senate Bill No. 972
Senate Bill No. 973
Senate Bill No. 974
Senate Bill No. 975
Senate Bill No. 976
Senate Bill No. 977
Senate Bill No. 978
Senate Bill No. 979
Senate Bill No. 980
Senate Bill No. 981
Senate Bill No. 982
Senate Bill No. 983
Senate Bill No. 984
Senate Bill No. 985
Senate Bill No. 986
Senate Bill No. 987
Senate Bill No. 988
Senate Bill No. 989
Senate Bill No. 990
Senate Bill No. 991
Senate Bill No. 992
Senate Bill No. 993
Senate Bill No. 994
Senate Bill No. 995
Senate Bill No. 996
Senate Bill No. 997
Senate Bill No. 998
Senate Bill No. 999
Senate Bill No. 1000

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CRITCHFIELD, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Business and Professions

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Business and Professions, to which were referred:

Senate Bill No. 273
Senate Bill No. 284
Senate Bill No. 285
Senate Bill No. 288
Senate Bill No. 428
Senate Bill No. 441
Senate Bill No. 718
Senate Bill No. 720
Senate Bill No. 759
Senate Bill No. 811
Senate Bill No. 813
Senate Bill No. 826
Senate Bill No. 1053
Senate Bill No. 1054

Senate Bill No. 1128
Senate Bill No. 1129
Senate Bill No. 1130
Senate Bill No. 1132
Senate Bill No. 1221
Senate Bill No. 1222
Senate Bill No. 1223
Senate Bill No. 1224
Assembly Bill No. 184
Assembly Bill No. 308
Assembly Bill No. 1238
Assembly Bill No. 1454
Assembly Bill No. 2484
Assembly Bill No. 2603

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

FLETCHER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Education

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Education, to which were referred:

Senate Bill No. 119	Senate Bill No. 894
Senate Bill No. 136	Senate Bill No. 906
Senate Bill No. 225	Senate Bill No. 922
Senate Bill No. 266	Senate Bill No. 938
Senate Bill No. 268	Senate Bill No. 941
Senate Bill No. 270	Senate Bill No. 1145
Senate Bill No. 342	Senate Bill No. 1172
Senate Bill No. 392	Senate Bill No. 1173
Senate Bill No. 430	Senate Bill No. 1176
Senate Bill No. 487	Senate Bill No. 1209
Senate Bill No. 507	Assembly Bill No. 313
Senate Bill No. 646	Assembly Bill No. 1020
Senate Bill No. 647	Assembly Bill No. 1409
Senate Bill No. 774	Assembly Bill No. 1931
Senate Bill No. 782	Assembly Bill No. 2201
Senate Bill No. 867	Assembly Bill No. 2615
Senate Bill No. 868	
Assembly Constitutional Amendment No. 63	
Senate Constitutional Amendment No. 5	
Senate Constitutional Amendment No. 12	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SLATER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Elections

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Elections, to which were referred:

Senate Bill No. 18	Senate Bill No. 493
Senate Bill No. 42	Senate Bill No. 1160
Senate Bill No. 43	Senate Bill No. 1161
Senate Bill No. 99	Senate Bill No. 1170
Senate Bill No. 134	Senate Bill No. 1247
Senate Bill No. 209	Assembly Bill No. 842
Senate Bill No. 210	Assembly Bill No. 1209
Senate Bill No. 243	Assembly Bill No. 1762
Senate Bill No. 262	Assembly Bill No. 1930
Senate Bill No. 277	Assembly Joint Resolution No. 51

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

JESPERSEN, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 14, 1941

Mr. President: Your Committee on Finance is at this time referred:

Senate Bill No. 114	Senate Bill No. 1070
Senate Bill No. 115	Senate Bill No. 1071
Senate Bill No. 118	Senate Bill No. 1072
Senate Bill No. 120	Senate Bill No. 1073
Senate Bill No. 122	Senate Bill No. 1074
Senate Bill No. 124	Senate Bill No. 1075
Senate Bill No. 126	Senate Bill No. 1076
Senate Bill No. 127	Senate Bill No. 1077
Senate Bill No. 128	Senate Bill No. 1078
Senate Bill No. 129	Senate Bill No. 1079
Senate Bill No. 130	Senate Bill No. 1080
Senate Bill No. 131	Senate Bill No. 1081
Senate Bill No. 132	Senate Bill No. 1082
Senate Bill No. 133	Senate Bill No. 1083
Senate Bill No. 134	Senate Bill No. 1084
Senate Bill No. 135	Senate Bill No. 1085
Senate Bill No. 136	Senate Bill No. 1086
Senate Bill No. 137	Senate Bill No. 1087
Senate Bill No. 138	Senate Bill No. 1088
Senate Bill No. 139	Senate Bill No. 1089
Senate Bill No. 140	Senate Bill No. 1090
Senate Bill No. 141	Senate Bill No. 1091
Senate Bill No. 142	Senate Bill No. 1092
Senate Bill No. 143	Senate Bill No. 1093
Senate Bill No. 144	Senate Bill No. 1094
Senate Bill No. 145	Senate Bill No. 1095
Senate Bill No. 146	Senate Bill No. 1096
Senate Bill No. 147	Senate Bill No. 1097
Senate Bill No. 148	Senate Bill No. 1098
Senate Bill No. 149	Senate Bill No. 1099
Senate Bill No. 150	Senate Bill No. 1100
Senate Bill No. 151	Senate Bill No. 1101
Senate Bill No. 152	Senate Bill No. 1102
Senate Bill No. 153	Senate Bill No. 1103
Senate Bill No. 154	Senate Bill No. 1104
Senate Bill No. 155	Senate Bill No. 1105
Senate Bill No. 156	Senate Bill No. 1106
Senate Bill No. 157	Senate Bill No. 1107
Senate Bill No. 158	Senate Bill No. 1108
Senate Bill No. 159	Senate Bill No. 1109
Senate Bill No. 160	Senate Bill No. 1110
Senate Bill No. 161	Senate Bill No. 1111
Senate Bill No. 162	Senate Bill No. 1112
Senate Bill No. 163	Senate Bill No. 1113
Senate Bill No. 164	Senate Bill No. 1114
Senate Bill No. 165	Senate Bill No. 1115
Senate Bill No. 166	Senate Bill No. 1116
Senate Bill No. 167	Senate Bill No. 1117
Senate Bill No. 168	Senate Bill No. 1118
Senate Bill No. 169	Senate Bill No. 1119
Senate Bill No. 170	Senate Bill No. 1120
Senate Bill No. 171	Senate Bill No. 1121
Senate Bill No. 172	Senate Bill No. 1122
Senate Bill No. 173	Senate Bill No. 1123
Senate Bill No. 174	Senate Bill No. 1124
Senate Bill No. 175	Senate Bill No. 1125
Senate Bill No. 176	Senate Bill No. 1126
Senate Bill No. 177	Senate Bill No. 1127
Senate Bill No. 178	Senate Bill No. 1128
Senate Bill No. 179	Senate Bill No. 1129
Senate Bill No. 180	Senate Bill No. 1130
Senate Bill No. 181	Senate Bill No. 1131
Senate Bill No. 182	Senate Bill No. 1132
Senate Bill No. 183	Senate Bill No. 1133
Senate Bill No. 184	Senate Bill No. 1134
Senate Bill No. 185	Senate Bill No. 1135
Senate Bill No. 186	Senate Bill No. 1136
Senate Bill No. 187	Senate Bill No. 1137
Senate Bill No. 188	Senate Bill No. 1138
Senate Bill No. 189	Senate Bill No. 1139
Senate Bill No. 190	Senate Bill No. 1140
Senate Bill No. 191	Senate Bill No. 1141
Senate Bill No. 192	Senate Bill No. 1142
Senate Bill No. 193	Senate Bill No. 1143
Senate Bill No. 194	Senate Bill No. 1144
Senate Bill No. 195	Senate Bill No. 1145
Senate Bill No. 196	Senate Bill No. 1146
Senate Bill No. 197	Senate Bill No. 1147
Senate Bill No. 198	Senate Bill No. 1148
Senate Bill No. 199	Senate Bill No. 1149
Senate Bill No. 200	Senate Bill No. 1150
Senate Bill No. 201	Senate Bill No. 1151
Senate Bill No. 202	Senate Bill No. 1152
Senate Bill No. 203	Senate Bill No. 1153
Senate Bill No. 204	Senate Bill No. 1154
Senate Bill No. 205	Senate Bill No. 1155
Senate Bill No. 206	Senate Bill No. 1156
Senate Bill No. 207	Senate Bill No. 1157
Senate Bill No. 208	Senate Bill No. 1158
Senate Bill No. 209	Senate Bill No. 1159
Senate Bill No. 210	Senate Bill No. 1160
Senate Bill No. 211	Senate Bill No. 1161
Senate Bill No. 212	Senate Bill No. 1162
Senate Bill No. 213	Senate Bill No. 1163
Senate Bill No. 214	Senate Bill No. 1164
Senate Bill No. 215	Senate Bill No. 1165
Senate Bill No. 216	Senate Bill No. 1166
Senate Bill No. 217	Senate Bill No. 1167
Senate Bill No. 218	Senate Bill No. 1168
Senate Bill No. 219	Senate Bill No. 1169
Senate Bill No. 220	Senate Bill No. 1170
Senate Bill No. 221	Senate Bill No. 1171
Senate Bill No. 222	Senate Bill No. 1172
Senate Bill No. 223	Senate Bill No. 1173
Senate Bill No. 224	Senate Bill No. 1174
Senate Bill No. 225	Senate Bill No. 1175
Senate Bill No. 226	Senate Bill No. 1176
Senate Bill No. 227	Senate Bill No. 1177
Senate Bill No. 228	Senate Bill No. 1178
Senate Bill No. 229	Senate Bill No. 1179
Senate Bill No. 230	Senate Bill No. 1180
Senate Bill No. 231	Senate Bill No. 1181
Senate Bill No. 232	Senate Bill No. 1182
Senate Bill No. 233	Senate Bill No. 1183
Senate Bill No. 234	Senate Bill No. 1184
Senate Bill No. 235	Senate Bill No. 1185
Senate Bill No. 236	Senate Bill No. 1186
Senate Bill No. 237	Senate Bill No. 1187
Senate Bill No. 238	Senate Bill No. 1188
Senate Bill No. 239	Senate Bill No. 1189
Senate Bill No. 240	Senate Bill No. 1190
Senate Bill No. 241	Senate Bill No. 1191
Senate Bill No. 242	Senate Bill No. 1192
Senate Bill No. 243	Senate Bill No. 1193
Senate Bill No. 244	Senate Bill No. 1194
Senate Bill No. 245	Senate Bill No. 1195
Senate Bill No. 246	Senate Bill No. 1196
Senate Bill No. 247	Senate Bill No. 1197
Senate Bill No. 248	Senate Bill No. 1198
Senate Bill No. 249	Senate Bill No. 1199
Senate Bill No. 250	Senate Bill No. 1200

Respectfully reports this same book without recommendation for the same, but no committee action has been taken.

MINUTE—Continued

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Finance

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Finance, to which were referred,

Senate Concurrent Resolution No. 12

Senate Bill No. 148

Senate Bill No. 149

Senate Bill No. 156

Senate Bill No. 157

Senate Bill No. 158

Senate Bill No. 159

Senate Bill No. 160

Senate Bill No. 161

Senate Bill No. 162

Senate Bill No. 249

Senate Bill No. 250

Senate Bill No. 321

Senate Bill No. 367

Senate Bill No. 391

Senate Bill No. 547

Senate Bill No. 555

Senate Bill No. 570

Senate Bill No. 571

Senate Bill No. 572

Senate Bill No. 574

Senate Bill No. 575

Senate Bill No. 576

Senate Bill No. 577

Senate Bill No. 578

Senate Bill No. 587

Senate Bill No. 595

Senate Bill No. 598

Senate Bill No. 604

Senate Bill No. 623

Senate Bill No. 726

Senate Bill No. 579

Senate Bill No. 580

Senate Bill No. 581

Senate Bill No. 599

Senate Bill No. 723

Senate Bill No. 823

Senate Bill No. 866

Senate Bill No. 871

Senate Bill No. 872

Senate Bill No. 925

Senate Bill No. 956

Senate Bill No. 1022

Senate Bill No. 1108

Senate Bill No. 1202

Senate Bill No. 1218

Senate Bill No. 1319

Assembly Bill No. 191

Assembly Bill No. 1154

Assembly Bill No. 1231

Assembly Bill No. 1337

Assembly Bill No. 2249

Assembly Bill No. 2567

Respectfully reports the same back without recommendation for the reason that no committee action has been taken, except to recommend that they be studied by the Interim Committee on Building.

MINTER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Financial Institutions

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Financial Institutions, to which were referred:

Senate Bill No. 6

Senate Bill No. 190

Senate Bill No. 191

Senate Bill No. 376

Senate Bill No. 750

Senate Bill No. 777

Senate Bill No. 793

Senate Bill No. 795

Senate Bill No. 850

Senate Bill No. 851

Senate Bill No. 852

Senate Bill No. 853

Senate Bill No. 854

Senate Bill No. 856

Senate Bill No. 901

Senate Bill No. 927

Senate Constitutional Amendment No. 14

Senate Bill No. 928

Senate Bill No. 960

Senate Bill No. 985

Senate Bill No. 1039

Senate Bill No. 1065

Senate Bill No. 1075

Senate Bill No. 1079

Senate Bill No. 1139

Senate Bill No. 1232

Senate Bill No. 1233

Senate Bill No. 1234

Senate Bill No. 1289

Senate Bill No. 1105

Senate Bill No. 1333

Assembly Joint Resolution No. 5

Assembly Bill No. 1480

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

DE LAP, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Fish and Game

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Fish and Game, at which being referred:

Senate Bill No. 1	Senate Bill No. 201
Senate Bill No. 11	Senate Bill No. 202
Senate Bill No. 79	Senate Bill No. 203
Senate Bill No. 80	Senate Bill No. 204
Senate Bill No. 114	Senate Bill No. 205
Senate Bill No. 119	Senate Bill No. 206
Senate Bill No. 128	Senate Bill No. 207
Senate Bill No. 200	Senate Bill No. 208
Senate Bill No. 131	Senate Bill No. 209
Senate Bill No. 141	Senate Bill No. 210
Senate Bill No. 142	Senate Bill No. 211
Senate Bill No. 143	Senate Bill No. 212
Senate Bill No. 144	Senate Bill No. 213
Senate Bill No. 165	Senate Bill No. 214
Senate Bill No. 171	Senate Bill No. 215
Senate Bill No. 172	Senate Bill No. 216
Senate Bill No. 173	Senate Bill No. 217
Senate Bill No. 180	Senate Bill No. 218

Assembly Constitutional Amendment No. 2

Respectfully request the same be printed and transmitted for the reason that no committee action has been taken.

(DORRIS, Chairman)

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Governmental Efficiency

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Governmental Efficiency, at which being referred:

Senate Bill No. 2	Senate Bill No. 294
Senate Bill No. 11	Senate Bill No. 295
Senate Bill No. 29	Senate Bill No. 296
Senate Bill No. 36	Senate Bill No. 297
Senate Bill No. 95	Senate Bill No. 298
Senate Bill No. 108	Senate Bill No. 299
Senate Bill No. 170	Senate Bill No. 300
Senate Bill No. 174	Senate Bill No. 301
Senate Bill No. 179	Senate Bill No. 302
Senate Bill No. 180	Senate Bill No. 303
Senate Bill No. 184	Senate Bill No. 304
Senate Bill No. 174	Senate Bill No. 305
Senate Bill No. 177	Senate Bill No. 306
Senate Bill No. 222	Senate Bill No. 307
Senate Bill No. 226	Senate Bill No. 308
Senate Bill No. 240	Senate Bill No. 309
Senate Bill No. 244	Senate Bill No. 310
Senate Bill No. 274	Senate Bill No. 311
Senate Bill No. 317	Senate Bill No. 312
Senate Bill No. 322	Senate Bill No. 313
Senate Bill No. 326	Senate Bill No. 314
Senate Bill No. 340	Senate Bill No. 315
Senate Bill No. 371	Senate Bill No. 316
Senate Bill No. 372	Senate Bill No. 317
Senate Bill No. 374	Senate Bill No. 318
Senate Bill No. 376	Senate Bill No. 319
Senate Bill No. 380	Senate Bill No. 320
Senate Bill No. 381	Senate Bill No. 321
Senate Bill No. 382	Senate Bill No. 322
Senate Bill No. 383	Senate Bill No. 323
Senate Bill No. 384	Senate Bill No. 324
Senate Bill No. 385	Senate Bill No. 325
Senate Bill No. 387	Senate Bill No. 326
Senate Bill No. 388	Senate Bill No. 327
Senate Bill No. 389	Senate Bill No. 328
Senate Bill No. 394	Senate Bill No. 329
Senate Bill No. 398	Senate Bill No. 330
Senate Bill No. 404	Senate Bill No. 331
Senate Bill No. 426	Senate Bill No. 332
Senate Bill No. 429	Senate Bill No. 333
Senate Bill No. 433	Senate Bill No. 334
Senate Bill No. 435	Senate Bill No. 335
Senate Bill No. 439	Senate Bill No. 336
Senate Bill No. 440	Senate Bill No. 337
Senate Bill No. 477	Senate Bill No. 338

Senate Bill No. 996
 Senate Bill No. 1015
 Senate Bill No. 1032
 Senate Bill No. 1057
 Senate Bill No. 1063
 Senate Bill No. 1069
 Senate Bill No. 1070
 Senate Bill No. 1074
 Senate Bill No. 1084
 Senate Bill No. 1085
 Senate Bill No. 1086
 Senate Bill No. 1089
 Senate Bill No. 1090
 Senate Bill No. 1095
 Senate Bill No. 1096
 Senate Bill No. 1099
 Senate Bill No. 1101
 Senate Bill No. 1104
 Senate Bill No. 1106
 Senate Bill No. 1117
 Senate Bill No. 1120
 Senate Bill No. 1133
 Senate Bill No. 1137
 Senate Bill No. 1142
 Senate Bill No. 1146
 Senate Bill No. 1148
 Senate Bill No. 1177
 Senate Bill No. 1178
 Senate Bill No. 1179
 Senate Bill No. 1185
 Senate Bill No. 1186
 Senate Bill No. 1198

Senate Constitutional Amendment No. 9

Assembly Constitutional Amendment No. 4

Assembly Constitutional Amendment No. 43

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

SWING, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Judiciary

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Judiciary, to which were referred:

Senate Bill No. 1
 Senate Bill No. 4
 Senate Bill No. 9
 Senate Bill No. 15
 Senate Bill No. 16
 Senate Bill No. 21
 Senate Bill No. 22
 Senate Bill No. 23
 Senate Bill No. 27
 Senate Bill No. 28
 Senate Bill No. 33
 Senate Bill No. 34
 Senate Bill No. 35
 Senate Bill No. 36
 Senate Bill No. 37
 Senate Bill No. 48
 Senate Bill No. 50
 Senate Bill No. 51
 Senate Bill No. 83
 Senate Bill No. 87
 Senate Bill No. 88
 Senate Bill No. 132
 Senate Bill No. 137
 Senate Bill No. 164
 Senate Bill No. 182
 Senate Bill No. 183
 Senate Bill No. 184

Senate Bill No. 185
 Senate Bill No. 202
 Senate Bill No. 203
 Senate Bill No. 204
 Senate Bill No. 206
 Senate Bill No. 213
 Senate Bill No. 228
 Senate Bill No. 229
 Senate Bill No. 237
 Senate Bill No. 238
 Senate Bill No. 246
 Senate Bill No. 263
 Senate Bill No. 294
 Senate Bill No. 307
 Senate Bill No. 324
 Senate Bill No. 329
 Senate Bill No. 330
 Senate Bill No. 337
 Senate Bill No. 365
 Senate Bill No. 377
 Senate Bill No. 378
 Senate Bill No. 405
 Senate Bill No. 427
 Senate Bill No. 437
 Senate Bill No. 443
 Senate Bill No. 455
 Senate Bill No. 486

Committee on Labor

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 261	Senate Bill No. 962
Senate Bill No. 316	Senate Bill No. 1008
Senate Bill No. 325	Senate Bill No. 1021
Senate Bill No. 644	Senate Bill No. 1024
Senate Bill No. 717	Senate Bill No. 1034
Senate Bill No. 725	Senate Bill No. 1132
Senate Bill No. 878	Senate Bill No. 1260
Senate Bill No. 890	Senate Bill No. 1174
Senate Bill No. 940	Senate Bill No. 1258
Senate Bill No. 961	

Senate Constitutional Amendment No. 20

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

BIGGAR, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 31	Senate Bill No. 622
Senate Bill No. 141	Senate Bill No. 913
Senate Bill No. 234	Senate Bill No. 914
Senate Bill No. 331	Senate Bill No. 983
Senate Bill No. 332	Senate Bill No. 984
Senate Bill No. 333	Senate Bill No. 1141
Senate Bill No. 334	Senate Bill No. 1215
Senate Bill No. 431	Senate Bill No. 1259
Senate Bill No. 432	Assembly Bill No. 3
Senate Bill No. 491	Assembly Bill No. 119
Senate Bill No. 497	Assembly Bill No. 307
Senate Bill No. 615	Assembly Bill No. 500
Senate Bill No. 616	Assembly Bill No. 691
Senate Bill No. 618	Assembly Bill No. 864
Senate Bill No. 621	Assembly Bill No. 2571

Senate Joint Resolution No. 12

Senate Constitutional Amendment No. 17

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

BIGGAR, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Labor, to which were referred:

Senate Bill No. 974
 Senate Bill No. 976
 Assembly Bill No. 1545

Respectfully reports the same back without recommendation for the reason that the bills were re-referred to committee.

BIGGAR, Chairman

Above reported Assembly bill ordered transmitted to the Assembly.

Committee on Public Health and Safety

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Public Health and Safety, to which were referred:

Senate Bill No. 135
Senate Bill No. 245
Senate Bill No. 488
Senate Bill No. 452
Senate Bill No. 630
Senate Bill No. 931
Senate Bill No. 910
Senate Bill No. 912
Senate Bill No. 1113
Senate Bill No. 1125
Senate Bill No. 1244
Senate Bill No. 1252

Senate Bill No. 1011
Senate Bill No. 1012
Senate Bill No. 1014
Senate Bill No. 1111
Senate Bill No. 1220
Senate Joint Resolution No. 22
Assembly Bill No. 190
Assembly Bill No. 1122
Assembly Bill No. 1570
Assembly Bill No. 2661
Assembly Bill No. 2110
Assembly Bill No. 1302

Respectfully reports the same back without committee action has been taken.

METZGER, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Public Utilities

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Public Utilities, to which were referred:

Senate Bill No. 418
Senate Bill No. 466
Senate Bill No. 525
Senate Bill No. 526
Senate Bill No. 565
Senate Bill No. 566
Senate Bill No. 567
Senate Bill No. 671
Senate Bill No. 672

Senate Bill No. 673
Senate Bill No. 833
Senate Bill No. 834
Senate Bill No. 849
Senate Bill No. 1127
Senate Bill No. 1256
Assembly Bill No. 2223
Senate Bill No. 1324
Assembly Bill No. 683

Respectfully reports the same back without recommendation for the reason they were tabled in committee.

PARKMAN, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Transportation

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Transportation, to which were referred:

Senate Bill No. 89	Senate Bill No. 903
Senate Bill No. 112	Senate Bill No. 929
Senate Bill No. 163	Senate Bill No. 935
Senate Bill No. 166	Senate Bill No. 937
Senate Bill No. 172	Senate Bill No. 1002
Senate Bill No. 173	Senate Bill No. 1028
Senate Bill No. 178	Senate Bill No. 1077
Senate Bill No. 193	Senate Bill No. 1119
Senate Bill No. 217	Senate Bill No. 1131
Senate Bill No. 218	Senate Bill No. 1205
Senate Bill No. 222	Senate Bill No. 1235
Senate Bill No. 242	Senate Bill No. 1281
Senate Bill No. 265	Senate Bill No. 1282
Senate Bill No. 267	Senate Bill No. 1283
Senate Bill No. 271	Senate Bill No. 1288
Senate Bill No. 275	Assembly Bill No. 463
Senate Bill No. 282	Assembly Bill No. 516
Senate Bill No. 296	Assembly Bill No. 670
Senate Bill No. 368	Assembly Bill No. 820
Senate Bill No. 403	Assembly Bill No. 899
Senate Bill No. 490	Assembly Bill No. 1091
Senate Bill No. 501	Assembly Bill No. 1270
Senate Bill No. 531	Assembly Bill No. 1273
Senate Bill No. 677	Assembly Bill No. 1284
Senate Bill No. 724	Assembly Bill No. 1289
Senate Bill No. 731	Assembly Bill No. 1758
Senate Bill No. 732	Assembly Bill No. 1836
Senate Bill No. 753	Assembly Bill No. 1879
Senate Bill No. 832	Assembly Bill No. 2071
Senate Bill No. 835	Assembly Bill No. 2072
Senate Bill No. 839	Assembly Bill No. 2359
Senate Bill No. 840	Assembly Bill No. 2477
Senate Bill No. 864	Assembly Bill No. 2660
Senate Bill No. 884	Assembly Bill No. 1484
Senate Concurrent Resolution No. 42	Assembly Joint Resolution No. 9

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

McCORMACK, Chairman

Above reported Assembly bills ordered transmitted to the Assembly.

Committee on Water Resources

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Water Resources, to which were referred:

Senate Bill No. 64	Senate Bill No. 842
Senate Bill No. 375	Senate Bill No. 1010
Senate Bill No. 539	Senate Bill No. 1017
Senate Bill No. 548	Senate Bill No. 1039
Senate Bill No. 552	Senate Bill No. 1040
Senate Bill No. 553	Senate Bill No. 1042
Senate Bill No. 664	Senate Bill No. 1044
Senate Bill No. 689	Senate Bill No. 1044
Senate Bill No. 735	Senate Bill No. 1273
Senate Bill No. 764	Senate Joint Resolution No. 8

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

GARRISON, Chairman

Committee on Welfare and Institutions

The Journal of Law, Economics, & Organization, V16 N1, Spring 2000, pp. 1-11
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Mr. President: Your Committee on Welfare and Institutions has already been referred.

Species	Sex	Age	Weight (g)	Length (mm)	Wing (mm)	Tail (mm)	Bill (mm)	Foot (mm)	Claw (mm)
Alouatta palliata	M	Ad	1000	150	100	80	15	25	10
Alouatta palliata	F	Ad	950	145	95	75	14	24	9
Alouatta palliata	M	Juv	800	130	85	65	12	20	8
Alouatta palliata	F	Juv	750	125	80	60	11	19	7
Alouatta palliata	M	Imm	600	110	70	50	10	18	6
Alouatta palliata	F	Imm	550	105	65	45	9	17	5
Alouatta palliata	M	Ad	1100	155	105	85	16	26	11
Alouatta palliata	F	Ad	1050	150	100	80	15	25	10
Alouatta palliata	M	Juv	850	135	90	70	13	21	9
Alouatta palliata	F	Juv	800	130	85	65	12	20	8
Alouatta palliata	M	Imm	650	115	75	55	11	19	7
Alouatta palliata	F	Imm	600	110	70	50	10	18	6
Alouatta palliata	M	Ad	1150	160	110	90	17	27	12
Alouatta palliata	F	Ad	1100	155	105	85	16	26	11
Alouatta palliata	M	Juv	900	140	95	75	14	22	10
Alouatta palliata	F	Juv	850	135	90	70	13	21	9
Alouatta palliata	M	Imm	700	120	80	60	12	20	8
Alouatta palliata	F	Imm	650	115	75	55	11	19	7
Alouatta palliata	M	Ad	1200	165	115	95	18	28	13
Alouatta palliata	F	Ad	1150	160	110	90	17	27	12
Alouatta palliata	M	Juv	950	145	100	80	15	23	11
Alouatta palliata	F	Juv	900	140	95	75	14	22	10
Alouatta palliata	M	Imm	750	125	85	65	13	21	9
Alouatta palliata	F	Imm	700	120	80	60	12	20	8
Alouatta palliata	M	Ad	1250	170	120	100	19	29	14
Alouatta palliata	F	Ad	1200	165	115	95	18	28	13

[illegible]

Research fully supports and goes well beyond conventional wisdom. What the data shows that for entrepreneurs, in fact, luck does matter.

PHILIP L. HUNTER

Above reported Assembly bills proposed amendments to the Assembly.

Continued on page 32.

SENATE CHAMBER, SACRAMENTO, June 14, 1941

Mr. PRESIDENT. Your Committee on Education and Labor has reported to the House on the bill, H. R. 10000, to amend the National Labor Relations Act, 1935, as amended, to read as follows:

KEATING, J.

Committee on Governmental Efficiency

RECEIVED: 11/10/01

MR. PRASCHKE: Your Committee on Governmental Efficiency was advised Saturday, September 2, 1941, by the Representative of the Committee on the Legislative Budget, Committee on Finance, Senate, concerning R. S. 117, No. 22, Res. 100, Chapter 147, S. 10108 of 1941.

SWING, *Chlorophyll*

Committee on Finance

SENATE CHAMBER, SACRAMENTO, JUNE 14, 1941

MR. PRESIDENT: Your Committee on Finance has elected Senator Reed as the Representative of the Committee on the Longshore Wharf Committee under Senate Concurrent Resolution No. 22, Resolving Chapter 117, Statutes of 1941.

MINTIER, Chairman

Committee on Revenue and Taxation

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Revenue and Taxation has selected Senator Tickle as the Representative of the Committee on the Legislative Budget Committee under Senate Concurrent Resolution No. 22, Resolution Chapter 117, Statutes of 1941.

COLLIER, Vice Chairman

APPOINTMENT OF SENATORS TO PREPARE ARGUMENTS

The President announced that, pursuant to Section 1500 of the Elections Code, he had appointed the following Senators to draft arguments giving the reasons for the adoption of the following proposed amendments to the Constitution, and that there having been no opposing vote, no persons having requested permission to write arguments opposed to the adoption of these constitutional amendments, no persons to write opposing arguments have been appointed:

Senate Constitutional Amendment No. 1—For adoption, Senators Metzger (author) and Gordon.

Senate Constitutional Amendment No. 6—For adoption, Senators Biggar (author) and Cunningham.

Senate Constitutional Amendment No. 13—For adoption, Senators Shelley (author) and McBride.

Senate Constitutional Amendment No. 15—For adoption, Senators Slater (author) and McCormack.

APPOINTMENT OF SENATORS TO PREPARE ARGUMENTS

The President announced that, pursuant to Section 1500 of the Elections Code, he had appointed the following Senators to prepare and file with the Secretary of State, arguments in favor of and in opposition to the adoption of proposed constitutional amendments as hereinafter set forth:

Senate Constitutional Amendment No. 7—For adoption, Senators Tickle (author) and Kenny; in opposition, Senator Garrison.

Senate Constitutional Amendment No. 8—For adoption, Senators Kenny, DeLap and Rich (joint authors); in opposition, Senator Garrison.

Senate Constitutional Amendment No. 18—For adoption, Senators Swing (author), Kenny and Shelley; in opposition, Senator Carter.

MOTION TO APPROVE JOURNALS

The Senate Journals of Monday, June 9, 1941; Tuesday, June 10, 1941; Wednesday, June 11, 1941; Thursday, June 12, 1941, and Friday, June 13, 1941, were, on motion of Senator Rich, approved as corrected by the Journal Clerk and the Minute Clerk.

REPORTS OF SPECIAL COMMITTEES

Senator Slater, as chairman of the committee appointed to wait upon the Governor and inform him of the readiness of the Senate to adjourn sine die, reported that His Excellency had informed the committee that he had no further communications to transmit to the Senate.

Senator Mayo, as chairman of the committee appointed to inform the Assembly of the readiness of the Senate to adjourn sine die, reported that the committee had delivered the message to the Assembly and had been requested to inform the Senate that the Assembly had no further communications to transmit, as they were prepared to adjourn sine die.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 129

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RUSSELL J. FOSTER, Assistant Clerk

Above bill ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Senate Bill No. 200

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

Above bill ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to sustain the Governor's message.

Senate Bill No. 160

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By RUSSELL J. FOSTER, Assistant Clerk

Above bill ordered enrolled

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day sustained the Governor's message.

Senate Bill No. 1078

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 40

Senate Bill No. 66

Senate Bill No. 84

Senate Bill No. 85

Senate Bill No. 124

Senate Bill No. 154

Senate Bill No. 176

Senate Bill No. 280

Senate Bill No. 293

Senate Bill No. 298

Senate Bill No. 348

Senate Bill No. 462

Senate Bill No. 475

Senate Bill No. 532

Senate Bill No. 645

Senate Bill No. 669

Senate Bill No. 670

Senate Bill No. 737

Senate Bill No. 763

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Senate Constitutional Amendment No. 2

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By FRANK REED, Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day returns without further action:

Senate Bill No. 279

Senate Bill No. 663

Senate Bill No. 1019

Senate Bill No. 1102

Senate Concurrent Resolution No. 13

Senate Concurrent Resolution No. 39

Senate Concurrent Resolution No. 47

Senate Concurrent Resolution No. 48

Senate Concurrent Resolution No. 49

Senate Concurrent Resolution No. 51

Senate Concurrent Resolution No. 52

Senate Joint Resolution No. 21

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By J. M. SIMS, JR., Assistant Clerk

ASSEMBLY CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:

Assembly Bill No. 304

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT J. FINNIE, Assistant Clerk

FIRST READING AND REFERENCE OF ASSEMBLY BILLS (RESUMED)

The following bill was read the first time:

Assembly Bill No. 304—An act to add Chapter 7 to Part 3 of Division 2 of the Labor Code, limiting and defining the jurisdiction of courts over matters arising out of or involving labor disputes.

Referred to Committee on Labor.

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 3—An act to amend Sections 50 and 372 of the Vehicle Code, and to add Section 459.2 thereto, relating to vehicles and vehicular traffic, including the definition of unladen weight, the payment of weight fees for commercial vehicles, and the powers of local authorities in respect to the regulation of traffic within private airports;

Senate Bill No. 82—An act to amend Sections 1, 2, 4 and 6 of, and to add Section 8 to an act entitled "An act to provide for the retirement with retirement allowance, of Justices of the Supreme Court and of the district courts of appeal, and of judges of the superior courts," approved July 1, 1937, and to amend Section 5 of and to add Section 9 to an act entitled "An act creating a special fund to be known as the 'Judges' Retirement Fund,' providing for disbursements therefrom, and to make appropriations therefor," approved July 1, 1937, relating to retirement of judges;

Senate Bill No. 108—An act to amend Sections 4 and 7 of the Alcoholic Beverage Control Act, relating to licenses and to the conduct of business and transfer of licenses by an executor, administrator, guardian, trustee, receiver, assignee for the benefit of creditors and others;

Senate Bill No. 255—An act to amend Section 1 of an act entitled "An act making an appropriation for the support of the California Commission on Interstate Cooperation, and providing for the expenditure of the same," approved July 22, 1939, extending the period of time during which the appropriation is available, this act to take effect immediately;

Senate Bill No. 315—An act to amend Section 942 of the Code of Civil Procedure, relating to undertakings on appeal;
And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 415—An act to amend Section 109 of the State Employees' Retirement Act, relating to a retirement system for employees and officers of the State of California, and making an appropriation therefor;

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Constitutional Amendment No. 8.—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding Section 16 to Article IV thereof, relating to the power of the Legislature on the power (1) to confer powers on administrative officers, bodies or commissions to make decisions, and (2) to provide for appointment of such officers;

Senate Bill No. 17.—An act to amend Section 778 of the Political Code, and to add thereto Section 778a, relating to the creation and establishment of one additional justice of the District Court of Appeal for the Second Appellate District and making an appropriation therefor;

Senate Bill No. 62.—An act to repeal Article 2, comprising Sections 4051 to 4060 inclusive of Chapter 1 of Division 4 of the Public Resources Code, relating to private sale methods of forest lands, and adding a new appropriation;

Senate Bill No. 113.—An act to repeal the article heading of Article 6, Chapter 2 Title 1 Part 3, and to add thereto, consisting of Sections 280 to 284 inclusive, to Chapter 2, Title 1 Part 3 to the Political Code, relating to officers for the Legislature and the members thereof;

Senate Bill No. 223.—An act making an appropriation to the Division of Forestry, Department of Natural Resources, for forest protection against the white pine beetle pest;

Senate Bill No. 266.—An act to add Section 3308 to the School Code, relating to high school courses of study;

And reports that the same have been carefully examined and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 292.—An act to provide for the construction of a dam and appurtenant works, including conveyance and distribution facilities, and dam and appurtenant works to increase the waters of River Creek in Napa County, to provide a supply for State institutions in Napa County and the Veterans' Home and to provide for the permanent irrigation of said surplus water which may be accumulated. In authorizing the Department of Forestry to construct said dam and appurtenant works to regulate the flow and other property necessary therefor, and to construct and maintain in connection with the Federal Government and use of its distribution of irrigation and water and distribution of agency of the State for the construction of said dam and appurtenant works, and for the construction of the dam to provide necessary facilities to make an appropriation therefor, and to include the expense thereof and interest thereon in the effect necessary;

Senate Bill No. 410.—An act to provide for the acquisition of Montgomery Woods in Mendocino County as part of the State Park System and making an appropriation;

Senate Bill No. 412.—An act to amend Section 781 and 784.5 of the Fish and Game Code, relating to poisons;

Senate Bill No. 416.—An act to amend Sections 9, 30, 34, 35, 40, 42, 76, 79, 85, 90, 92 and 101 of the State Employees' Retirement Act, relating to a retirement credit for employees and officers of the State of California, and of such cities, school districts, and counties as may elect to purchase their employees to retirement;

Senate Bill No. 640.—An act relating to taxes paid upon notes and mining claims by California and providing penalties for nonpayment of taxes by owners. And reports that the same have been carefully examined and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 705.—An act to amend Section 411 of the Code of Civil Procedure and Section 57 of the Civil Code, relating to service of summons;

Senate Bill No. 721.—An act to amend Section 842 of the Probate Code, relating to the setting of new parties, according to the estate of a deceased person;

Senate Bill No. 801.—An act to amend Sections 2, 15, 48, 181, 301 and 21 of the Department of Public Aid, relating to age-national education programs, including definitions, prescriptive program committees, organization pools and the deposit of monies;

Senate Bill No. 824.—An act to amend Sections 51a, 51b, 51c and 52 of the Alcoholic Beverage Control Act, relating to alcoholic beverages;

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 775—An act approving and adopting the report of the Department of Public Works on the coordinated plan for the development of the water resources of the State;

Senate Bill No. 799—An act to amend Sections 23 and 24 of the Agricultural Prorate Act, relating to the marketing of agricultural products, the termination and suspension of proration programs, and violations of the act;

Senate Bill No. 805—An act to amend Section 86 of the Agricultural Code, relating to the powers of district agricultural associations;

Senate Bill No. 943—An act to amend Section 663b of the Political Code, relating to the collection of taxes and other moneys and empowering the State Board of Control to discharge certain State departments, boards, commissions, officers or employees from accountability for the collection of taxes and other moneys, the amount of which does not justify the cost of their collection;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 944—An act making an appropriation to the Department of Finance for the purpose of paying refunds of taxes, licenses, and fees;

Senate Bill No. 945—An act to amend Section 689 of, and to add Section 689.5 to, the Political Code, relating to collections by the State Department of Finance from other State agencies, making an appropriation and declaring the urgency thereof, to take effect immediately;

Senate Bill No. 967—An act making an appropriation for the control of disease-harboring rodents on and near areas established for defense purposes;

Senate Bill No. 971—An act relating to the education of persons in connection with Programs of National Defense, declaring the urgency thereof and providing that this act shall take effect immediately;

Senate Bill No. 1001—An act to amend Section 4534 of the Elections Code, relating to campaign statements;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1051—An act creating the Palm Springs Winter Park Authority and prescribing the powers and duties thereof; providing for the powers and duties of the State Department of Natural Resources in connection therewith, and authorizing the Department of Natural Resources to cooperate with the authority; authorizing the authority to construct and operate systems for the transportation of persons and property to Mount San Jacinto State Park and for the improvement of the recreational facilities in said park, including the development, operation and maintenance of ski grounds and all facilities necessary or convenient for winter sports; providing for the issuance and sale of revenue bonds and providing for the use of the proceeds thereof for the purposes of this act; appropriating such proceeds and all revenues received from the operation of the projects to the uses and purposes set forth herein;

Senate Bill No. 1067—An act to add Section 6 to an act entitled "An act providing for State planning and a State Planning Board, and prescribing the powers, duties and jurisdiction thereof," approved June 14, 1935, relating to duties of the State Planning Board and making an appropriation therefor, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SENATE CHAMBER, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has introduced

Senate Bill No. 1159—An act to amend Section 29418 of the Civil Code, relating to making the State of California a party to every action, proceeding or suit property.

Senate Bill No. 1293—An act relating to transportation in the Department of Finance, the State Department of the Fish Game and Forestry and the State Board.

Senate Bill No. 1341—An act relating to Section 29418, 29419 and 29421 of the Civil Code, relating to making the State of California a party to every action, proceeding or suit property. And reports that the same have been carefully considered, and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

RICH, Chairman.

SENATE CHAMBER, SENATE CHAMBER, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has introduced

Senate Constitutional Amendment No. 55—A resolution to propose to the people of the State of California an amendment to the Constitution by adding Section 29 to Article IV of said Constitution, relating to State taxes.

Senate Bill No. 221—An act to add Sections 27704 and 27705 to the Civil Code, relating to transportation in the State Department of the Fish Game and Forestry, and the State Board.

Senate Bill No. 785—An act to add a new section to the School Code, to be numbered 57775, relating to the Public School System.

Senate Bill No. 808—An act to amend Section 29418 of the Civil Code, relating to making the State of California a party to every action, proceeding or suit property.

Senate Bill No. 955—An act to amend Section 29418 of the Civil Code, relating to making the State of California a party to every action, proceeding or suit property. And reports that the same have been carefully considered, and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

Senate Bill No. 1211—An act relating to transportation in the Department of Finance and the Department of the Fish Game and Forestry, and the State Board, relating to making the State of California a party to every action, proceeding or suit property. And reports that the same have been carefully considered, and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

RICH, Chairman.

SENATE CHAMBER, SENATE CHAMBER, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has introduced

Senate Bill No. 1309—An act to add Section 27718 to the Civil Code, relating to the Tobacco Manufacturing Licensing Fund.

Senate Bill No. 1311—An act to amend Section 29418, 29419 and 29421 of the Civil Code, relating to making the State of California a party to every action, proceeding or suit property.

Senate Bill No. 1325—An act to amend Section 29418 of the Civil Code, relating to making the State of California a party to every action, proceeding or suit property.

Senate Bill No. 199—An act relating to transportation in the Department of Finance, the State Department of the Fish Game and Forestry, and the State Board, relating to making the State of California a party to every action, proceeding or suit property. And reports that the same have been carefully considered, and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

Senate Bill No. 200—An act relating to transportation in the State Department of Social Welfare, relating to making the State of California a party to every action, proceeding or suit property. And reports that the same have been carefully considered, and presented to the Governor on the fourteenth day of June, 1941, at 11:30 a.m.

RICH, Chairman.

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 205—An act to amend Sections 19433, 19483, 19485, 19530, 19532, 19537, 19562, 19597, 19620, 19621 and 19624 of, and to add Sections 19480.5, 19510.5, 19532.5, 19538, 19567, 19598 and 19627 to, the Business and Professions Code, relating to the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, and the disposition of State revenues therefrom, and providing for the transfer to the Fair and Exposition Fund of certain reverted appropriations;

Senate Bill No. 607—An act to amend Sections 118, 2020 and 2021 and to repeal Section 2025 of, and to add Sections 103.5 and 119.5 to, the Welfare and Institutions Code, relating to public assistance and the administration thereof, making an appropriation, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 1088—An act to amend Section 376b of the Political Code, Sections 11004 and 11100 of the Health and Safety Code, and Section 4808 of the Penal Code, relating to the Division of Criminal Identification and Investigation and the Division of Narcotic Enforcement in the Department of Penology;

Senate Bill No. 1107—An act to add Section 67 to the State Civil Service Act, relating to the creation of new positions;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1135—An act to amend Section 631 of the Code of Civil Procedure, relating to waiver of jury trial;

Senate Bill No. 1312—An act to amend Sections 218 and 219 of the Penal Code, relating to the wrecking of trains;

Senate Bill No. 1318—An act making an appropriation from the unexpended moneys appropriated by the act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, for flood control works in or along the El River, declaring the urgency of this act, to take effect immediately;

Senate Bill No. 1347—An act to amend Sections 3076, 3079 and 3084 and to repeal Section 3000 of, and to add Sections 103.6, 118.1, 119.6 and 3083.5 to, the Welfare and Institutions Code, and to add Chapter 3 to Part 1 of Division 5 of the Welfare and Institutions Code, relating to public assistance for the blind and the administration thereof, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has examined:

Senate Bill No. 1348—An act making an appropriation to the State Personnel Board, to take effect immediately;

Senate Bill No. 1349—An act making an appropriation for the support of the State Department of Social Welfare, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of June, 1941, at 11.30 a.m.

RICH, Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has considered:

Senate Bill No. 987—As set as amended (Senate Bill 987 of 1941) and As Amended (Senate Bill 987 of 1941) to the Transportation Trust Fund Act, creating a transportation trust fund and providing for the payment of the same to the United States.

Senate Bill No. 1007—As set as amended (Senate Bill 1007 of 1941) and As Amended (Senate Bill 1007 of 1941) to the Transportation Trust Fund Act, creating a transportation trust fund and providing for the payment of the same to the United States.

Senate Bill No. 686—As set as amended (Senate Bill 686 of 1941) and As Amended (Senate Bill 686 of 1941) to the Transportation Trust Fund Act, creating a transportation trust fund and providing for the payment of the same to the United States.

RICH. Chairman

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules has considered:

Senate Constitutional Amendment No. 7—A resolution to amend the people of the State of California to amend Sections 3 and 34 of Article IV of the Constitution of said State, relating to the Legislature.

Senate Concurrent Resolution No. 58—Resolving to create a commission of the people of the State of California to study the problem of the State of California.

Senate Bill No. 226—As set as amended (Senate Bill 226 of 1941) and As Amended (Senate Bill 226 of 1941) to the Civil Code relating to the same.

Senate Bill No. 556—As set as amended (Senate Bill 556 of 1941) and As Amended (Senate Bill 556 of 1941) to the Civil Code relating to the same.

Senate Bill No. 583—As set as amended (Senate Bill 583 of 1941) and As Amended (Senate Bill 583 of 1941) to the Civil Code relating to the same.

Senate Bill No. 592—As set as amended (Senate Bill 592 of 1941) and As Amended (Senate Bill 592 of 1941) to the Civil Code relating to the same.

Senate Bill No. 834—As set as amended (Senate Bill 834 of 1941) and As Amended (Senate Bill 834 of 1941) to the Civil Code relating to the same.

RICH. Chairman

RESOLUTIONS

The following resolutions were offered:

By Committee on Rules:

Senate Resolution No. 159

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant for two thousand dollars and eight-fifths (2,016.80) on the Contingent Fund of the Senate, to issue to the Secretary of the Senate to pay the following bill, and the Treasurer is directed to pay the same:

Patrick & Morse Kinkner Co. charges for Pages and Sergeants-at-Arms.

\$21.83

RICH. Chairman
MYHAND
TICKLE
DEVEL.

Resolution read

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Rigger, Collier, Cunningham, DeLap, Donel, Foley, Garrison, Gordon, Jesselson, Judith, Lackey, Mayo, McBride, McCormack, Mixer, Myhand, Parkman, Phillips, Quinn, Rich, Scowell, Shelley, Slater, Swan, Tickle, Wagy, and Ward—28

NOES—None.

By Senator Quinn :

Senate Resolution No. 160

In respect to the memory of A. L. Nelson, former member of the State Park Commission

WHEREAS, The Senate has just learned with profound regret that A. L. Nelson, a member of the State Park Commission, passed away suddenly on June 13, 1941; and

WHEREAS, Mr. Nelson was appointed to the State Park Commission early in 1940, and had rendered outstanding and valuable service in the development of the State Park System; and

WHEREAS, Mr. Nelson was an ex service man, having served valiantly during the World War and after the war he became active in veterans organizations and the American Legion, holding various offices of distinction in those bodies; and

WHEREAS, Mr. Nelson was a splendid example of those who come from foreign countries and who adjust and adapt themselves to American ways and ideals, of which he typified the very best; now, therefore, be it

Resolved by the Senate of the State of California, That the Members of the Senate extend to Mrs. A. L. Nelson their heartfelt sympathy in this hour of sorrow; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Mrs. A. L. Nelson.

Resolution read, and unanimously adopted by a rising vote.

REPORTS OF STANDING COMMITTEES

SENATE CHAMBER, SACRAMENTO, June 14, 1941

MR. PRESIDENT: Your Committee on Rules announces the following appointments on Interim Committees:

Interim Committee on Relief, pursuant to Senate Resolution No. 156 (6 members): Senators Phillips, Chairman, Mayo, Minter, Wagy, Brown, and Shelley.

Interim Committee on Budget, pursuant to Senate Concurrent Resolution No. 22 (5 members): Senators Rich, DeLap, Breed, Tickle, and Seawell.

Interim Committee on Building, pursuant to Senate Resolution No. 151 (5 members): Senators McCormack, Chairman, Collier, Biggar, Parkman, and McBride.

Interim Committee on Penal Institutions, pursuant to Senate Resolution No. 152 (5 members): Senators Deuel, Chairman, Gordon, Swan, Myland, and Carter.

Interim Committee on Water Resources, pursuant to Senate Concurrent Resolution No. 11 (5 members): Senators Crittenden, Kenny, Deuel, Cunningham, and Fletcher.

Interim Committee on Golden Gate Bridge, pursuant to Senate Resolution No. 157 (6 members): Senators Shelley, Keating, Slater, Quinn, Luckey, and Judah.

Interim Committee on Unemployment Insurance, pursuant to Senate Resolution No. 147 (5 members): Senators Ward, Chairman, Kuebel, Dillinger, Powers, and Foley.

Interim Committee on Interstate Cooperation, pursuant to Senate Bill No. 255 (5 members): Senators Mayo, Chairman, Garrison, Wagy, Phillips, and Metzger.

Interim Committee on State Employees' Retirement Fund, pursuant to Senate Resolution No. 153 (3 members): Senators Judah, Swing, and Jespersen.

Defense Council, pursuant to Senate Bill No. 227 (2 members): Colonel Swing and Captain Quinn.

NOTE: The following Senators will serve on two committees:

Senators Deuel, Judah, Mayo, Phillips, Quinn, Shelley, Swing, and Wagy.

COMMITTEE ON RULES
Rich, Chairman

MESSAGES FROM THE ASSEMBLY

At 11.58 a.m., a committee from the Assembly, consisting of Messrs. Stream, Gaffney and Clarke, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared to adjourn sine die.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH

At 11:59 a.m., on motion of Senator Rich, further proceedings under the call of the Senate were dispensed with.

APPROVAL OF MINUTES

The Minutes of this day's Session, June 14, 1941, were read, and on motion of Senator Rich, approved as read.

MOTION TO ADJOURN

Senator Rich moved that the Senate adjourn sine die, the hour of 12 m., having arrived.

The roll was called, and the motion carried by the following vote:

AYES—Senators Rogers, Cline, Chiswick, Cunningham, Deane, Jones, Zerkow, Jettie, Keating, Lister, May, McElroy, McManus, Miller, Murphy, Perkins, Phillips, Powers, Quinn, R. H. Smith, Smith, Young, and Young, all.
NAWS—Senators Foss, Gorman, Jackson, Smith, and Smith, all.

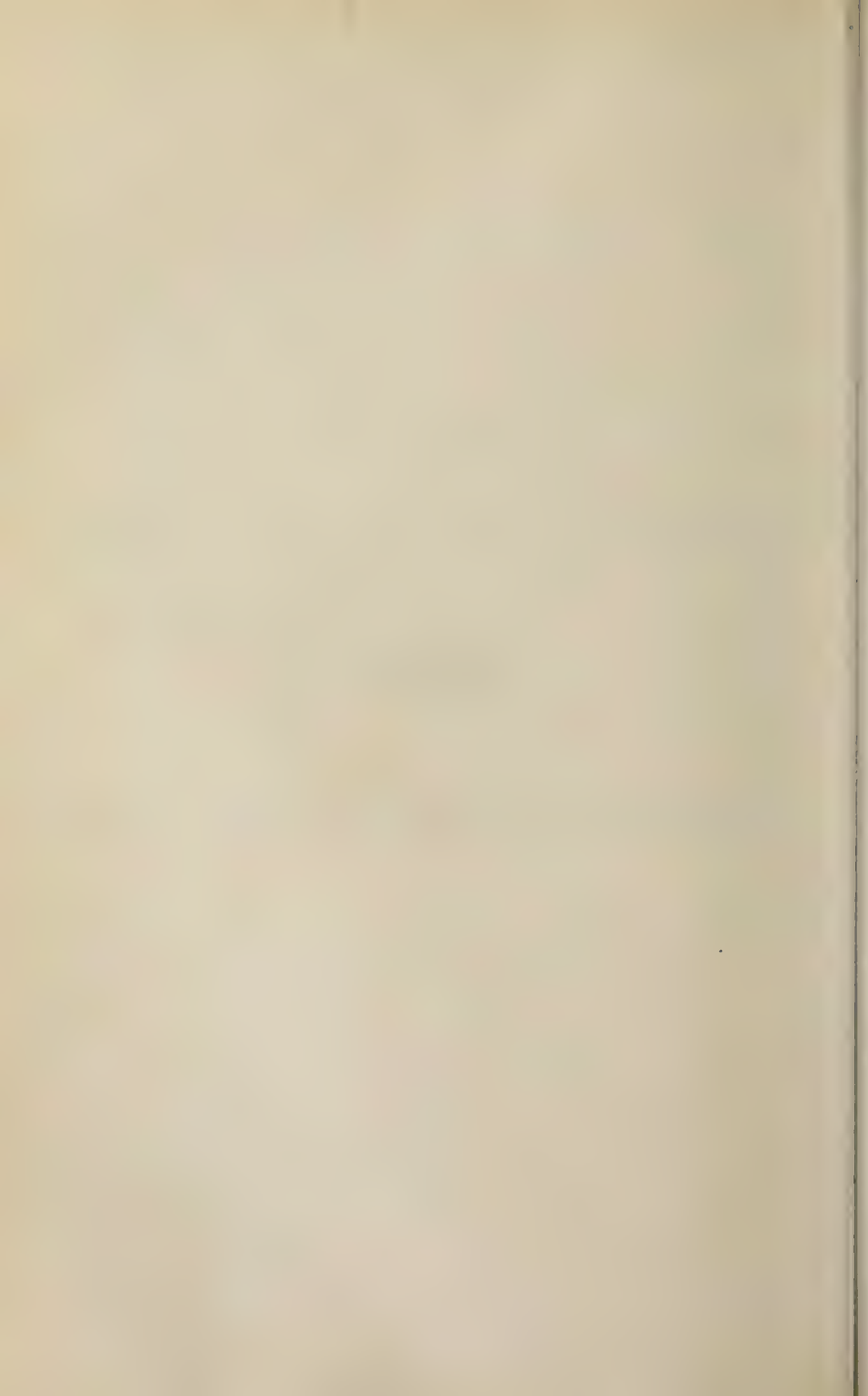
ADJOURNMENT

Thereupon at 12 m., on motion of Senator Rich, in accordance with the provisions of Senate Concurrent Resolution No. 40, the President declared the Fifty-fourth Session of the Senate of the State of California adjourned sine die.

ROBERT G. ALDERMAN, Minor Clerk



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1328	Introduced, in committee, 1315; from committee, 1308; read second time, 1308; read third time, passed, in Assembly, 1308; from Assembly, to enrolled bill, 1308; from Assembly, in committee, 1308; to Governor.	2809
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152 Offered, read, adopted	2753	2753
153 Offered, read, adopted	2755	2755
154 Offered, read, adopted	2790	2790
155 Offered, read, adopted	2790	2790
156 Offered, read, adopted	2812	2812
157 Offered, read, adopted	2816	2816
158 Offered, read, adopted	2819	2819
159 Offered, read, adopted	2820	2820
160 Offered, read, adopted	2841	2841
	2850	2850

